

AGENDA

LICENSING COMMITTEE MEETING



Date: Monday 7 October 2013

Time: 6.30 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

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

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Disclosures of Lobbying

Continued Over/:

Issued on 27 September 2013

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact JANET BARNES on 01622 602242** To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6.	To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
7.	Minutes of the Meeting held on 24 June 2013	1 - 3
8.	Hackney Carriage/Private Hire Issues (if any)	
9.	Report of the Head of Housing and Community Services - Hackney Carriage Licences - Unmet Demand Survey - Letter from A2Z Licensing	4 - 103
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13.	Report of the Head of Housing and Community Services - Licensing Partnership	181 - 188

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 24 JUNE 2013

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

16. APOLOGIES FOR ABSENCE

There were no apologies for absence.

17. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

18. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

19. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Yates disclosed that he had expressed pre-determination in respect of Agenda Item 12 – Street Trading Consent – Mr M Sharp and left the meeting at that time.

20. DISCLOSURES OF LOBBYING

All Members disclosed that they had been lobbied with regard to Agenda Item 9 – Hackney Carriage Licence – Unmet Demand Survey.

21. EXEMPT ITEMS

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

22. MINUTES

RESOLVED: That the Minutes of the Meetings held on 29 April, 9 May and 22 May 2013 be approved as a correct record and signed.

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

There were no issues to be discussed.

24. HACKNEY CARRIAGE LICENCE - UNMET DEMAND SURVEY

Officers recommended to Members that, due to the letter received from Mr Parker, via his representative, on 21 June 2013 raising issues technically on adoptions and factually on the unmet demand survey itself, they agree to defer decision on this item, without discussion, to allow Officers to investigate the issues raised and report back to the next meeting.

RESOLVED: That the report be deferred to the next meeting of the Committee to allow investigation of the issues raised in the letter from Mr Parker's representative dated 21 June 2013.

25. FACE TO FACE COLLECTIONS IN MAIDSTONE TOWN CENTRE

The Committee considered the report of the Director of Regeneration and Communities regarding the opportunity to enter into an agreement with Sevenoaks District Council, Tunbridge Wells Borough Council and the Public Fundraising Regulatory Association regarding the activities of Face-to-Face Direct Debit Charitable Street Collectors in Maidstone.

RESOLVED:

1. That it be agreed to enter into a Site Management Agreement ("SMA") regarding the activities of Face-to-Face Direct Debit ("DD") Charitable Street Collectors in Maidstone with the Public Fundraising Regulatory Association ("PFRA") as attached at Appendix A to the report of the Director of Regeneration and Communities.
2. That the Partnership Manager be authorised to sign the agreement on behalf of the Licensing Partnership.

26. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reasons specified, having applied the Public Interest Test:-

**Head of Schedule 12A
and Brief Description**

Minutes (Part II) of the Meetings held
On 29 April and 22 May 2013

3 = Financial/Business
Affairs

Report of the Head of Housing and
Community Development – Street Trading
Consent – Mr M Sharp

3 = Financial/Business
Affairs

27. MINUTES (PART II)

RESOLVED: That the Minutes (Part II) of the Meetings held on 29 April and 22 May 2013 be approved as a correct record and signed.

28. STREET TRADING CONSENT - MR M SHARP

Before considering this item, Councillor Yates left the meeting.

The Committee considered the report of the Head of Housing and Community Services regarding an application for a street trading consent for 12 occasions, Monday – Friday, 06:00 – 15:00, trading from a wooden cargo bicycle, at a location in the middle of Brenchley Gardens, Maidstone trading in hot and cold drinks and pre-packed snacks, such as muffins and granola bars.

RESOLVED: That a Street Trading Consent for 12 days be granted with an additional condition.

29. DURATION OF MEETING

6.30 p.m. to 7.13 p.m.

Agenda Item 9

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

7 OCTOBER 2013

REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES

Report prepared by Lorraine Neale

1. HACKNEY CARRIAGE LICENCE - UNMET DEMAND SURVEY – LETTER FROM A2Z LICENSING

1.1 Issue for Decision

To consider the outcome of investigation of the matters raised in a letter (Appendix A) received 21 June 2013 in relation to the Unmet Demand Survey carried out by Amey and the current position following further matters raised in a letter, from the same party, on 29, August 2013. Committee will remember that the Unmet Demand Survey report was scheduled to be considered at its meeting on 24 June 2013 but was deferred in order to investigate the issues raised within the letter received from A2Z Licensing and report to the next meeting.

1.2 Recommendation of Head of Housing and Community Services

- 1.2.1 That Members note the Officers report on the investigation of the issues raised by A2Z Licensing in their 21, June letter and that further issues raised in the 29, August letter are subject of ongoing research.
- 1.2.2 Members agree that this be further reported to Committee at its 14, November meeting, to enable them to be satisfied that any decision on hackney carriage numbers is based on an appropriate unmet demand survey.

1.3 Reasons for Recommendation

The 21, June Issues.

- 1.3.1 **Did Maidstone Borough Council pass an amalgamation resolution under s180 and paragraph 25 of Schedule 14 to the Local Government Act 1972 to apply s 171 (4) of The Public Health Act 1875 to the whole borough of Maidstone in relation to hackney carriage licensing under the Town Police Clauses Act 1847 and the adoption resolution under s45 (2) of the Local**

Government (Miscellaneous Provisions) Act 1976 to apply Part II of that Act throughout the whole area.

On 08/12/77 a report to Transportation Committee recommended that the existing authority areas for hackney carriage purposes should be amalgamated to cover the whole Maidstone Borough area and that Part II of the 1976 Act adopted for the whole area. It recommended that authorization be given to give notice of the intention to do so at full Council on 15/03/78. On 25/01/78 that report was adopted. Records show that a report was received by Transportation Committee on 07/02/78 in respect of both amalgamation and adoption and it was recommended that the Council resolve to adopt the resolutions, with effect from 17/04/78 at the latest. At full Council on 15/03/78 the report to Transportation Committee was adopted without amendment. The notices of intention to adopt those resolutions were published in the Kent Messenger on 03/02/78 and 10/02/78. After further research on the subject it was discovered that there was a later decision rescinding the adoption part of the resolutions that should have come into effect on 17/4/1978. This was following from advice given by the Home Office when approval was sought. It led to the amalgamation resolution continuing as before and the adoption resolution being rescinded and remade for the 1976 Act provisions to take effect from 5, June 1978 for the whole Borough area. It is also clear from these documents that the SoS had notified intention to extend the hackney carriage legislation to the whole borough from 17, April 1978 and that notices to parishes had been given and would have to be sent again following rescission of the adoption resolution and remaking of it. There was a supplemental report to the Transportation Committee on 29/03/78 and that Committee then recommended to Council. On 27/04/78 Council adopted the 1976 Act provisions. The adoption resolution had been advertised, amended to have an effective date of 05/06/78, in the Kent Messenger on 07/04/78 and 14/04/78.

The materials referred to are attached as;

Appendix B

Report of Transportation Committee 8/12/77, see **4**.
Minutes of Council 25/01/78, see **3**.
Report of Secretary to Transportation Committee 07/02/78, see **6**.
Report of Transportation Committee 07/02/78, see **2**.
Minutes of Council 15/03/78, see **6**.
Supplemental Report of Secretary to Transportation Committee 29/03/78.
Report of Transportation Committee 29/03/78, see **2**.
Minutes of Council 27/04/78, see **5**.

Appendix C

Advertisement 03/02/78 hackney carriages

Advertisements 10/2/78 hackney carriages

Advertisements 07/04/78 and 14/04/78 adoption 1976 Act whole area.

1.3.2 Amey arranged a meeting with A2Z's client which subsequently was cancelled and rescheduled. A2Z's client could not attend the rescheduled meeting due to a prior arrangement. It later transpired that no meetings with Private Hire Operators were carried out and that Amey had appeared to abandon that part of their brief.

Amey were contacted and the question put to them. They informed that the date originally given for meeting private hire operators was given as the same time as that for the hackney carriage trade, in error. Amey considered it important to allow each to express their views without being inhibited by the presence of the other and rearranged the time for the operators. Four major private hire operators were invited and whilst aware that A2Z's client was unable to attend on the new date it was understood that at least one of the other three operators would try to attend. In the event, following a reminder, there were no attendees. However, all four operators were sent a copy of the driver survey and a letter inviting their views on hackney carriage provision in Maidstone, by telephone, email or by completing and returning the survey form. None of the operators, including A2Z's client, took the opportunity of those alternatives to express their views. It was considered that there was a reasonable level of responses from the private hire sector as 20 private hire drivers responded to the survey.

Amey the report writer is willing to delete the word, "chose" from paragraph 5.3.1 of the survey report and insert, "were able" prior to, "to attend". The Council is satisfied that reasonable attempts were made to seek the views of A2Z's client and that the Council can reasonably rely on the survey as reported on this matter.

Ameys full response can be seen at Appendix D

1.3.3 There was an apparent failure to consult various stakeholders, especially those representing the elderly and disabled.

There is no formal list or definitive guidance on who should be contacted for consultation in the case of a survey. DfT guidance provides a list at annex A and at paragraph 50 refers to "user groups (which should include groups representing people with disabilities ...)". (Appendix E) As part of their consultation Amey included Voluntary Action Maidstone, Sheltered Schemes for the Elderly, Kent association

for Disabled People and 7 residential homes for the elderly. There were also 428 valid survey responses obtained from on street surveys. As the report indicates 21% of the responses were from those over 65. The Council is satisfied that these together with all other consultees encompass a range of stakeholders meeting the DfT guidance and provide an opportunity for a reasonable selection of views to be taken into account.

Amey's full response can be seen at Appendix D

1.3.4 The Report has not accurately recorded the actual rank provision in the Borough (which may) or may not be relevant to a final recommendation in connection with capping the number of Hackney Carriages in the Borough. Specifically the rank at Maidstone East Station, the report states there are 5 spaces, but photos of the site show there to be more.

An investigation of rank provision has been carried out. As the report states the rank observations carried out as part of the survey were of ranks considered by the Council to be those actively used by the trade, during the time of the survey. The "rank" at the East Station is on land in the ownership of the rail network and any vehicles using it require permits from Meteor, it is not a public highway rank. The Council understood there to be 5 spaces for use by Hackney Carriages and this area was notified to Amey as it was considered to be an area where there is demand. We have been informed by Meteor that the current lined spaces, as photographed by A2Z's client (picture at Appendix A), were painted during 2012. It is accepted that there are now more than 5 spaces painted but not that this would affect any assessment of unmet demand made in the report. The factual situations observed form part of an indicator of significant demand which, even when calculated across the week as a whole, falls well below the threshold of a finding of no significant unmet demand.

1.3.5 General

Officers are satisfied that their investigations demonstrate amalgamation of areas to the current MBC area and adoption of the 1976 Act for the whole area. They are also satisfied that the survey carried out meets the requirement to provide evidence on levels of unmet demand and is not rendered insufficient by the matters raised in the 21, June letter. The information given above has been provided to A2Z Licensing and they responded indicating that they do not propose to raise the extension and adoption matters at this time but may do so in future depending on the outcome of a case currently pending appeal in the Divisional Court. It is Officers' view that this matter can be distinguished in some aspects from that case in any event. The response on 29, August also raised further matters on the

issue of rank provision and sought considerable historic information on the provision in Maidstone. That information is currently being researched and it has not been possible to conclude that prior to this meeting. Whilst it is believed that the outcome of the research will not affect the evidential value of the survey Officers would wish to have the opportunity to fully consider matters raised before finally advising Members on their options for decision on Hackney Carriage numbers. It is intended that a further report be brought to the meeting in November.

1.4 Alternative Action and why not Recommended

Alternative action would be for Members to consider the decision on the future of quantative restrictions prior to completion of research. To do so could give rise to public uncertainty in relation to that decision. Advice should be available for the November meeting and, therefore, not cause undue delay or unduly increase the length of time since consideration of the last survey and reduce the risk of challenge to evidence on quantative restriction.

1.5 Impact on Corporate Objectives

Arriving at a carefully considered decision meets the Councils objective of corporate and customer excellence

1.6 Risk Management

- 1.6.2 The Unmet Demand Survey undertaken by Amey is currently considered to meet evidential requirements for use in any quantative restriction decision but it is considered that further research should enable Officers to provide considered guidance to members on this and enable a decision which has least risk of any legal challenge.

1.7 Other Implications

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety

X

- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

1.7.4 The legal implications are contained within the body of the report.

1.8 Relevant Documents

1.8.2 Appendices

- 1.8.3 Appendix A – Letter from A2Z
 Appendix B – Minutes of Meeting amalgamation resolution
 Appendix C – Public Notices
 Appendix D – Ameys response to queries
 Appendix E – Dft Best Practice Guidance

1.8.4 Background Documents

1.8.5 None

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

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 dark ink, reading "David B. Wilson". The signature is written in a cursive style with a large 'D' and 'W'.

David B Wilson

Licensing Consultant, Mediator and Trainer

Email: david.wilson@a2zlicensing.co.uk

Mobile: 07794 776383

THE MAIDSTONE BOROUGH COUNCILREPORT OF TRANSPORTATION COMMITTEE8 DECEMBER 1977PRESENT:

Councillor F.G. Chapman (Chairman) and
 Councillors Baker, Bartlett, Burnett, Chantler,
 K. Chapman, Drakeford, Mrs. Drury, Enfield,
 Hitchings, Landells, Milner, Short, Tyler and
 Mrs. D.E. Wright.

1. KEMP'S PUBLIC RELATIONS SERVICES LIMITED - PROPOSED AGREEMENT FOR ADVERTISING ON COUNCIL VANS

With reference to paragraph 3 of your Committee's Report to the Council of 3 February 1976, advertising on Council vans by Kemp's Public Relations Services Limited has been taking place since April 1976 on an experimental basis, but no formal documentation of any kind exists. Your Committee considers that a formal agreement should now be entered into on terms which have been negotiated with this Company.

RECOMMENDED: That the Secretary be authorised to enter into an agreement with Kemp's Public Relations Services Limited for a period of 5 years with effect from 1 August 1977 for the sole and exclusive right to place advertisements on 26 Council vans at a licence fee of £832 per annum, subject to the following principal terms:-

- (i) The agreement to be subject to a break clause to take effect on 1 August 1980 if either party wishes to determine the agreement by three calendar months notice in writing;
- (ii) The Company to pay the licence fee half yearly in advance on 1 February and 1 August in each year and to pay on execution of the agreement the appropriate sum plus arrears of £772.50. due to the Council in respect of advertising on the vans prior to 1 August 1977;
- (iii) The number of vans covered by the agreement may be varied and, if it is increased, the Company to pay to the Council at the rate of an additional £32 per annum per van;
- (iv) The Company to keep the Council indemnified against all claims and liabilities arising in any way out of the permission granted; and
- (v) No advertisement to which the Council shall have reasonable grounds for objection to be displayed by the Company on any van.

2. PRESERVATION OF GRASS ROAD MARGINS - STACEY'S STREET, MAIDSTONE

Your Committee has been advised by the Technical Officer that since the re-opening of the "Hare and Hounds" Public House in Lower Boxley Road the grass road margins in Stacey's Street are suffering damage because vehicles are continually being driven onto and over them for parking purposes.

RECOMMENDED: That the Council's byelaw ¹⁵ for the preservation of road margins be

applied to the grass road margins in Stacey's Street and in connection therewith the appropriate notices be displayed.

3. TRANSFER OF HACKNEY CARRIAGE VEHICLE LICENCE

RECOMMENDED: That an application for the transfer of Hackney Carriage Vehicle Licence No. 9 for the remainder of the current year (until 31 March 1978) from Mr. W. Martin to Mr. J. Gilliland of 14 Froyle Close, Maidstone, be granted.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II - HACKNEY CARRIAGES/PRIVATE HIRE

Your Committee has considered joint reports of the Secretary and Transport Officer (copies of which have been circulated to all members of the Council) on the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. The purpose Part II of the Act is to modify and extend the existing legislation under the Town Police Clauses Act 1847 relating to the control of hackney carriages and also introduces, for the first time, new powers to control private hire vehicles, including drivers, proprietors and operators. However, as Part II of the Act is adoptive, it is of no effect in the Borough of Maidstone until the Council, by resolution, applies it to "the relevant area", which means such part of the Borough as the existing hackney carriage legislation applies to, namely the former Borough area only.

Your Committee, after consultation with the hackney carriage proprietors and all known private hire proprietors and operators in the area, is satisfied that the adoption of Part II of the Local Government (Miscellaneous Provisions) Act 1976 will undoubtedly strengthen the Council's control of hackney carriage operations and will also introduce much needed powers in relation to private hire operations. However, a number of detailed decisions will need to be taken to enable the provisions of Part II of the Act to be operated and to take account of the effect of the enlarging of the area covered by hackney carriage legislation and these are to be the subject of further consideration and report by your Committee.

Your Committee is therefore recommending that the existing hackney carriage legislation should be applied to the whole Borough to enable the legislation for private hire to be brought in for the same area. In this connection your Committee has been advised that to attempt to regulate the private hire vehicles in the urban area alone would be abortive, since proprietors and operators could avoid the regulations, at least in part, by setting up operational bases outside the area of the former Borough.

RECOMMENDED:

- (i) That, subject to the approval of the Secretary of State, the Secretary be authorised to give public notice of the Council's intention at its meeting on 15 March 1978 to resolve to apply the provisions of Section 171 (4) of the Public Health Act 1875, which currently apply to the area of the former Borough Council, to the whole of the Borough and thus bring into force throughout the Borough the provisions of the Town Police Clauses Act 1847 relating to hackney carriages, and that similar individual notice be served on all Parish Councils/ Meetings; and
- (ii) That the Secretary be authorised to give public notice of the Council's intention at its meeting on 15 March 1978 to resolve to apply the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, which relate to hackney carriages and private hire vehicles, throughout the area of the Borough with effect from such date as the Secretary of State shall specify for extending the provisions of Section 171 (4) of the Public Health Act 1875 to the whole Borough as referred to in paragraph (i) above.

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5. SERVICE REVISIONS - RE-ROUTING

With reference to paragraph 8 of your Committee's Report to the Council of 1 November 1977, the Transport Officer has advised that in the course of discussions with the Road Staff's Trade Union concerning the alterations to the frequency of bus services on all routes recently approved by the Council, two requests have been made for the re-routing of the London Road service which it is felt have considerable merit.

In the first place there are two buses an hour which run from Penenden Heath to London Road (Allington Way) which emerge from Pudding Lane, proceed to the Queen's Monument, make a "U" turn at the top of High Street and then continue to London Road. In the current traffic conditions this "U" turn is becoming more difficult to perform and as a result the Staff are subjected to abuse from other motorists, lack of sympathy from the Police and, at times, feel they are faced with the possibility of an accident. In the circumstances the Staff have requested that the two bus journeys in question turn right from Pudding Lane and omit the diversion via the Queen's Monument, making their main setting down and picking up stop in the town centre at the Cannon.

Your Committee supports this request as it considers the disadvantage of removing these two journeys from the Queen's Monument stop is outweighed by the advantage in traffic and safety terms of cutting out the "U" turn at the top of High Street.

Secondly, the present routing of the London Road service on the outward journey turn left into Conway Road at the traffic signals and then emerge back onto the London Road at the Allington Way terminus for the return journey. This produces a situation where the buses leaving the terminus pull across the extremely busy main traffic flow in London Road. The Staff have therefore requested that the extreme end of the London Road service be operated the opposite way round so that the buses turn into Allington Way and emerge back onto London Road from the Conway Road junction thereby being protected by the traffic signals. The terminus would be moved from Allington Way to the intermediate stop adjacent to 18 Conway Road.

Though there may be some disadvantage in operating this particular section of the route of the London Road service in the opposite direction, your Committee supports the request as it considers the disadvantage is outweighed by removing the danger of buses crossing the main traffic flow in London Road from Allington Way.

Your Committee has therefore authorised the Transport Officer to submit the necessary application to the Traffic Commissioners for approval to the alterations to the routing of the London Road service as outlined above for a trial period of 6 months, the matter to be the subject of review before the end of that period.

RECOMMENDED: That the action of your Committee on this matter be confirmed.

F G CHAPMAN



Chairman

THE MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE MAIDSTONE

BOROUGH COUNCIL

HELD AT THE TOWN HALL MAIDSTONE

ON 25 JANUARY 1978

PRESENT: Councillor Marchesi (Deputy Mayor) in the Chair.
Councillors Mrs Armytage, Mrs Ashton, Baker,
Banks, Bartlett, Mrs Basham, Bedson, Bernard,
Blackham, Bonner, Boyd-Howell, Mrs Braybrooks,
Burnett, Chantler, F G Chapman, K A Chapman,
Cochrane, Drakeford, Mrs Drury, Earnshaw, Ellwood,
Emson, Flood, Graham, Green, Hall, Mrs Harris,
Harvey, Mrs Haskett, Hindle, Hitchings, Hoadley,
Kennard, Landells, Lewis, Mrs Mason, Milner, Morris,
Nightingale, Playford, Rees, Savage, Sells, Short,
Thom, Thompson, Tyler, Waite, Wells, Wood, Woods,
and Mrs W V Wright.

1. THE WORSHIPFUL THE MAYOR

The Deputy Mayor reported that the Mayor had been admitted to hospital for observation. RESOLVED: that the best wishes of the Council for a speedy recovery be conveyed to the Mayor.

2. MINUTES

RESOLVED: that the minutes of the meeting of the Council held on 7 December 1977 be approved as a correct record.

3. TRANSPORTATION COMMITTEE

It was moved by Councillor F Chapman, seconded by Councillor Drakeford and RESOLVED that the Report of the Transportation Committee of 8 December 1977 be adopted.

4. HOUSING COMMITTEE

It was moved by Councillor Rees and seconded by Councillor Hoadley that, subject to the substitution of "30" for "13" in line 1 of Paragraph 2, the Report of the Housing Committee of 13 December 1977 be adopted.

Paragraph 1 - Local Housing Strategy

AMENDMENT moved by Councillor Flood and seconded by Councillor Lewis that recommendation (ii) be referred back to the Committee for further consideration.

AMENDMENT LOST

4. HOUSING COMMITTEE CONT'D

Paragraph 9 - Problems relating to residential caravans

AMENDMENT: Moved by Councillor Lewis and seconded by Councillor Wood that this matter be referred back to the Housing and Policy and Finance Committees for further consideration.

The Chairman of the Policy and Finance Committee gave an assurance that the matter would be considered by that Committee as soon as a Government decision had been taken on the Cripps recommendation relating to County quotas and capital grants.

AMENDMENT WITHDRAWN

RESOLVED: That the Report be adopted.

5. PLANNING COMMITTEE

It was moved by Councillor Playford, seconded by Councillor Earnshaw and RESOLVED: That the Report of the Planning Committee of 14 December 1977 be adopted.

6. HEALTH COMMITTEE

It was moved by Councillor Thompson, seconded by Councillor Mrs Basham and RESOLVED: That the Report of the Health Committee of 19 December 1977 be adopted.

7. GENERAL PURPOSES COMMITTEE

It was moved by Councillor Thom, seconded by Councillor Mrs Armytage and RESOLVED: That the Report of the General Purposes Committee of 20 December 1977 be adopted.

8. ARTS AND RECREATION COMMITTEE

It was moved by Councillor Hindle and seconded by Councillor Mrs Haskett that, subject to the substitution of "2½%" for "10%" in recommendation (ii) in Paragraph 5, the Report of the Arts and Recreation Committee of 21 December 1977 be adopted.

Paragraph 5 - Westborough Sports Centre - Vending Machines

AMENDMENT: Moved by Councillor Graham and seconded by Councillor Short that this paragraph be referred back to the Committee for further consideration.

AMENDMENT CARRIED

RESOLVED: That the Report as amended be adopted.

9. PLANNING COMMITTEE

It was moved by Councillor Playford, seconded by Councillor Waite and RESOLVED: That the Report of the Planning Committee of 4 January 1978 be adopted.

10. POLICY AND FINANCE COMMITTEE

It was moved by Councillor Bonner and seconded by Councillor F Chapman that the Report of the Policy and Finance Committee of 10 January 1978 be adopted.

Paragraph 2 - Housing Revenue Account Dwellings

AMENDMENT: Moved by Councillor Burnett and seconded by Councillor Milner that the recommendation on this paragraph be not adopted.

AMENDMENT LOST

Paragraph 5 - Concessionary Fares

AMENDMENT: Moved by Councillor K Chapman seconded by Councillor Banks that "7p" be substituted for "6p" in line 3 of recommendation (iii).

AMENDMENT LOST

AMENDMENT: Moved by Councillor Lewis and seconded by Councillor Flood that recommendations (ii) and (iii) be referred back to the Committee for further consideration.

AMENDMENT LOST

RESOLVED: That the Report be adopted.

11. SCHOOL MANAGERS AND GOVERNORS

Notice having been given in accordance with Standing Order No.5 Councillor Graham moved and Councillor Lewis seconded the following Motion:-

"That the Council:

- (a) reminds the General Purposes Committee that the Kent County Council's declared main criterion for appointment as a school manager should be that the person concerned would play a full part and have an effective contribution to make as a Manager/Governor.
- (b) regrets that the current policy of the General Purposes Committee appears to be, with unfair consequences for candidates who are not Conservatives, to place much greater emphasis upon the politics of the candidate than upon the main criterion recommended by the Kent County Council; and

11. SCHOOL MANAGERS AND GOVERNORS CONT'D

- (c) instructs the General Purposes Committee when filling casual vacancies to pay more regard to that criterion, and, while doing so, to try to correct the grossly unfair imbalance of party political representation that has developed as a result of that committee's recent appointments."

MOTION LOST

12. DURATION OF MEETING

6.30p.m. to 9.30p.m.

Leo Roscos

MAYOR

THE MAIDSTONE BOROUGH COUNCIL

TRANSPORTATION COMMITTEE

7 FEBRUARY 1978

REPORT OF SECRETARY

TRAFFIC REGULATION PROPOSALS - RESULT OF PUBLIC NOTICE (Minute 3 (Paragraph 1) of 31 May 1977 and Minute 6 (3) of 13 September 1977)

Set out below is the result of public notice being given in respect of certain traffic regulation proposals approved by the Council.

(1) Mote Avenue, Willow Way and Greenside

A representation from residents in Mote Avenue submitted by Mr. R.J. Hampshire of 36 Mote Avenue and objections from Mr. I.W. Shorter of 46 Meadow Walk, Mr. C.B. Dawson of 44 Meadow Walk, Mr. E. Cruickshanks of 34 Meadow Walk, and the Police as set out in Appendix "A" and "C" to this report have been received in response to the public notice on the proposal to impose "no waiting" restrictions (subject to the usual exceptions) on the under-mentioned lengths of Mote Avenue, Willow Way and Greenside between the hours of 8 a.m. and 6.30 p.m. Monday to Saturday:-

Mote Avenue

North Side - whole length

South Side - (a) whole length

(b) around the north, south-east and south-west sides of the central traffic island adjacent to its junction with Greenside.

Willow Way

East Side - from its junction with the entrance to Mote Park in a southerly direction for a distance of 350'

West Side - from its junction with Mote Avenue to its junction with Meadow Walk.

Greenside

East Side - from its junction with Mote Avenue to its junction with Meadow Walk.

West Side - from its junction with Mote Avenue to a point opposite the southern boundary of 20 Greenside.

Mr. Hampshire (on behalf of the residents in Mote Avenue), Mr. Shorter, Mr. Dawson, Mr. Cruickshanks and the Police have been invited to attend before the Committee in support of their written representation/objections to these proposals.

(2) Mote Road and Square Hill Road

An objection has been received from the Police as set out in Appendix "C" to this Report in response to the public notice on the proposals to impose "no waiting" restrictions (subject to the usual exceptions) on the under-mentioned lengths of Mote Road and Square Hill Road between the hours of 8 a.m. and 6.30 p.m. Monday to Saturday:-

Mote Road

North Side - from its junction with Chancery Lane to its junction with Square Hill Road.

South Side - from its junction with Hastings Road to its junction with Mote Avenue.

Square Hill Road

West Side - from its junction with Mote Road to a point opposite the southern boundary of 54 Square Hill Road.

East Side - from its junction with Mote Avenue in a northerly direction for a distance of 84 feet.

The Police have been invited to attend before the Committee in support of their written objection to these proposals.

(3) Bower Lane, Newton Close and Evelyn Road

A representation from Mr. P.R. Holmes of 7 Upper Fant Road and objections from Mr. C.R. Pettitt of 4 Bower Lane and the Police as set out in Appendix "B" and "C" to this Report have been received, in response to the public notice on the proposals to impose "no waiting" restrictions (subject to the usual exceptions) on the under-mentioned lengths of Bower Lane and Newton Close as follows:-

(A) Full 24 hours every day of the week

Bower Lane

West Side - (a) from its junction with Tonbridge Road in a southerly direction for a distance of 119 feet.

- (b) from its junction with Upper Fant Road in a northerly direction for a distance of 70 feet.

East Side - (a) from its junction with Tonbridge Road in a southerly direction for a distance of 124 feet.

23) from its junction with Bower Place in a northerly direction for a distance of 45 feet.

(B) Between the hours of 8 a.m. and 6.30 p.m. Monday to Friday

Bower Lane

West Side - from a point 119 feet south of its junction with Tonbridge Road to a point 70 feet north of its junction with Upper Fant Road.

East Side - from a point 124 feet south of its junction with Tonbridge Road to a point 45 feet north of its junction with Bower Place.

Newton Close

Both Sides - from its junction with Bower Lane in a westerly direction for a distance of 37 feet.

Mr. Holmes, Mr. Pettitt and the Police have been invited to attend before the Committee in support of their written representation/objections to these proposals.

However, no objections or representations have been received on the proposal to impose "no waiting" restrictions (subject to the usual exceptions) on the under-mentioned lengths of Evelyn Road between the hours of 8 a.m. and 6.30 p.m. Monday to Friday:-

Evelyn Close

North Side - from its junction with Bower Lane in a westerly direction for a distance of 15 feet.

South Side - from its junction with Bower Lane in a westerly direction for a distance of 16 feet.

(4) Upper Fant Road

An objection has been received from the Police as set out in Appendix "C" to this Report in response to the public notice on the proposal to impose "no waiting" restrictions (subject to the usual exceptions) on the north side of Upper Fant Road from its junction with Charlton Street to its junction with Hackney Road for the full 24 hours every day of the week.

The Police have been invited to attend before the Committee in support of their written objection to this proposal.

It will now be necessary for the Committee to decide, in accordance with the powers delegated to it by the Council, whether to proceed with the making of the necessary Order to bring the proposals outlined in paragraphs (1) - (4) above into effect on a date to be determined by the Secretary, as originally proposed by the Council, or not in the light of the representations and objections set out in Appendices "A", "B" and "C" to this Report and made orally at the meeting in relation to such proposals.

INSTRUCTIONS ARE REQUESTED

2. PRESERVATION OF GRASSED ROAD MARGINS (Minute 7 (3) of 8 December 1977)

In considering the Committee's recommendation to ²⁴ authority to apply the Council's bye-law for the preservation of grassed road margins should be delegated to the Technical Officer, the General Purposes Committee has requested that this Committee investigate the possibility of the bye-law for the preserva-

rural area.

The formal consent of the Kent County Council, as the highway authority, to extend the bye-law to cover the whole of the Borough is not required, but the County Secretary has advised that the County Council should be consulted for its observations before a decision is ultimately taken by the Council to extend the effect of the bye-law.

INSTRUCTIONS ARE REQUESTED

3. LOCAL GOVERNMENT ACT 1972 - ABANDONED VEHICLES ON MOTORWAYS

By virtue of Section 186 of the Local Government Act 1972 and the and Disposal of Vehicles Regulations 1968 the powers contained in of the Civic Amenities Act 1967 and in the Road Traffic Regulation Act 1967 (as amended) for the removal of abandoned vehicles from roads is the responsibility of District Councils. Notwithstanding this it has been the practice of the County Council to arrange for the removal of vehicles which have become a traffic hazard as a result of having been abandoned on any motorway within the County. .

At meetings in 1976 a joint working party, which included representatives of the Kent Secretaries' Association and of the Kent Technical Officers' Association, recommended that the existing arrangement should continue. The County Council agrees that the present system should continue but wishes the position to be covered by an agreement between the County Council and the appropriate District Councils under Section 101 of the Local Government Act 1972. The County Solicitor suggests that an exchange of letters, rather than an Agreement under seal, would suffice.

RECOMMENDED: That the Secretary be authorised to inform the County Council that the Council agrees that its functions under the Civic Amenities Act 1967 and the Road Traffic Regulation Act 1967 (as amended) insofar as they relate to the removal of vehicles from the length of the M.20 falling within the Council's area may be discharged by the County Council.

4. IVY HOUSE FARM, SANDWAY, LENHAM - PROPOSED DIVERSION OF PART OF F.P. 419A

An Application has been received from the Owner of Ivy House Farm, Sandway, Lenham for the proposed diversion of a short length of F.P. 419A over land situated at Elmstone Hole Lane. The ground on which this application has been made is for securing the efficient use of the land crossed by the footpath.

The existing line of the part of the footpath in question cuts across a field and is not fenced or marked in any way. It is therefore proposed that the footpath should follow the hedge line around the edge of the field.

The Lenham Parish Council and the Statutory Undertakings have been consulted on this application for the proposed diversion of the part of the footpath in question, none of whom have any objections thereto. The consent of the County Council has also been obtained to the making of the necessary Diversion Order.

A plan of the existing route and the proposed diversion of this footpath will be available at the meeting.

RECOMMENDED: That an Order be made by the Council under the provisions of Section 111 of the Highways Act 1959 for the diversion of the length of F.P. 419A in question over land situated at Elmstone Hole Lane, Sandway, Lenham and that the Secretary be authorised to take all necessary statutory procedural steps in connection therewith.

5. SILVER JUBILEE COMMITTEE ON IMPROVING ACCESS FOR
DISABLED PEOPLE

The General Purposes Committee has considered a letter and enclosures from the Chairman of the recently formed Silver Jubilee Committee on Improving Access for Disabled People which had been passed to the Mayor from the Chairman of the Kent County Council, concerning the harnessing of the goodwill created by the Silver Jubilee celebrations for the benefit of disabled people. A copy of the letter and its enclosures was sent to all Members of the Council with the papers for the meeting of the General Purposes Committee on 20 December 1977.

The General Purposes Committee has instructed me to make an informal approach to all organisations primarily concerned with the problems of disabled people in order to ascertain at first hand what difficulties are currently being experienced by the disabled, with a view to consideration being given to the possibility of certain improvements of a minor nature being carried out by the Council wherever possible.

In the meantime, the General Purposes Committee has requested that the attached list of suggestions for local initiatives which was enclosed with the letter from the Chairman of the Silver Jubilee Committee as set out in Appendix "D" to this report be referred to the various Service Committees and Groups concerned for comment. In connection with the financing of any proposed works of improvement, the General Purposes Committee resolved to ask the Policy and Finance Committee whether some of the money from the proposed local lottery could be utilised for this purpose and that Committee has referred the matter to the Lotteries Group for consideration.

The suggestions which appear to be of most concern to this Committee are those numbered 5 and 10. With regard to paragraph 5 members will appreciate that disabled drivers in Maidstone are probably better catered for in the facilities for parking than any other town. Not only are they allowed to park on the highway where there are waiting restrictions subject to any direction to the contrary by the Police and Traffic Wardens but they are also enabled to park within the pedestrian precinct up to 11.00 a.m. and after 5.30 p.m., i.e. when access to premises is permitted.

However, the Technical Officer has in conjunction with Councillors Rees and Graham given some thought to what further assistance might be given to the disabled motorist once he has left his car or indeed to the disabled pedestrian. The following comment from the Technical Officer has been submitted to the Planning Committee and its subject matter could also affect this Committee.

"I think that the concept of creating a zone for disabled people within the town centre is worthy of detailed investigation. Within such a zone measures would be taken to allow reasonable mobility for a variety of disabilities both within the highway and in access to shops and business premises.

The obvious area for consideration is one based upon Week Street, but could include parts of Earl Street, High Street, King Street and Market Buildings. It would not appear difficult to achieve good access between this zone and Stoneborough which already contains excellent facilities for disabled persons.

The creation of such a zone need not necessarily cost large sums of money, but by full involvement with the Disabled Persons' Societies and the business community a most worthwhile objective could be attained."

I understand from the Technical Officer that the main type of assistance which he has in mind is the additional ramping of kerbs and the provision of better access to shops within the suggested zone.

INSTRUCTIONS ARE REQUESTED

6. CONTROL OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES (Minute 4 (paragraph 4) of 8 December 1977)

At its meeting on 25 January 1978 the Council adopted the recommendation of the Committee that the Secretary be authorised to give public notice of the Council's intention at its meeting on 15 March 1978 to resolve to extend the existing hackney carriage legislation to the whole of the Borough and at the same time also to resolve to apply the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, relating to the control and licensing of hackney carriages and private hire vehicles throughout the Borough.

In accordance with this decision I am in the process of giving such notice on both aspects of the matter. In the meantime it will be necessary to recommend the Council to pass the resolutions contained in the following recommendations.

RECOMMENDED: That the Committee recommends the Council to resolve to adopt the resolutions as set out in (1) and (2) below:-

(1)(i) That in pursuance of Section 180 of and Schedule 14 Part II to the Local Government Act 1972 Section 171 (4) of the Public Health Act 1875 shall apply throughout the area of the Borough of Maidstone.

(ii) That application be made to the Secretary of State for approval of the above resolution.

(2) That in pursuance of Section 45(2) of Part II to the Local

Government (Miscellaneous Provisions) Act 1976 the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 shall come into force throughout the area of the Borough of Maidstone with effect from such date as the Secretary of State shall specify for extending the provisions of Section 171(4) of the Public Health Act 1875 throughout the Borough of Maidstone or if the Secretary of State should specify a date before Monday 17 April 1978 then with effect from Monday 17 April 1978.

7. COUNCIL OWNED PROPERTIES IN UNION STREET, MAIDSTONE

At its meeting on 22 December 1977 the Lands Group considered a report by the Estates Officer and Valuer on the feasibility and implications of offering for sale all the non-residential property owned by the Council in Union Street.

It was felt that in view of the covenants involved and the fact that Union Street is a secondary shopping area investors were unlikely to be interested in the purchase of these properties as ready made investments but that there was no reason why sales to existing tenants should not be feasible.

Apart from the financial aspects, the major implication of the sale of these properties would be the effect of such sales on any future development on the Wheeler Street and Brewer Street Car Parks. This would be particularly true of the sale of the Council owned properties 35 to 49 (inclusive) Union Street.

The Lands Group has therefore resolved that this Committee be asked to indicate to the Group its likely future plans for the car parking areas in Wheeler Street and Brewer Street with particular reference to the desirability of the sale by the Council of its properties 35, 41, 47, 49 and 71 Union Street and the store at the rear of 43, Union Street.

The Technical Officer comments as follows:-

"The Council's land holding in the Union Street, Wheeler Street, Brewer Street area is shown on the attached plan. The car park in Wheeler Street occupies an area of 1905m² and accommodates 84 cars. The car park in Brewer Street occupies 1760m² and accommodates 73 cars. The two car parks are separated by a footpath across a former burial ground, which is not in the Council's ownership.

The principle of a multi-storey car park being built on the Wheeler Street site has been accepted by the Council for several years and two years ago the Friends Meeting House was rebuilt in Union Street as a first stage of the development programme. The County Council's Transportation Study - Strategies Report defines the areas of the East Station and Mote Road as being in particular need of additional car parking provision.

Work currently being carried out to produce the Town Centre Local Plan will include consideration of the car parking problem and discuss various sites.

Both the Wheeler Street and Brewer Street car parks are, by themselves, relatively small when contemplating multi-storey car park construction, although in area the Wheeler Street site, including the former Friends Meeting House, compares favourably with the Medway Street car park (2339 sq. metres and 1276 sq. metres respectively). The King Street car park covers an area of approximately 1700 sq. metres. However, a very tall building would not be appropriate to the mainly residential area and consequently the number of floors and the number of car spaces could be limited.

Whilst it would be possible therefore to develop the Wheeler Street site as a multi-storey car park independent of other land, Members might wish to consider more comprehensive possibilities, e.g. the uniting of the two existing car parks by building over the burial ground land, or extending the development to incorporate a commercial development, possibly in combination with shops in Union Street.

I am sure Members will agree that considerably more information is required before decisions of this nature can be made. Without prejudicing anything the Local Plan will say, I suggest that at this stage only the principle of wishing to see a multi-storey car park being built on the Wheeler Street site can be re-affirmed. So far as the individual premises in Union Street, to which the Lands Group has referred, are concerned, only 35, Union Street appears to be the least likely to be affected by any future proposals. Some or all of the remainder possibly could be included in any redevelopment. In the short term, I suggest the Committee expresses a desire that no alterations be made to the existing land holding situation so that options may be preserved."

RECOMMENDED:

- (i) That the Lands Group be informed that pending the presentation and consideration of the Town Centre Local Plan and a further detailed appraisal of the area, it is not possible to produce firm plans, but that, at this stage, the Transportation Committee believes additional car parking is required in the area and that the Wheeler Street and Brewer Street car parks must be serious contenders as sites for a possible multi-storey construction.
- (ii) That the Lands Group be asked not to consider the sale of the properties at numbers 35, 41 the rear of 43, 47, 49 and 71 Union Street for the time being.

CONTROL OF HACKNEY CARRIAGES AND PRIVATE HIRE

- (1) Further to item 6 in this Report it will now be necessary for certain detailed decisions to be taken to enable the provisions of the 1976 Act to be operated by the Council.
- (2) The Council is entitled to impose a condition on a hackney carriage vehicle licence specifying the design or appearance of the hackney carriage. It is not suggested that any conditions of this nature be imposed but the Officers do recommend that a distinguishing mark in respect of which the Council also has power to impose conditions should be provided, particularly because of the town centre traffic proposals which allow hackney carriages where private cars are prohibited. It is therefore proposed that a suitable "Taxi" roof sign be required.
- (3) The Council may issue drivers' licences for hackney carriages or private hire vehicles for any period up to 3 years and operators' licences (private hire) for any period up to 5 years. It is suggested that all such licences be issued for 3 years.

The current practice is to make all licences whenever issued during the year expire on the following 31 March. This results in much administrative work at one time. To make all licences last for 3 years whenever granted will result not only in less renewals but also in spreading them to some extent at least throughout the year. There will however be an additional administrative task in keeping track of the expiry of all such licences.

- (4) The earliest date on which the provisions of the 1976 Act can be applied is 17 April. The existing hackney carriage vehicle and drivers' licences expire on 31 March 1978. It is suggested that the existing licences be renewed on a temporary basis to cover the interim period at no cost to the applicant and that the new licences incorporating new conditions be granted as soon as possible at the revised charges.

- (5) The maximum fees are:

	<u>Hackney Carriages</u>	<u>Private Hire</u>
Vehicle Licence	£25	£25
Operator's Licence	-	£25
Driver's Licence	Reasonable fee to recover costs of issue and administration may be remitted.	

Fees for Renewals and Reinspections are not specifically mentioned.

It is a matter for the Council to resolve that the proposed fees are sufficient to cover in whole or part the reasonable cost of inspection of both hackney carriage and private hire vehicles, the provision of hackney carriage stands and other administrative costs. It is suggested that the proposed fees, which are well within the prescribed maxima, are reasonable for these purposes.

- (6) Members will recall that in the Joint Report submitted to the Committee on 8 December 1977 reference was made to the concern of the hackney carriage proprietors in undertaking journeys when called by telephone because it was often uneconomic to undertake the journey at hackney carriage fares which only operate from the point where the hirer commences his journey. It was therefore suggested that a booking charge be introduced and a charge of 50p is recommended.

This is a variation of the charges but while still requiring advertising locally, it will not in future be necessary to obtain the confirmation of the Secretary of State. It is therefore suggested that steps be taken to implement this charge as soon as possible after the 1976 Act becomes effective in the Borough.

RECOMMENDED:

(i) Hackney Carriages - Roof Signs

That a condition be imposed on the granting of a hackney carriage vehicle licence that such vehicle shall be fitted with a clearly identifiable illuminated roof sign marked with the word "TAXI", subject in each case to such sign being approved by the Transport Officer.

(ii) Period of Licensing

That licences for both hackney carriages and private hire vehicles relating to operators and drivers be granted for the following periods:-

(a) Hackney Carriages

Drivers' Licences only - 3 years

(b) Private Hire

Operators' Licences - 3 years

Drivers' Licences - 3 years

(iii) Interim Licensing

That all existing hackney carriages drivers' and vehicle licences which expire on 31 March 1978 be renewed on the same conditions, at no cost to the applicant, for a limited period not exceeding three months or until such earlier date as new licences are granted under the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages as extended to the whole of the Borough and the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

(iv) Cost of Licensing

(a) Hackney Carriages

That the following charges be made for the granting of both vehicle and drivers' licences:-

Vehicle Licence (including inspection and supervision) - £15 per vehicle.

Re-inspection - £7.50 per vehicle.

Drivers' Licence (issue and administration) - First Licence - £9
Renewal - £1.50.

(b) Private Hire

That the following charges be made for the granting of operators' vehicles' and drivers' licences:-

Vehicle Licence (including inspection and supervision) - £15 per vehicle.

Re-inspection - £7.50.

Driver's Licence (issue and administration) - First Licence - £9
Renewal - £1.50.

(v) Hackney Carriage Fares - Booking Charge

- (a) That if a hackney carriage journey is booked by telephone, a proprietor be permitted to make a fixed charge of 50p for such journey in addition to the fare scale for that journey, provided that the hirer is advised of such charge at the time of booking.
- (b) That the Secretary be authorised to take all action necessary to bring this recommendation into effect.

(vi) Effective Date of Operation

That the recommendations referred to in paragraphs (i), (ii), (iv) and (v) above be brought into effect on such date as the Secretary of State shall specify for extending the existing hackney carriage legislation to the whole of the Borough as from 17 April 1978 if this is later.

(vii) Amendment of Administrative Regulations - Terms of Reference

That the General Purposes Committee be recommended that paragraph 5 of the terms of reference of the Transportation Committee in the Administrative Regulations approved by the Council on 9 April 1975 (as amended) be deleted and the following substituted:-

- "(5) To be responsible for the control of hackney carriages and private hire vehicles, including the licensing of vehicles, operators and drivers."

(viii) Amendment of Administrative Regulations - Delegations to Secretary

That the General Purposes Committee be recommended that the delegations to the Secretary under the heading of the Transportation Committee numbered (2), (3), (4) and (5) in the Administrative Regulations approved by the Council on 9 April 1975 (as amended) be deleted and the following be substituted, and the existing paragraph (6) be re-numbered (9):-

- "(2) Subject to the Transport Officer being satisfied that the vehicles have passed the test for road worthiness and suitability, to renew annually (1 April to 31 March) existing hackney carriage licences operating within the area of the Borough of Maidstone.
- (3) Subject to the Transport Officer being satisfied that the vehicles have passed the test for road worthiness and suitability, to transfer hackney carriage licences for the remainder of the year for which they are current for vehicles operating within the area of the Borough of Maidstone provided that there has been no change of proprietor.

- (4) Subject to the Transport Officer being satisfied that the vehicles have passed the test for road worthiness and suitability, to grant or renew annually (after 1978 1 April to 31 March) private hire vehicle licences operating within the area of the Borough of Maidstone.
- (5) Subject to the Transport Officer being satisfied that the vehicles have passed the test for road worthiness and suitability, to transfer private hire vehicle licences operating within the area of the Borough of Maidstone provided that there has been no change of operator.
- (6) To grant or renew, for a period of three years, private hire operators' licences operating within the area of the Borough of Maidstone.
- (7) Subject to the Transport Officer being satisfied that new applicants for hackney carriage or private hire drivers' licences have:
- (a) passed the Council's driving and topography tests;
 - (b) not disclosed any previous convictions;
 - (c) held a full driving licence for at least one year; and
 - (d) where the Transport Officer considers it necessary, produced a certificate signed by a registered medical practitioner to the effect that the applicant is physically fit to be the driver of a hackney carriage or private hire vehicle, or submitted to examination by a registered medical practitioner selected by the Borough Council as to his physical fitness to be the driver of a hackney carriage or private hire vehicle;
- to grant driving licences for such new applicants.
- (8) Subject to the Transport Officer being satisfied that there are no new convictions, to renew for a further period of three years existing hackney carriage or private hire drivers' licences.

9. SKATEBOARDING ON PUBLIC HIGHWAYS

Complaints have been received about the practice of children skateboarding on public highways in Maidstone mainly on footways in the town centre. This apparently was particularly noticeable during the Christmas school holiday period, but since then it has not been so evident. I have been advised by the Home Office that under existing legislation both the Police and local authorities have a legal remedy for this problem under powers contained in Acts of Parliament, though the question of enforcement is somewhat limited.

If the nuisance of skateboards cannot be remedied by general law it is possible for a local authority within its area to make a byelaw for good rule and government under Section 235 of the Local Government Act 1972, subject to confirmation by the Secretary of State, in the following terms:-

"No person shall on any public footway skate on rollers, wheels or other mechanical contrivances to the danger of other persons lawfully using the footway."

I understand that many authorities have already or are in the process of providing proper facilities in their areas for skateboarding. Members may consider that until such facilities are provided in Maidstone no formal action should be taken at the present time to prevent skateboarding on public footways, but that the matter be kept under review.

I have also ascertained from the County Road Safety Officer that an extensive publicity campaign has been mounted in the schools in Kent pointing out the dangers of skateboarding. Similar publicity has also been given by the Kent Police Road Safety Unit.

RECOMMENDED: That the Technical Officer be asked to keep the problem of skateboarding on public highways in Maidstone under observation and report further to the Committee if he considers that it is necessary for the Council to take formal action to overcome the nuisance.

2 February 1978

THE MAIDSTONE BOROUGH COUNCIL

REPORT OF TRANSPORTATION COMMITTEE

7 FEBRUARY 1978

PRESENT: Councillor F.G. Chapman (Chairman) and
Councillors Mrs. Ashton, Baker, Bartlett,
Burnett, Chantler, Drakeford, Mrs. Drury,
Ellwood, Enfield, Hitchings, Landells, Milner,
Savage, Short and Thomas.

1. IVY HOUSE FARM, SANDWAY, LENHAM - PROPOSED DIVERSION OF PART
OF F.P. 419A

An application has been received from the owner of Ivy House Farm, Sandway, Lenham for the diversion of a short length of F.P. 419A over land situated at Elmstone Hole Lane forming part of this farm. The application has been made to enable the owner to secure the efficient use of the land crossed by the footpath as the existing line cuts across a field and is not fenced or marked in any way. It is proposed that the footpath should follow the hedge line around the edge of the field.

Your Committee is satisfied that the diversion of the short length of footpath in question would not cause undue inconvenience to the public. The Lenham Parish Council and the Statutory Undertakings have been consulted on the proposed diversion and have raised no objection. The consent of the County Council has also been obtained to the making of the necessary Diversion Order.

RECOMMENDED: That an Order be made by the Council under the provisions of Section 111 of the Highways Act 1959 for the diversion of the length of F.P. 419A in question over land situated at Elmstone Hole Lane, Sandway, Lenham and that the Secretary be authorised to take all necessary statutory procedural steps in connection therewith.

2. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PART II - CONTROL
OF HACKNEY CARRIAGES/PRIVATE HIRE VEHICLES

(1) Extension and Adoption of Legislation

At its meeting on 25 January 1978 the Council adopted the recommendation contained in paragraph 4 of your Committee's Report of 8 December 1977 that the Secretary be authorised to give public notice of the Council's intention at its meeting on 15 March 1978 to resolve to extend the existing hackney carriage legislation to the whole of the Borough and to resolve at the same time to apply the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, relating to the control and licensing of hackney carriages and private hire vehicles throughout the Borough.

In accordance with this decision public notice has been given on both aspects of the matter and it is now necessary for the Council to pass

the necessary resolutions to comply with the provisions of Part II of the Act.

RECOMMENDED: That the Council resolve to adopt the resolutions as set out in (i) and (ii) below:-

- (i) (a) That in pursuance of Section 180 of and Schedule 14 Part II to the Local Government Act 1972 Section 171(4) of the Public Health Act 1875 shall apply throughout the area of the Borough of Maidstone.
- (b) That application be made to the Secretary of State for approval of the above resolution.
- (ii) That in pursuance of Section 45(2) of the Local Government (Miscellaneous Provisions) Act 1976, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 shall come into force throughout the area of the Borough of Maidstone with effect from such date as the Secretary of State shall specify for extending the provisions of Section 171(4) of the Public Health Act 1875 throughout the Borough of Maidstone or if the Secretary of State should specify a date before Monday 17 April 1978 then with effect from Monday 17 April 1978.

(2) Operational Arrangements

Subject to the adoption by the Council of the recommendation contained in paragraph (1) above, it will be necessary for certain detailed decisions to be taken to enable the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 to be operated by the Council for the control of hackney carriages and private hire vehicles in relation to the licensing of vehicles, drivers and operators (private hire only).

In particular it is considered essential that the granting of a hackney carriage (but not a private hire) vehicle licence should be conditional upon such a vehicle being clearly identifiable by way of a distinguishing mark. This is mainly because hackney carriages will be exempt from the prohibition, contained in the proposed Town Centre Traffic Management Scheme, against vehicles proceeding in a west-bound direction in High Street between its junctions with Mill Street and Bishops Way.

In addition, the existing "Terms of Reference", of your Committee and "The Delegations to the Secretary" contained in the Administrative Regulations will need to be amended and appropriate recommendations have been made to the General Purposes Committee on this aspect of the matter.

RECOMMENDED:

(i) Hackney Carriages - Roof Signs

That a condition be imposed on the granting of a hackney carriage vehicle licence that such vehicle shall be fitted with a clearly identifiable illuminated roof sign marked with the word "TAXI", subject in each case to such sign being approved by the Transport Officer.

(ii) Period of Licensing

That licences for operators and drivers be granted for the following

periods:-

(a) Hackney Carriages

Drivers' Licences only - 3 years

(b) Private Hire

Operators' Licences - 3 years

Drivers' Licences - 3 years

(iii) Interim Licensing

That all existing hackney carriages drivers' and vehicle licences which expire on 31 March 1978 be renewed on the same conditions, at no cost to the applicant, for a limited period not exceeding three months or until such earlier date as new licences are granted under the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages as extended to the whole of the Borough and the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

(iv) Charges for Licensing

(a) Hackney Carriages

That the following charges be made for the granting of both vehicle and drivers' licences:-

	<u>Existing Charge</u>	<u>Proposed Charge</u>
Vehicle Licence (including inspection and supervision)	£5.11. per vehicle	£15 per vehicle
- Re-inspection	£4.86 per vehicle	£7.50. per vehicle
Driver's Licence (test, issue and administration)		
- First	£5.65.	£9
- Renewal	25p	£1.50.

(b) Private Hire

That the following charges be made for the granting of operators', vehicles' and drivers' licences:-

Operator's Licence (including issue and administration) £1.50.

Vehicle Licence (including inspection and supervision)	£15 per vehicle
- Re-inspection	£7.50.

Driver's Licence (test,
issue and administration)

- First Licence
- Renewal

£9
£1.50

(v) Effective Date of Operation

That the recommendations referred to in paragraphs (i), (ii) and (iv) above, be brought into effect on such date as the Secretary of State shall specify for extending the existing hackney carriage legislation to the whole of the Borough or as from 17 April 1978 if this is later.

3. TRAFFIC REGULATION PROPOSALS - REVIEW AT FIXED INTERVALS

In accordance with the policy of the Council of reviewing problems of traffic regulation and parking throughout the urban nucleus at fixed intervals, your Committee has carried out a further review and set out below are details of the proposals on which it has decided to make recommendations.

(1) Union Street - Deletion of Certain Parking Meter Bays

When the improvements to the footway and carriageway were carried out in Union Street early in 1977, the Local Traders' Association suggested that certain parking meter bays should be deleted to enable goods vehicles to have better access to premises in the street for delivery purposes. This suggestion was adopted on an experimental basis by your Committee and the Technical Officer was instructed to keep the situation under observation.

Your Committee understands that this arrangement has worked reasonably well and it is now considered that the five parking meter bays at intervals along the north side of Union Street should be deleted permanently.

RECOMMENDED: That the five parking meter bays temporarily taken out of use on an experimental basis on the north side of Union Street be removed and that all reference thereto be deleted from The Borough of Maidstone (Consolidation of Traffic Regulation Orders) Order 1974 (as amended).

(2) Romney Place/Padsole Lane/Mote Road - Obstruction of Traffic Flows

Romney Place, Padsole Lane, and Mote Road are subject to "no waiting" restrictions between the hours of 8 a.m. and 6.30 p.m. Monday to Saturday. Now that the carriageway in Romney Place has been widened, traffic flows have increased and in addition both Romney Place and Padsole Lane are used as a bus route. The Technical Officer has drawn attention to the fact that people attending evening functions, such as bingo and the cinema, and also late night shoppers in the Stoneborough Centre, are now parking their cars on both sides of Romney Place thereby obstructing the free flow of through traffic. Your Committee considers that in order to overcome this problem the existing day-time only restrictions should be extended to a total prohibition of waiting on the north side of Romney Place and, to avoid the problem being then transferred to Padsole Lane and Mote Road, extended prohibition of waiting should be imposed in these two roads.

RECOMMENDED: That the existing "no waiting" restrictions between the hours of 8 a.m. and 6.30 p.m. Monday to Saturday be extended for the full 24 hours every

day of the week (subject to the usual exemptions) on the under-mentioned lengths of Romney Place, Padsole Lane and Mote Road:-

Romney Place

North Side - whole length

Padsole Lane

Both Sides - whole length

Mote Road

North Side form its junction with Lower Stone Street to its junction with Padsole Lane.

South Side - from its junction with Upper Stone Street to its junction with Kingsley Road.

(3) Well Road and Lower Boxley Road (Part) - Obstruction at Boxley Road Junction

At the present time parts of the south-west sides of Well Road and Lower Boxley Road form part of an official free on-street parking place and the Technical Officer has drawn attention to the fact that quite often, because of the on-street parking at this point, vehicles waiting to make a right-hand turn from Well Road into Boxley Road prevent other traffic proceeding straight on from Well Road into Lower Boxley Road.

In an endeavour to overcome this problem the County Surveyor has suggested that "no waiting" restrictions be imposed on the south-west sides of the lengths of Well Road and Lower Boxley Road in question, which he considers will remove the congestion at present experienced at the Boxley Road junction. Such action would require the on-street parking place to be extinguished and this will accord with the proposals of your Committee for an extension of the parking meter zone to an additional length of Well Road which is the subject of a further recommendation later in this Report.

RECOMMENDED:

- (i) That the whole of the official on-street parking place on the south-west side of Well Road and Lower Boxley Road be extinguished and that all reference thereto be deleted from The Borough of Maidstone (Consolidation of Traffic Regulation Orders) Order 1974 (as amended);
- (ii) That the existing "no waiting" restrictions between the hours of 8 a.m. and 6.30 p.m. Monday to Saturday on the south-west side of Well Road be extended to cover the whole length of this side of Well Road, and
- (iii) That the existing "no waiting" restrictions between the hours of 8 a.m. and 6.30 p.m. Monday to Saturday on the south-west side of Lower Boxley Road be extended from a point 109 feet south-east of the junction with Lower Boxley Road's north-east/south-west length to its junction with Well Road.

(4) Reculver Walk, Senacre Wood Estate - Cycling

The Police have requested that consideration be given to prohibiting cycling along Reculver Walk on the Senacre Wood Estate as they are of the opinion that due to the

width, type of surface and position, many people do not in fact realise that is is only a footway.

RECOMMENDED: That cycling be prohibited along the whole length of Reculver Walk on the Senacre Wood Estate.

(5) The Landway to Mynn Crescent, Thurnham - Footway Link - Cycling

A letter has been received from Councillor Mrs. Braybrooks expressing concern for the safety of pedestrians, particularly small children, because of the frequent use by cyclists of the footway link from The Landway to Birling Avenue, Thurnham. A similar complaint has also been received from a resident in Mynn Crescent in regard to the footway link from Birling Avenue to Mynn Crescent.

RECOMMENDED: That cycling be prohibited along the footway link from The Landway to Mynn Crescent, Thurnham.

(6) Victoria Street - Deletion of On-Street Parking Place

A request has been made on behalf of the Columbus First Housing Association for the extinguishment of the official free on-street parking place on the north side of Victoria Street, along the frontage of the recently constructed properties at 6 to 10 Birnam Square. The five properties in question have vehicular accesses on to Victoria Street which are now obstructed by the on-street parking place.

RECOMMENDED: That the two separate lengths of the official on-street parking place in question on the north side of Victoria Street be extinguished and that all reference thereto be deleted from The Borough of Maidstone (Consolidation of Traffic Regulation Orders) Order 1974 (as amended).

(7) Statutory Consultation

RECOMMENDED: That the Secretary be authorised to consult the national and local organisations concerned, together with the Kent County Council, the Police and the Thurnham Parish Council, where appropriate, on the intention of the Council to make the necessary Order, the effect of which would be to bring into effect all the proposals outlined in paragraphs (1) to (6) above.

PARKING METER ZONE - REVIEW

In accordance with the instructions of your Committee, the Technical Officer, in consultation with the County Surveyor; has carried out a review of the Parking Meter Zone in the town centre with a view to the following basic objectives being achieved:-

- (a) The existing Parking Meter Zone being extended where it is considered practicable to do so;
- (b) The adjustment and extension of existing parking meter places within the existing Parking Meter Zone; and
- (c) The present use of the 1p coin for the short term parking facilities of 6 minutes in the inner zone and 12 minutes in the outer zone being dispensed with, because of the serious difficulties being experienced as a result of the use of this coin.

In regard to paragraph (c) above the Technical Officer has advised that the meter heads cannot be adequately adjusted to cope with the 1p coin and therefore become jammed when a number are fed into the meter. As a result many of the meters are frequently out of order and require continual maintenance. Your Committee considers that a review of the existing Parking Meter Zone has highlighted some anomalies and possibilities for increasing the number of parking meter places in the town centre, particularly in relation to the road pattern as envisaged by the proposed Town Centre Traffic Management Scheme. However, the scope for extending the Parking Meter Zone is somewhat limited in view of the need, wherever possible, to avoid using residential streets because of the consequential difficulties created for residents.

RECOMMENDED:

- (i) (a) That the existing boundary of the Parking Meter Zone in Well Road be extended from a point 131 feet from its junction with County Road to a point 511 feet from that same junction and that within such length on the south-west side of Well Road 19 parking meter bays be provided (Outer Zone);

NOTE: This proposal does not affect the length of Well Road adjacent to the junction with Boxley Road and does not conflict with Paragraph 3(3) of this Report.

- (b) That 4 parking meter bays be provided in the lay-by on the south-west side of Mill Street (adjacent to the Old Palace) extending from a point 304 feet from its junction with Old College Horseway for a distance of 80 feet (Inner Zone);
- (c) That 8 parking meter bays be provided on the west side of Waterside extending from a point 139 feet north of the extended building line of Cook Lubbock House for a distance of 160 feet (Inner Zone) and that the three existing parking meter bays on the east side of Waterside be removed and that all reference thereto be deleted from The Borough of Maidstone (Consolidation of Traffic Regulation Orders) Order 1974 (as amended);
- (d) That 5 parking meter bays be provided on the south-east side of High Street extending from a point 118 feet south-west of its junction with Gabriel's Hill for a distance of 40 feet (Inner Zone), and that the manner of parking be at an angle of 90° to the edge of the carriageway;
- (e) That 5 parking meter bays be provided on the east side of Mill Street extending from a point 133 feet from its junction with Bank Street for a distance of 100 feet (Inner Zone).
- (ii) That the facility to use a 1p coin in the parking meters for both the Inner and Outer Zones providing for a minimum period of parking of 6 minutes and 12 minutes respectively be dispensed with and that all reference thereto be deleted from The Borough of Maidstone (Consolidation of Traffic Regulation Orders) Order 1974 (as amended).
- (iii) That the Secretary be authorised to consult the national and local organisations concerned, together with the Kent County Council and the Police, on the intention of the Council to make the necessary Order, the effect of which would be to bring into effect all the proposals outlined in recommendations (i) and (ii) above.
- (iv) That, subject to the Council adopting recommendation (ii) above and proceeding with

the amendment to the Consolidation Order after the completion of the statutory procedure, the Technical Officer be authorised to place an order with Fisher Karpark Limited for the necessary conversion of the parking meter heads.

5. CAR PARKING OPERATION - CONVERSION TO "PAY AND DISPLAY" SYSTEM

In accordance with the policy adopted by the Council that all paid surface car parks should ultimately be converted to the "pay and display" system to help reduce the deficit on car parking provision generally, the possible extension of this system has been further examined. Your Committee considers that it is now opportune for the remaining two paid surface car parks at Waterside (Riverside main) and (Perseverance Site) to be converted to the "pay and display" system, such car parks to remain within the Inner Zone. In this connection a sum of £4,500 has been included in the estimates for 1978/79 for the conversion of these two car parks to this system of control. Your Committee does not intend to implement this proposal until suitable arrangements have been made for the existing staff employed at these car parks.

In addition, your Committee has been advised that in connection with the proposed extension of Stage IIA of the Inner Ring Road to the junction of St. Faith's Street, the existing strip car park on the west side of Waterside will be required for highway purposes and negotiations are taking place at the present time for its conveyance to the County Council for this purpose. It is therefore considered appropriate for this car park to be now formally deleted from the Off-Street Parking Places Order.

RECOMMENDED:

- (i) That the Waterside (Riverside main) and (Perseverance Site) car parks be converted to the "Pay and Display" system, such car parks to remain within the Inner Zone;
- (ii) That in view of its requirement for highway purposes, all reference to the strip car park on the west side of Waterside be deleted from the Off-Street Parking Places Order;
- (iii) That the Secretary be authorised to consult the local and national organisations concerned, together with the Kent County Council and the Police on the proposals outlined in recommendations (i) and (ii) above;
- (iv) That in the event of no objections or representations being received as a result of the consultations referred to in recommendation (iii) above, the Secretary be authorised to:-
 - (a) Give public notice pursuant to the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1969 (as amended) to bring the proposals into effect;
 - (b) Invite any member of the public who objects or makes a representation on the proposals to attend before your Committee in support of their written objection or representation.
- (v) That all the powers of the Council be delegated to your Committee:-
 - (a) To consider any objections or representations that may be received as a result of the consultations referred to in recommendation (iii) and to make, if possible, any minor modifications to the proposals arising therefrom;

- (b) In the event of objections or representations being received as a result of consultations referred to in recommendation (iii) above, following consideration of such objections or representations, to authorise the Secretary to give public notice as referred to in recommendation (iv)(a) above;
- (c) To hear any objection or representation which may be received as a result of public notice being given and make, if possible, any minor modifications to the proposals arising therefrom; and
- (d) To resolve to make the necessary Order to amend The Maidstone (Off-Street Parking Places) Order 1962 (as amended) on a date to be determined by the Secretary.



F.G. CHAPMAN

Chairman

THE MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE MAIDSTONE BOROUGH COUNCIL

HELD AT THE TOWN HALL MAIDSTONE

ON 15 MARCH 1978

PRESENT: Councillor Mrs Roscow (Mayor),
Councillor Marchesi (Deputy Mayor),
Councillors Mrs Armytage, Mrs Ashton,
Baker, Banks, Mrs Basham, Bedson, Blackham,
Bonner, Boyd-Howell, Mrs Braybrooks, Chantler,
F G Chapman, K A Chapman, Drakeford, Mrs S Drury,
Earnshaw, Ellwood, Emson, Enfield, Fairbank,
Flood, Graham, Green, Mrs Harris, Harvey,
Mrs Haskett, Hindle, Hitchings, Hoadley,
Mrs Mason, Milner, Morris, Playford, Rees,
Savage, Sells, Short, Thom, Thomas, Thompson,
Tyler, Wells, Wood, Woods and Mrs Wright.

1. WELCOME

Councillor Bonner expressed pleasure on behalf of the Members at the return of the Mayor to Council business following her illness and hoped that her progress towards full recovery would be sustained.

2. MINUTES

RESOLVED: that the Minutes of the meeting of the Council held on 25 January 1978 be approved as a correct record.

3. HOUSING COMMITTEE

It was moved by Councillor Rees, seconded by Councillor Hoadley and RESOLVED that the Report of the Housing Committee of 31 January 1978 be adopted.

4. PLANNING COMMITTEE

It was moved by Councillor Playford, seconded by Councillor Bedson and RESOLVED that the Report of the Planning Committee of 1 February 1978 be adopted.

5. HEALTH COMMITTEE

It was moved by Councillor Thompson and seconded by Councillor Mrs Basham that the Report of the Health Committee of 6 February 1978 be adopted, subject to the addition of the names of Councillors Ellwood, Hoadley and Landells to the list of members in attendance at that meeting.

HEALTH COMMITTEE Cont'd.

Paragraph 2 - Revision of Cemetery and Crematorium Charges

AMENDMENT moved by Councillor Graham and seconded by Councillor Flood that the charge for the interment of the body of a child between the ages of 12 and 16 be limited to £16.

AMENDMENT LOST

RESOLVED: That the Report as amended be adopted.

6. TRANSPORTATION COMMITTEE

It was moved by Councillor F Chapman, seconded by Councillor Drakeford and RESOLVED that the Report of the Transportation Committee of 7 February 1978 be adopted.

7. ARTS AND RECREATION COMMITTEE

It was moved by Councillor Hindle, seconded by Councillor Mrs Haskett and RESOLVED that the Report of the Arts and Recreation Committee of 8 February 1978 be adopted.

8. GENERAL PURPOSES COMMITTEE

It was moved by Councillor Thom, seconded by Councillor Boyd-Howell and RESOLVED that the Report of the General Purposes Committee of 15 February 1978 be adopted.

9. POLICY AND FINANCE COMMITTEE

It was moved by Councillor Bonner and seconded by Councillor F Chapman that the Report of the Policy and Finance Committee of 28 February 1978 be adopted, together with the detailed estimates and Summary of Net Rate Requirements as a result of appropriation from balances as circulated at the meeting (copies of which Estimates and Summary are inserted in the Minute Book and form part of these Minutes)

Paragraph 6 - Personnel Group Minutes

AMENDMENT moved by Councillor Graham and seconded by Councillor Banks that the name of Councillor Graham be added to the Group of Members to review the establishment of the Chief Executive's Department.

Councillor Bonner indicated that he would be prepared to discuss the matter with the other Group Leaders at their next meeting.

AMENDMENT WITHDRAWN

RESOLVED: That the Report, detailed Estimates and Summary of Net Rate Requirements be adopted.

10. ARTS AND RECREATION COMMITTEE

It was moved by Councillor Hindle, seconded by Councillor Mrs Haskett and RESOLVED (a) that the annexed Report of the Arts and Recreation Committee of 15 March 1978 be received; (b) that the proposed increase in charges for the Mote Swimming Baths from 1 April 1978 accepted by the Council at its meeting on 25 January 1978 be formally approved subject to the charge for Old Age Pensioners remaining at 12p.

11. DURATION OF MEETING

6.30p.m. to 7.40p.m.

L. G. Roscoe
MAYOR

THE MAIDSTONE BOROUGH COUNCIL

TRANSPORTATION COMMITTEE

29 MARCH 1978

SUPPLEMENTAL REPORT OF SECRETARY

6. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

At the meeting of the Council on 15 March 1978 the recommendation of this Committee was adopted to bring into force throughout the area of the Borough the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. The date on which such provisions were to become effective was from the date to be specified by the Secretary of State to extend the existing hackney carriage legislation to the whole of the Borough or from Monday, 17 April 1978 if that date were later.

The intention of the selection of the dates set out above was to extend the existing hackney carriage legislation and introduce the new legislation from the same date. The Home Office has, however, suggested that there might be a procedural defect in acting in this way since the resolution of the Council on 15 March 1978 purporting to apply the new legislation to the whole Borough was passed at a time when the Secretary of State had not yet extended the existing hackney carriage legislation to the whole Borough. It is possible that by virtue of the wording of Section 45 of the Local Government (Miscellaneous Provisions) Act 1976 the Council could be considered to be acting beyond its powers by following this course. Since it is most important to avoid any possibility of it being suggested that the action taken by the Council in applying the new legislation is not completely in accordance with the provisions of the new Act, I regret to report that it is necessary for a further resolution to be passed. This will also involve giving further public notice in the local newspaper and notifying the parishes of the Council's intention to pass a new resolution.

The Secretary of State has indicated that he intends to extend the existing hackney carriage legislation in Maidstone with effect from 17 April 1978. This means that it will be possible for the Council to pass the appropriate resolution at its next meeting on Thursday, 27 April as there will just be time to give the requisite notices prior to that meeting.

Section 45 of the 1976 Act requires at least a month to pass from the date of the resolution until the date on which the provisions of the 1976 Act come into force. It is therefore suggested that the resolution should propose that the provisions come into force on Monday, 5 June. This is some seven weeks later than was originally proposed. However, I understand from the Transport Officer that, in fact, it might have been difficult to implement the provisions on 17 April as originally proposed in respect of the private hire vehicles due to delay in delivery of the appropriate vehicle licensing plates. 47

In addition to amending the operative resolution to bring the Act into force, it is also necessary to amend the

RECOMMENDED:

- (i) That the decisions taken under paragraphs 2(1)(ii) and 2(2)(v) of the Report of the Transportation Committee of 7 February 1978, approved by the Council at its meeting on 15 March 1978, be rescinded.
- (ii) That in pursuance of Section 45(2) of the Local Government (Miscellaneous Provisions) Act 1976 the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 shall come into force throughout the area of the Borough of Maidstone with effect from Monday, 5 June 1978.
- (iii) That the recommendations referred to in paragraphs 2(2)(i), (ii) and (iv) of the Report of the Transportation Committee of 7 February 1978, approved by the Council at its meeting on 15 March 1978, be brought into effect on Monday, 5 June 1978.

THE MAIDSTONE BOROUGH COUNCIL
REPORT OF TRANSPORTATION COMMITTEE

29 MARCH 1978

PRESENT: Councillor F G Chapman (Chairman) and
Councillors Baker, Bartlett, Burnett, Chantler,
Mrs. Drury, Ellwood, Enfield, Hitchings, Landells,
Milner, Savage, Short and Thomas

1. GENERAL IMPROVEMENT AREA NO. 1 - PROPOSED ENVIRONMENTAL
IMPROVEMENTS

In order to finalise the proposals for environmental improvements under the General Improvement Area No. 1, a Group of Members of the Housing Committee, acting in accordance with delegated powers, has asked the Estates Officer and Valuer to expedite the disposal of the site of Grist's Warehouse and adjoining land. Such disposal is to be subject to the retention of land for the proposed footpath link between Hedley Street and Wheeler Street and for the children's play area, both of which, it is hoped, will be constructed as soon as the land position has been resolved.

In connection therewith it has been recommended to your Committee that the appropriate steps be taken to:-

- (a) Re-route the Hatherall Road bus service from Foley Street/Hedley Street to Wheeler Street; and
- (b) Close the Wheeler Street/St. Luke's Road junction.

as soon as possible after the proposed footpath link between Hedley Street and Wheeler Street has been completed.

In regard to recommendation (b) above, the Technical Officer considers that the closure of the Wheeler Street/St. Luke's Road junction should be achieved by actually stopping-up the junction as part of the existing highway. This form of closure would be environmentally more in keeping generally with objects of the General Improvement Area. The alternative course of action would be for the Council to make a traffic regulation Order prohibiting any vehicle from entering Wheeler Street from St. Luke's Road or vice versa, but this may be difficult to enforce unless some form of barrier e.g. bollards is erected.

Your Committee agrees with the course of action suggested by the Technical Officer, which will necessitate an application being made to the Magistrates Court under the provisions of Section 108 of the Highways Act 1959 for a Stopping-Up Order in respect of the part of the highway of this junction in question. However, under the provisions of the Highway Agency Agreement with the Kent County Council only that Council has the power to make such an application to the Magistrates Court.

RECOMMENDED: That arrangements be made now to implement both the proposed re-routing of the bus service and road closure as soon as possible after the proposed footpath link between Hedley Street and Wheeler Street has been completed and for this purpose:-

- (i) The Transport Officer be authorised to submit the necessary application to the Traffic Commissioners for approval to re-route the Hatherall Road bus service from Foley Street/Hedley Street to Wheeler Street; and
- (ii) The Kent County Council be requested to make an application to the Magistrates Court under the provisions of Section 108 of the Highways Act 1959 for the making of an Order to stop-up that part of the highway forming the junction of Wheeler Street and St. Luke's Road.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PART II -
CONTROL OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

At its meeting on 15 March 1978 the Council adopted the recommendation contained in paragraph 2 (1) of your Committee's Report of 7 February 1978 to bring into force throughout the area of the Borough the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 relating to the control and licensing of hackney carriage and private hire vehicles. The date on which such provisions were to become effective was from the date to be specified by the Secretary of State to extend the existing hackney carriage legislation to the whole of the Borough or from Monday, 17 April 1978 if that date were later. The intention of the selection of the dates set out above was to extend the existing hackney carriage legislation and introduce the new legislation from the same date. The Home Office has, however, suggested that there might be a procedural defect in acting in this way since the resolution of the Council on 15 March 1978 purporting to apply the new legislation to the whole of the Borough was passed at a time when the Secretary of State had not yet extended the existing hackney carriage legislation to the whole of the Borough so that it only applied to the area of the former Borough. It is therefore possible that by virtue of the wording of Section 45 of the Local Government (Miscellaneous Provisions) Act 1976 the Council could be considered to be acting beyond its powers at that time by seeking to apply that Act to the whole of the Borough.

Your Committee has been advised by the Secretary that since it is most important to avoid any possibility of it being suggested that the action taken by the Council in applying the new legislation is not completely in accordance with the provisions of the 1976 Act, it will be necessary for a new resolution to be passed. This also involves giving further public notice and notifying the Parish Councils/Meetings of the Council's intention to pass a new resolution.

The Secretary of State has indicated that he intends to extend the existing hackney carriage legislation in Maidstone with effect from 17 April 1978. This means that it is possible for the Council to pass the new resolution on 27 April 1978, allowing time for the requisite public notices to be given prior to that meeting which your Committee has authorised the Secretary to do.

In addition to amending the operative resolution to bring Part II of the 1976 Act into force, it will also be necessary to amend the resolution of the Council relating to the effective date of operation in respect of the individual new measures to be introduced.

RECOMMENDED:

- (i) That the decision taken under paragraphs 2 (1) (ii) and 2 (2) (v) of your Committee's Report of 7 February 1978, adopted by the Council at its meeting on 15 March 1978, be rescinded;
- (ii) That in pursuance of Section 45 (2) of the Local Government (Miscellaneous Provisions) Act 1976 the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 shall come into force throughout the area of the Borough of Maidstone with effect from Monday, 5 June 1978; and
- (iii) That the recommendations referred to in paragraphs 2 (2) (i), (ii) and (iv) of your Committee's Report of 7 February 1978, adopted by the Council at its meeting on 15 March 1978, be brought into effect on Monday, 5 June 1978.

3. SCOTT STREET, MAIDSTONE - PARKING PROBLEMS

Complaints have been received from local residents in regard to the problem of vehicles parking in part of Scott Street, formerly known as Cambridge Square. As a result of a site meeting, your Committee came to the conclusion that the indiscriminate parking taking place in the centre of the "square" at certain times, undoubtedly caused a serious obstruction to traffic flows. A scheme was therefore prepared by the Technical Officer and approved by the County Surveyor which has been designed to improve and regulate the flow of traffic through the "square" in Scott Street and at the same time overcome the problem of parking. The County Surveyor was able to provide funds to enable work on the scheme to be started and it should be completed by the end of March.

Your Committee has been advised by the Technical Officer that in order to regulate the new improved lay out of this part of Scott Street it has been necessary to extinguish the existing on-street parking place on the east side of the "square" and to authorise its re-siting in a new position parallel with the kerb line on the north side of Hope Street. At the same time it is also considered desirable for the existing "no waiting" restrictions in Scott Street to be extended to cover the new kerb line in the "square" to avoid any obstruction of traffic flows along the realigned traffic lane.

RECOMMENDED:

- (i) That the original official on-street parking place on the east side of Scott Street be formally deleted from The Borough of Maidstone (Consolidation of Traffic Regulation Orders) Order 1974 (as amended);
- (ii) That the alternative official on-street parking place be formally designated, providing for 7 car spaces, on the north side of Hope Street, commencing at a point 6 feet west of the building line of 1A Hope Street extending in a westerly direction for a distance of 42 feet;
- (iii) That "no waiting" restrictions be imposed on the south-east side of Scott Street from its junction with Randall Street to its junction with Hope Street for the full 24 hours every day of the week;
- (iv) That "no waiting" restrictions be imposed on the south side of Hope Street from the western boundary of 1 Hope Street in an easterly direction for a

distance of 115 feet for the full 24 hours every day of the week;

- (v) That "no waiting" restrictions be imposed on the north side of Hope Street from its junction with Scott Street to the western boundary of the official on-street car park referred to in (ii) above, and thence from the eastern boundary of such car park in an easterly direction for a distance of 45 feet for the full 24 hours every day of the week; and
- (vi) That the Secretary be authorised to consult the national and local organisations concerned, together with the Kent County Council and the Police, on the intention of the Council to make the necessary Order, the effect of which would be to bring into effect the proposals outlined in recommendations (i) to (v) above.

TOWN CENTRE TRAFFIC MANAGEMENT SCHEME - RE-SITING OF HACKNEY CARRIAGE STANDS

In conjunction with the Town Centre Traffic Management Scheme it will be necessary for the Council to re-site the two hackney carriage stands outside 95 High Street and the one stand adjacent to the Town Hall to a position in the centre of High Street alongside the six existing stands, adjacent to the Queens Monument.

RECOMMENDED: That the Secretary be authorised to give public notice of the Council's intention to re-locate the two hackney carriage stands outside 95 High Street and the one stand outside the Town Hall to a position alongside and to the west of the six existing hackney carriage stands in the centre of High Street in accordance with the provisions of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

ARMSTRONG ROAD AREA - BUS SERVICE - DIVERSION OF CERTAIN JOURNEYS

During the daytime on Mondays to Fridays, the Armstrong Road area is at present served by the Westmorland Road service every 30 minutes. Your Committee has been advised by the Transport Officer that since the introduction of the revised timetables on 16 January 1978, operating experience has shown that additional journeys are needed to serve this area at certain times to meet traffic requirements, which he considers would provide an improved frequency of service for residents in the new development in the Forest Hill area at the southern end of Postley Road.

It is considered that the improved frequency can be achieved by diverting certain journeys on the Senacre Wood to High Street service. Your Committee has therefore authorised the Transport Officer to submit the necessary application to the Traffic Commissioners for approval to divert the following journeys on this service, Mondays to Fridays, to operate via Armstrong Road:-

0821, 0921, 1021, 1451 and 1521

RECOMMENDED: That the action of your Committee in this matter be approved.

HIRE OF VANS

It is the current policy to hire the Council's marginal requirements for vehicles from various rental firms. This practice avoids the necessity of having vehicles in the fleet which are only used on odd occasions.

Your Committee has now been advised by the Transport Officer that vans owned by

C.G. Williams Limited, which operates a local newspaper wholesale distribution network, are not in use during the Council's normal working day and the Company has offered them for hire by the Council on an advantageous basis. Your Committee considers that, provided such an arrangement can be on the basis of a firm contract, it would be to the financial advantage of the Council to hire vans from the Company and thereby curtail the need to hire vehicles from other organisations and, indeed, reduce its own fleet.

RECOMMENDED: That the offer of C.G. Williams Limited to hire vans to the Council, be accepted and, in connection therewith, the Secretary be authorised to enter into a suitable agreement with the Company providing for the vehicles to be available to the Council during the specific hours when they will not be required by the Company.

7. GOODS VEHICLE OPERATOR'S LICENCE - OPERATING CENTRE

It has come to the attention of your Committee that 83 St. Luke's Road, Maidstone is apparently being used as a goods vehicle operating centre without authority. Though the Operator concerned holds a goods vehicle licence he has not notified the Licensing Authority for the South Eastern Traffic Area of the change of circumstances under such licence in regard to the new address at 83 St. Luke's Road.

A representation has been made to the Licensing Authority on behalf of the Council on this matter, as a result of which the Licensing Authority has approached the Operator concerned drawing his attention to the fact that as the new address is in a residential area, it appears unsuitable as a base for goods vehicles, but despite a reminder, no reply to this approach has been received. In the circumstances the Licensing Authority is prepared to clarify the position at a Public Inquiry. This action, however, is dependent on a representative from the Council being able to attend the Inquiry and to give evidence that the new operating address is in use and is unsuitable for this purpose.

Your Committee has accordingly authorised the Secretary to pursue the representation made to the Licensing Authority on behalf of the Council at the Public Inquiry and to give such evidence and call such witnesses as may be necessary.

RECOMMENDED: That the action of your Committee in this matter be approved.


F G CHAPMAN

Chairman

THE MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE MAIDSTONE BOROUGH COUNCIL

HELD AT THE TOWN HALL MAIDSTONE

ON 27 APRIL 1978

PRESENT: Councillor Mrs Roscow (Mayor)
Councillor Marchesi (Deputy Mayor)
Councillors Mrs Ashton, Banks, Bartlett,
Mrs Basham, Bedson, Blackham, Bonner,
Boyd-Howell, Mrs Braybrooks, Burnett,
Chantler, F G Chapman, Drakeford, Mrs Drury,
Earnshaw, Ellwood, Enfield, Fairbank, Flood,
Graham, Mrs Graham, Green, Hall, Mrs Harris,
Harvey, Mrs Haskett, Hindle, Hitchings,
Hoadley, Kennard, Landells, Lewis, Mrs Mason,
Milner, Morris, Nightingale, Playford, Sells,
Thom, Thomas, Thompson, Wood, Woods, Woollven
and Mrs Wright.

1. MINUTES

RESOLVED: That the Minutes of the meeting of the Council held on 15 March 1978 be approved as a correct record.

2. WELCOME

The Mayor welcomed the newly elected Members, Councillors Mrs R E Graham and Councillor K C Woollven.

3. HOUSING COMMITTEE

It was moved by Councillor Hoadley, seconded by Councillor Mrs Haskett and RESOLVED that the Report of the Housing Committee of 21 March 1978 be adopted.

4. HEALTH COMMITTEE

It was moved by Councillor Thompson, seconded by Councillor Mrs Basham and RESOLVED that the Report of the Health Committee of 28 March 1978 be adopted.

5. TRANSPORTATION COMMITTEE

It was moved by Councillor Chapman and seconded by Councillor Bartlett that the Report of the Transportation Committee of 29 March 1978 be adopted.

Paragraph 4 - Town Centre Traffic Management Scheme - Re-siting of Hackney Carriage Stands

AMENDMENT moved by Councillor Enfield and seconded by Councillor Graham:-

- (a) That paragraph 4 be referred back to the Committee for further consideration;

Paragraph 4 - Town Centre Traffic Management Scheme - Re-Siting of Hackney Carriage Stands

- (b) That all the powers of the Council as to the retention, deletion or relocation of the existing hackney carriage stands in the High Street be delegated to the Transportation Committee; and
- (c) That all the powers of the Council as to the amendment of the existing proposals and the formulation of new proposals for the relocation of the existing parking meter place and the extent of meter bays in the High Street be delegated to the Transportation Committee.

AMENDMENT CARRIED

RESOLVED: That the Report as amended be adopted.

(Councillor Sells declared an interest in Paragraph 6 (Hire of Vans) and the Technical Officer declared an interest in Paragraph 7 (Goods Vehicles Operators Licence - Operating Centre) and both were invited to remain during the consideration of these items).

6. ARTS AND RECREATION COMMITTEE

It was moved by Councillor Hindle, seconded by Councillor Mrs Haskett and RESOLVED that the Report of the Arts and Recreation Committee of 30 March 1978 be adopted.

7. GENERAL PURPOSES COMMITTEE

It was moved by Councillor Thom, seconded by Councillor Bedson and RESOLVED that the Report of the General Purposes Committee of 5 April 1978 be adopted.

8. PLANNING COMMITTEE

It was moved by Councillor Playford seconded by Councillor Bedson and RESOLVED that the Report of the Planning Committee of 12 April 1978 be adopted.

9. POLICY AND FINANCE COMMITTEE

It was moved by Councillor Bonner and seconded by Councillor F G Chapman that the Report of the Policy and Finance Committee of 18 April 1978 be adopted.

Paragraph 3 - Bridge Wharf Site

AMENDMENT moved by Councillor Burnett and seconded by the Deputy Mayor that the words "your Committee be given delegated" be deleted from Recommendation (iii) and the following words be added at the end of that Recommendation "be referred to this Council"

AMENDMENT LOST

RESOLVED: That the Report be adopted

10.


ELECTION OF COUNCILLORS

The Chief Executive formally reported the election to the office of Councillor of Mr Keith Clement Woollven (No.2 Ward) and Mrs Rosemary Elena Graham (No.4 Ward) on 6 April 1978. The newly elected Members had made their Declarations of Acceptance of Office.

11.

DURATION OF MEETING

6.30p.m. to 7.45p.m.


MAYOR.

KW, FEBRUARY 3, 1978

COMPULSORY PURCHASE OF LAND IN SITTINGBOURNE

NOTICE IS HEREBY GIVEN that The Kent County Council (Sittingbourne Industrial Road, Stages II and III) Compulsory Purchase Order, 1977 under the Highways Acts 1959-1971. They are about to submit this Order to the Secretary of State for Transport for confirmation, and if confirmed, the Order will authorise them to purchase compulsorily the land described below for the following purposes:

- (a) the construction of a highway —
 - (i) between a point in Chalkwell Road south-west of its junction thereof with Staplehurst Road and a point in Church Street at its junction thereof with St Paul's Street,
 - (ii) between a point in New Road at its junction thereof with Church Street and a point at the south-eastern end of Tribune Drive,
 all at Milton Regis at Sittingbourne in the District of Swale in the County of Kent;
- (b) the construction of other highways and the improvement of existing highways in the vicinity of the routes of the above mentioned highways in pursuance of The Kent County Council (Sittingbourne Industrial Road, Stages II and III, Classified Roads) (Side Roads) Order, 1977;
- (c) the improvement of the highway known as Saffron Way at Milton Regis as aforesaid;
- (d) the carrying out of works on watercourses in connection with the construction and improvement of highways as aforesaid; and
- (e) use by the said County Council in connection with the construction and improvement of highways and the carrying out of works on watercourses as aforesaid.

A copy of the Order and of the accompanying map may be seen at all reasonable hours at the offices of The County Secretary of The Kent County Council at County Hall, (Room 1.108) Maidstone, Kent, ME14 1XQ and at the Highways and Transportation Department, Kent House, Lower Stone Street, Maidstone, Kent, and at the Swale District Council, Council Offices, Central Avenue, Sittingbourne, Kent, ME10 1DY.

Any objection to the Order must be made in writing to the Secretary of State for Transport, Edgeborough, 74 Epsom Road, Guildford, Surrey before 28th February 1978 and should state the grounds of objection.

THE SCHEDULE

MILTON REGIS IN THE TOWN OF SITTINGBOURNE IN THE DISTRICT OF SWALE

Description of Land

- | Number | Description of Land |
|--------|---|
| 1-20. | NOT USED. |
| 21. | Approximately 7 square metres; part of garden of The Crown Inn Public House, 2 Chalkwell Road, Milton Regis. |
| 22. | Approximately 684 square metres; car park of The Crown Inn Public House, 2 Chalkwell Road, Milton Regis. |
| 23. | NOT USED. |
| 24. | Approximately 281 square metres; part of hall and frontage of the Parish Rooms, St Paul's Street, Milton Regis. |
| 25-28. | NOT USED. |
| 29. | Approximately 55 square metres; premises known as Blue Car Hire, 5 St Paul's Street, Milton Regis. |
| 28-30. | NOT USED. |
| 31. | Approximately 77 square metres; premises known as 22 Millen Road, Milton Regis. |
| 32. | Approximately 200 square metres; premises known as 2 Millen Road, Milton Regis. |
| 33-34. | NOT USED. |
| 35. | Approximately 290 square metres; the site of demolished houses formerly known as 17 and 19 King Street, Milton Regis. |
| 36. | Approximately 408 square metres; part of parking area to premises known as Millen Road Depot, Millen Road, Milton Regis. |
| 37. | Approximately 137 square metres; site of demolished houses on the east of Gas Road and opposite premises known as Taylor Made Soft Drinks Limited. |
| 38. | Approximately 31 square metres; part of car park to premises known as 10-14 High Street, Milton Regis. |
| 39. | Approximately 300 square metres; site of demolished houses formerly known as 21 King Street, Milton Regis. |
| 40. | NOT USED. |
| 41. | Approximately 470 square metres; vacant site on north of King Street, Milton Regis. |
| 42. | Approximately 670 square metres; part of builders yard and buildings adjacent to the Sittingbourne and Kemsley Light Railway between King Street and Gas Road, Milton Regis. |
| 43. | Approximately 64 square metres; part of site of premises formerly known as 6-7 Gas Road, Milton Regis. |
| 44. | Approximately 340 square metres; part of land on the south of Gas Road and adjoining site of 5-7 Gas Road, Milton Regis. |
| 45. | Approximately 1,500 square metres; part of the storage area of premises known as Milton Pipes Limited on the north-west of Gas Road, Milton Regis. |
| 46. | Approximately 2,000 square metres; part of land carrying steam pipes and situated on north-west corner of Cooks Lane and the Sittingbourne and Kemsley Light Railway Crossing, including road and verges, Milton Regis. |
| 47. | Approximately 620 square metres; part of land carrying steam pipes and situated on north-west corner of Cooks Lane and the Sittingbourne and Kemsley Light Railway Crossing, including road and verges, Milton Regis. |
| 48. | NOT USED. |
| 49. | Approximately 4,440 square metres; part of undeveloped site attached to Trinity Trading Estate, north of Cooks Lane, Milton Regis. |
| 50. | Approximately 32 square metres; part of the frontage area of 39, Church Street, Milton Regis, and adjoining 41 Church Street, Milton Regis. |
| 51. | Approximately 280 square metres; part of undeveloped site adjoining north-east side of junction of Tribune Drive and Saffron Way, Milton Regis. |
| 52. | NOT USED. |
| 53. | NOT USED. |
| 54. | Approximately 220 square metres; part of verge and a half width of Cooks Lane fronting premises known as Milton Pipes Limited. |
| 55-58. | NOT USED. |
| 59. | Approximately 160 square metres; site of demolished building on the south-west corner of King Street and the Sittingbourne and Kemsley Light Railway Crossing, Milton Regis. |
| 60. | Approximately 800 square metres; part of parking area attached to premises known as Millen Road Depot, Millen Road, Milton Regis and adjoining the south side of Head of Millen Creek, Milton Regis. |
| 61. | Approximately 80 square metres; part of land attached to rear of warehouses at Millen Road, Milton Regis. |
| 62. | Approximately 330 square metres; part of site of demolished building adjoining rear boundary of warehouses at Millen Road, Milton Regis, and north of premises known as Victor Civil Engineering Limited. |
| 63. | Approximately 470 square metres; part of premises known as Victor Civil Engineering Limited on the north-west of The Wall, Milton Regis. |
| 64. | Approximately 380 square metres; part of undeveloped site and a half width of bed of stream on the south of Victor Civil Engineering Limited and at rear of warehouses at Millen Road, Milton Regis. |
| 65. | Approximately 630 square metres; part of electricity sub-station site (and a half width of bed of stream) on the south of Church Street, and adjacent to private overbridge to Sittingbourne Mill. |
| 66. | Approximately 8 square metres; part of land on the south of Church Street and adjacent to private overbridge to Sittingbourne Mill. |
| 67. | Approximately 94 square metres; part of the parking area of Sittingbourne Mill, on the south-west of New Road, Milton Regis. |
| 68. | Approximately 188 square metres; part of verge and half width of Cooks Lane opposite to premises known as Milton Pipes Limited. |
| 69. | Approximately 300 square metres; undeveloped site at the north-west corner of King Street and the Sittingbourne and Kemsley Light Railway Crossing, Milton Regis. |
| 70. | Approximately 160 square metres; part of site of demolished house formerly known as 2 Flushing Street, Milton Regis. |
| 71. | Approximately 174 square metres; part of road formerly known as Mill Street attached to premises known as the Lion Public House, Church Street, Milton Regis. |
| 72. | Approximately 40 square metres; part of site of demolished buildings situated within parking area to premises known as Millen Road Depot, Millen Road, Milton Regis. |

Dated this 27th day of January 1978

County Hall,
Maidstone,
Kent, ME14 1XQ.

Signed W. G. HOPKIN
County Secretary

THE MAIDSTONE BOROUGH COUNCIL MOTTE SWIMMING BATHS: CHARGES

NOTICE IS HEREBY GIVEN that it is the Council's intention to consider a proposed table of revised charges for admission to Motte Swimming Baths and for the various associated services provided there. A copy of the proposed table of charges will be kept at the office of the Council at 13 Tonbridge Road, Maidstone and will be open to inspection without payment on any week day during normal office hours for one calendar month from the publication of this notice.

K. B. ROGERS
Secretary,

3 February, 1978.

KENT COUNTY COUNCIL ANNUAL TENDER FOR THE SUPPLY AND ERECTION OF FENCING

APPLICATIONS are invited from suitably experienced Contractors who wish to be considered for inclusion on the selected tender list for the supply and erection of fencing, including safety fencing, for the period 1st April 1978 to 31st March 1979.

Prospective tenderers should submit the names and addresses of two referees for whom similar work has been completed, to The County Surveyor, Kent House, Lower Stone Street, Maidstone, Kent, ME15 6LA, not later than 15th February, 1978.

A. D. W. Smith
County Surveyor

WATER RESOURCES ACT

NOTICE OF APPLICATION FOR LICENCE TO ABSTRACT WATER

NOTICE IS HEREBY GIVEN that an application is being made to the Southern Water Authority by Keith Ashby, Ashby Farms, Appledore, Ashford, Kent for a licence to abstract the following quantities of water from the stream at Roughlands Wood, Woodchurch, Ashford, Kent — Grid ref. TQ 958333 for spray irrigation: 24,000,000 gallons per annum

Further details of the application are —
200,000 gallons per day
Off-stream reservoirs are to be constructed of 9,000,000 gallons capacity.

A copy of the application and of any map, plan or other document submitted with it may be inspected free of charge at A. G. Weeks & Partners, Consulting Civil and Geotechnical Engineers, Melbourne House, Peel Street, Maidstone, Kent at all reasonable hours during the period beginning on 10th February and ending on 10th March 1978 (inclusive). Any person who wishes to make representations about the application should do so in writing to the Chief Solicitor, Southern Water Authority, Gullbourne House, Worthing, Sussex, BN1 1LD before the end of the said period.

Signed K. P. Ashby
30th January, 1978

COMPULSORY PURCHASE OF LAND IN MAIDSTONE

NOTICE IS HEREBY GIVEN that the Kent County Council (Willington Street, Maidstone) Compulsory Purchase Order, 1978, under the Highways Acts 1959 to 1971. They are about to submit this Order to the Secretary of State for Transport for confirmation, and if confirmed, the order will authorise them to purchase compulsorily the land described below for the purpose of the improvement of the highways known as Willington Street and Ashford Road and of the junction of those highways all in the Borough of Maidstone in the County of Kent.

A copy of the order and of the accompanying map may be seen at all reasonable hours at the offices of the County Secretary, County Hall, Maidstone, Kent, ME14 1XQ.

Any objection to the order must be made in writing to the Secretary of State for Transport, St. Christopher House, Southwark Street, London, SE1, before the Third day of March, 1978 and should state the title of the order and the grounds of objection.

- | Number on Map | Description of Land |
|---------------|---|
| 1 | 270 square metres. Part of public open space known as Motte Park on the south of Ashford Road in the Borough of Maidstone in the County of Kent, and comprising parts of Ordnance Parcels 4831 and 4838 on the Ordnance Survey Map Kent Sheet TQ 7855 (1958 Edition A). |
| 2 | 11 square metres. Part of public open space known as Motte Park on the west of Willington Street, Maidstone, aforesaid and comprising part of Ordnance Parcel 4831 on the Ordnance Survey Map Kent Sheet TQ 7855 (1958 Edition A). |
| 3 | 9 square metres. Part of public open space known as Motte Park on the west of Willington Street, Maidstone, aforesaid and comprising part of Ordnance Parcel 4831 on the Ordnance Survey Map Kent Sheet TQ 7855 (1958 Edition A). |
| 4 | 184 square metres. Part of public open space known as Motte Park on the west of Willington Street, Maidstone, aforesaid and comprising part of Ordnance Parcel 4831 on the Ordnance Survey Map Kent Sheet TQ 7855 (1958 Edition A). |
| 5 | 130 square metres. Part of public open space known as Motte Park on the west of Willington Street, Maidstone aforesaid and comprising parts of Ordnance Parcels 4831 and 6385 on the Ordnance Survey Map Kent Sheet TQ 7854 (1959 Edition B). |
| 6 | 187 square metres. Part of public open space known as Motte Park on the west of Willington Street, Maidstone aforesaid and comprising part of Ordnance Parcel 3880 on the Ordnance Survey Map Kent Sheet TQ 7854 (1959 Edition B). |
| 7 | 202 square metres. Part of public open space known as Motte Park on the west of Willington Street, Maidstone aforesaid and comprising part of Ordnance Parcel 0048 on the Ordnance Survey Map Kent Sheet TQ 7854 (1959 Edition B). |
| 7A | 30 square metres. Part of the garden of Otham Lodge, Willington Street, Maidstone aforesaid being part of public open space known as Motte Park. |
| 8 | 7 square metres of land comprising part of the front garden of The Old Vicarage, No. 101 Willington Street, Maidstone aforesaid. |
| 9 | 2.25 square metres of an Electricity Sub-station plot at Willington Street, Maidstone aforesaid, and comprising part of Ordnance Parcel 4831 on the Ordnance Survey Map Kent Sheet TQ 7855 (1958 Edition A). |

Dated this Third day of February, 1978.

County Hall, Maidstone

TOWN AND COUNTRY PLANNING ACT 1971 NOTICE UNDER CIRCULAR 71/73

PROPOSED DEVELOPMENT AT LAND EAST OF A27 BOROUGH GREEN ROAD TO QUARRY HI IN THE PARISHES OF BOROUGH GREEN AND TIGHAM

TAKE NOTICE that an application has been made to the Tonbridge & Malling District Council by Gougeon and Company Ltd., for planning permission to carry out the following development on the above land, namely:

Construction of a distributor road with a carriageway width of 7.3 metres, embankments and junctions. A copy of the application for planning permission and of all plans and other documents relating thereto may be inspected by members of the public at the Planning Department, Tonbridge & Malling District Council, The Air Station, West Malling at a reasonable hours until 21 days from the date of this notice.

Any person who wishes to make representation about the application should make them in writing to the Planning Director, Council Offices, The Air Station, West Malling, Kent by that date.

J. E. SWEETMAN
Administration Director

3rd February, 1978

THE MAIDSTONE BOROUGH COUNCIL HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

NOTICE is hereby given that The Maidstone Borough Council at its meeting on 1st March, 1978, intends to pass the following resolution:—

Resolved: That in pursuance of Section 45(2) of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, shall come into force throughout the area of the Borough of Maidstone with effect from such date as the Secretary of State shall specify for extending the provisions of Section 171(4) of the Public Health Act, 1875, throughout the Borough of Maidstone or if the Secretary of State should specify a date before Monday, 17 April, 1978, then with effect from Monday, 17 April, 1978.

The effect of this resolution is to apply throughout the Borough of Maidstone the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, relating to the control and licensing of hackney carriages and private hire vehicles.

K. B. ROGERS,
Secretary

13, Tonbridge Road,
Maidstone,
Kent, ME16 8HG.

21 Legal Notices

NOTICE is hereby given that John William Deane of 10, Upper Mill Waterbury, Kent, is applying to the County Secretary of Kent for a licence to abstract water from the River Stour, and that any person who has information as to the facts of the case should send a written statement of the facts to the County Secretary, Kent County Council (Nationally Divided), Lane Office, 40 Westley Road, Croydon CR9 1AB.

NOTICE OF Meeting of Creditors of the Company named "The Kent County Council (Sittingbourne Industrial Road, Stages II and III) Compulsory Purchase Order, 1977" is hereby given pursuant to Section 233 of the Companies Act, 1948. A meeting of the Creditors of the above-named Company will be held at the Town Hall, Central Avenue, Sittingbourne, Kent on Thursday, the 16th day of February, 1978 at 3.30 in the afternoon, for the purpose of having a full statement of the position of the Company's affairs, together with a List of the Creditors of the Company and the estimated amount of their claims, read before them, and for the purpose, if thought fit, of appointing a Liquidator and of appointing a Committee of Inspection. Proxies to be used at the Meeting must be lodged with the Company at 20/76 High Street, Sittingbourne, Kent not later than 4 o'clock in the afternoon of the day before the Meeting. Notice is also given that, for the purpose of voting, Secured Creditors must (unless they surrender their security) lodge at the above address before the Meeting, a statement giving the date when it was given, and the value which it was assessed, dated this 23rd day of January, 1978 By Order of the Board of Directors. Signed J. Moffat, Secretary.

NOTICE OF Meeting of Creditors of the Company named "The Kent County Council (Sittingbourne Industrial Road, Stages II and III) Compulsory Purchase Order, 1977" is hereby given pursuant to Section 233 of the Companies Act, 1948. A meeting of the Creditors of the above-named Company will be held at the Town Hall, Central Avenue, Sittingbourne, Kent on Thursday, the 16th day of February, 1978 at 2.30 o'clock in the afternoon, for the purpose of having a full statement of the position of the Company's affairs, together with a List of the Creditors of the Company and the estimated amount of their claims, read before them, and for the purpose, if thought fit, of appointing a Liquidator and of appointing a Committee of Inspection. Proxies to be used at the Meeting must be lodged with the Company at 20/76 High Street, Sittingbourne, Kent not later than 4 o'clock in the afternoon of the day before the Meeting. Notice is also given that, for the purpose of voting, Secured Creditors must (unless they surrender their security) lodge at the above address before the Meeting, a statement giving the date when it was given, and the value which it was assessed, dated this 23rd day of January, 1978 By Order of the Board of Directors. Signed J. Moffat, Secretary.

& Found

s. coins or jewellery for
Phone Madway
inter. Maidstone
Cat. with white bib.
nity of Addington. —
843583.

riage Bureau

ENNER — Marriage
New Bond Street, W1.
9534. Kent rep. Mrs
w. 79.
OD Friendship Bureau
rich Close, Broadstairs.

n't be alone! If you are
you can meet sincere
Contact us in
Gareth & Lynette
s (see details) 17
s Gillingham, Medway
391.
CONTACT Clover Leaf
Friendship mar-
At ages 17-75
(Kent area), 214 High
Road, Surrey O483

ND Friendship Bureau
nals and academics —
rners. Dept AK 34
London, W11 1DG. O1
Asford 21886

sonal

W, early 60's, wishes to
or companionship —
Kent Messenger.

VALENTINES Party for
over 30's (Society Club)
re upstairs room.
dings Maidstone 16
00 pm. All eligible
welcome! Reminder
regularly each Thursday.
same venue New
Highgate for details —
7740

you dated Nexus? We
are members range
in 18-82. We are all
and have joined to meet
to house parties and
events (all details
ily programme) even to
the monthly folio heas
Nexus is not a
s club or instruction
so there's no
ent in joining — Phone
eter on 01-3597656 or
including Saturdays
FOR VAT, TAX, PAYE,
56564, anytime
FOR Books, TAX, PAYE,
15029, anytime
PREPARED for tax
VAT, etc by qualified
Phone Maidstone

me. private school for up to
boys / girls. 3-13 years
12/844.
Y social club for
over 25 meets at the
el, Cranbrook, every
at 8.30 pm.
anbrook 2009.
D Day Nursery, run by
Now has vacancies
involving parents, eg
10, £7 per week —
75712.
e a typewritten phone
full details of our
sharing service ring
Abroad, Maidstone

PROFESSIONAL gentle-
al refinements. Rolls-
seeks very attractive,
dedicated lady, 35-50
rdship. Photo, phone
Box No 16243, Kent
Maidstone
TAXATION
visit of partner without
— Maidstone 861270.
RING for appoint-
ment 52959.
Tutor have mobile
everywhere offering
ages / all subjects —
Select your material at
t advice and making —
3039697.

ARS — 30 Union
stone 54677.
JY, 30 sincere, friendly
like to meet girl 20 to
rdship / possible
photo's if possible. All
vered. Genuine replies
Box No 16199, Kent
Maidstone.
t — Mrs Cottis, 105
Maidstone 671708.

ANCE

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IEER

op quality design
to architects and
Home extensions,
rainge, mechanical
landscaping, interior
age, housing and
layouts.

STONE 37239

R CHILDREN

ce issued by the
COUNTY COUNCIL
who intends to
child for one month
with or without
should at least 14
not more than 4
before receiving him.
THE DIRECTOR OF
SERVICES,
FIELD, MAIDSTONE.
are his guardian,
rent, brother,
uncle or aunt this
apply. If you are a
foster parent but
foster children now
give notice if the
stay for more than
The penalty for
ng notice, a fine,

FASHION HANDS, professional nail
styling by new bonded system, long
strong permanent nails applied by
visiting manicurist. Hawkhurst
2483.

FEMALE LATE 30's, with stop-at-
home husband, seeks friend for
occasional evening out — Box No
16241. Kent Messenger, Maid-
stone.

FEW VACANCIES for lessons in piano
and general musicianship. From
specialist — Maidstone 673993.
FOR TUITION in speech and drama
and all types of movement — Ring
Sandhurst 456.

GERMAN LADY would like to meet
sincere gentleman over 48, view to
friendship, marriage, no lies —
Box 16206. Kent Messenger,
Maidstone.

HOUSE CLEARANCE, cash paid. —
Telephone Maidstone 675520.
HYPNOTHERAPY — Treatment by
hypnosis. Appointment by tele-
phone only. Medway 31039.

JOHN BARRISTER, of Maidstone,
Edith of St Paul's, Shanklin prays he
still has great faith in himself and
Reigion. Burntwood 72081.

MAIL FORWARDING, telephone
answering, plus all business
services — Maidstone 64950.

MALE 49, divorced, tall, reasonable
appearance, education. Mildly
social, but not gregarious, seeks
friendship of lady, middle class
background — Box No 16205
Kent Messenger, Maidstone.

MAN, SINGLE, 29 years, would like to
meet single sincere girl 18-25
Photo would be nice. Box 16202
Kent Messenger, Maidstone.

MEET EXCITING new friends through
our Club activities etc. Send S.A.E.
for details to Friends For Leisure,
120 Church Street, Brighton,
Sussex.

PROFESSIONAL GENTLEMAN, 33,
tall, own house, car, seeks attractive
intelligent woman for social outings
and activities. Photo appreciated.
Box 16252. Kent Messenger,
Maidstone.

REGISTERED CHILD minder has
vacancies — Maidstone 673493.

ROCHESTER PHOENIX Society for
divorced and separated meet every
Thursday at the City Arms, Victoria
Street, Rochester, all 8pm.
Enquiries to Medway 721573 or
360358.

ROUGH SHOOT required by local
businessman. Tel. J. Hes-
selwirth, Medway 78243.

SHARE PETROL expenses from
Beasted to Orpington. For more
details phone Orpington 39531.

VAT RETURNS completed within 24
hours. Financial accounts prepared
and accounts records maintained.
Tel. P. Seares, Maidstone.
55979.

DIVORCED / SEPARATED club, new
members enrolment. 8 pm every
Friday at Queens Head Hotel,
Maidstone. Status proof required.

ST. MARY'S CONVENT, FOLKESTONE

Independent Weekly Boarding and Day School for Girls.
11-18.

Progressive and Comprehensive Course leading to
Certificate of Secondary Education and General
Certificate 'O' and 'A' levels recognised by the
Department of Science and Education.

Junior School — Day pupils only.

Apply to Headmistress. Tel. Folkestone 53363.

SEVENOAKS SCHOOL, KENT

JUNIOR ENTRANCE EXAMINATIONS

FOR ENTRY IN SEPTEMBER 1978

Boys born between 1.9.66 and 31.8.67 (exceptionally as
late as 31.10.67) takes place on Wednesday, 1st March,
at Sevenoaks School. Scholarships, up to the value of
£750 pa are available.

Application forms and further information from
Headmaster, Sevenoaks School. Closing date for
applications — 8th February.

TONBRIDGE SCHOOL

Junior Scholarships
for Boys at
Primary Schools

Two Junior Scholarships of £525 p.a. for two or three
years are offered to boys over 10 and under 11 years on
1st September 1978, to enable them to attend a
Preparatory School. Candidates must be attending a
Primary or Voluntary Primary School, and must be
normally resident within 10 miles of Tonbridge Parish
Church. The award is subject to an assessment by the
Governors of Tonbridge School that the Junior
Scholar's parents are in need of financial assistance.

At age 13+ the Junior Scholar will be expected to sit
the Academic Scholarship Examination for Tonbridge
School and even if unsuccessful in winning an award
will have a reserved place at the School. Any
scholarship or exhibition won to Tonbridge will be
enjoyed as a right without reference to means, but any
other mitigation of fees will again be subject to an
assessment by the Governors that the Scholar's parents
are in need of financial assistance, and this will be
relative to the level of day boy fees.

The examination for Junior Scholarships will be
held on Monday, 1st May, and Tuesday, 2nd May,
1978, at the School. The closing date for
application is 10th March, 1978. Forms and further
details may be obtained from the Headmaster,
telephone Tonbridge 354946.

PENFRIENDS, WRITE PO. Box 47,
Bradford, BD2 4JU, W. Yorkshire.

PLEASANT HOMES

required for French children
aged 11-14, in the location of
Maidstone, Borough Green,
Paddock Wood, Tenterden,
Charing, Duddingston, and the
Weald of Kent. 2 weeks April, 2, 3,
and 4 weeks July and August.
Contact Mrs D. Neeves
MAIDSTONE 43518
or Mrs S. Horton
CRANBROOK 3030.

QUIET GUY 25 seeks friendship of
sincere girl, photo appreciated. All
letters answered. — Box 16190.
Kent Messenger, Maidstone.

QUIET LADY 35 years, 5ft 7ins, with
daughter 8 years at boarding school,
seeks friendship of an educated or a
business country loving gentleman,
as he has been sent to Coventry by
her contemporaries due to divorce
interests include: the classics,
tennis and dancing, genuine replies
Box No 717, Kentish
Express, Greenoat House, Slabon
Road, Asford.

SHEEPKIN COATS, slippers and
gloves for ladies and gents now
available in wide range of styles and
sizes, plus personal attention from
The Sheepskin Boutique, 12 East
Cross, Tenterden, Tel 2917.

SLIGHTLY WICKED divorced prop-
erty man late 40's, now realises has
always longed to give love and
kindness to young affectionate lady
especially if attractive and aged 20-
30 living anywhere in Kent, Sussex
or London, and who loves the good
things of life. — Box 16195, Kent
Messenger, Maidstone.

WORKING MAN aged 53, no ties,
would like to share his home with a
lady in a similar position — Box No
16181. Kent Messenger, Maid-
stone.

YOUNG LADY aged 24, requires
female companion for holiday
abroad. — Apply Box 16253 Kent
Messenger, Maidstone.

GENTLEMAN, DIVORCED, 44, sin-
cère, no ties, own business, seeks
attractive lady, 30-40, no objection
to children. — Box 16204. Kent
Messenger, Maidstone.

HAIR TRANSPLANT by leading
London specialist (near Asford).
Tel. Addington 563 or 681.

ISRAELI ANY one interested in joining
me on a working holiday on a
Kibbutz? — Phone Carolyn,
Maidstone 675686 after 6pm.

LEAVE THE housework Monday
mornings, have fun learning new
ways to deal with old problems with
transactional analysis. — Sand-
hurst 361.

DIVORCED LADY, 37, with teenage
son, wishes to meet genuine sincere
gentleman living in Kent. — Apply
Box 16208, Kent Messenger,
Maidstone.

20 Public Notices

Ragstone Contract
1978/79Tenders
Kent River and Water DivisionApproved lists of suppliers
for Ragstone

Applications are invited from Suppliers who wish to be
considered for inclusion in the Division's Approved List
for the supply of Ragstone for the year commencing
1st April 1978. Applications to be addressed to the
Divisional Manager at the address given below not later
than 18th February 1978.

Southern Water Authority,
Kent River & Water Division,
Rivers House, 59 London Road,
Maidstone, Kent

Southern Water

THE MAIDSTONE BOROUGH COUNCIL

HACKNEY CARRIAGES

NOTICE is hereby given that the Maidstone Borough
Council at its meeting on 15 March 1978 intends to pass
the following resolution:

RESOLVED:

(i) That in pursuance of Section 180 of and
Schedule 14 Part II to the Local
Government Act 1972 Section 171(4) of the
Public Health Act 1875 shall apply
throughout the area of the Borough of
Maidstone.

(ii) That application be made to the Secretary of
State for approval of the above resolution.

The effect of this resolution is to extend throughout
the Borough of Maidstone the application of the
provisions of the Town Police Clauses Act 1847
relating to hackney carriages, such as those with
respect to the licensing of, and the making of bylaws
for regulating, hackney carriages.

K B ROGERS
Secretary

13 Tonbridge Road,
Maidstone,
Kent. ME16 8HG.

THE MAIDSTONE BOROUGH COUNCIL

THE MAIDSTONE BOROUGH COUNCIL (UNION
STREET (PART), MAIDSTONE)
(TEMPORARY PROHIBITION OF THROUGH
TRAFFIC) ORDER 1978

NOTICE is hereby given that The Borough Council of
Maidstone intend, not less than seven days from the
date of this Notice, to make an Order the effect of
which will be to temporarily prohibit any vehicle
proceeding along the length of Union Street from its
junction with Week Street to its junction with Church
Street in the Borough of Maidstone.

The alternative route to Union Street available for
all vehicles affected by the Order is via St. Faith's
Street, Museum Street, Pudding Lane, High Street,
King Street, Wyke Manor Road and Church Street.

The proposed Order will continue in force until the
public utility works which it is proposed to carry out
in the length of Union Street in question have been
completed. The actual period of the works is
estimated to be one week.

During the period of the temporary closure of the
length of Union Street between its junctions with
Week Street and Church Street, the existing one-way
traffic flow in this length of Union Street and also the
length of Week Street between its junctions with St.
Faith's Street and Union Street will be suspended to
enable access to and from premises in this area to be
maintained at all times.

Dated the 3rd day of February, 1978.

K. B. ROGERS,
Secretary

13 Tonbridge Road,
Maidstone,
Kent.

KENT COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1967

SECTIONS 12 and 84D(1)

Temporary Prohibition of Traffic

Huntsman Lane, Platt

NOTICE IS HEREBY GIVEN that the Kent County
Council has made an order temporarily revoking the
County Council of Kent (Huntsman Lane, Platt)
(Prohibition of Driving) Order 1972, and applying the
following:

(1) A one-way restriction from the A25
Maidstone Road to A20 London Road,
(2) A 6 ft 6 in width restriction on the whole of
Huntsman Lane and
(3) Prohibition of 'right hand' turns from
Huntsman Lane into A20 London Road,
owing to carriageway works. The period of
restriction is to last from 30 January 1978 and
continue intermittently for 3 months.

The alternative route is via A25, Maidstone Road;
Huntsman Lane, A20 London Road (north -
westwards); the Roundabout at A20, London Road
(south-eastwards).

W. G. HOPKIN
County Secretary

County Hall,

NOTICE UNDER SECTION 26(2) OF THE TOWN &
COUNTRY PLANNING ACT, 1971Proposed development at Crown Point Inn,
Sevenoaks Road, Chart, Seal, Kent

Notice is hereby given that application is being made
to the Tonbridge and Malling District Council by Mr
G. Emery, c/o Jenkins & Gosby, Architects &
Surveyors, 18-20, Mill Street, Maidstone, for planning
permission in respect of a two-storey extension to
provide 16 bedrooms and bathrooms, foyer, toilets
and reception and TV lounge at Crown Point Inn,
Sevenoaks Road, Chart, Seal, Kent.

A copy of the application and of the plans and other
documents submitted with it may be inspected at
Crown Point Inn, Sevenoaks Road, Seal, Chart, Kent,
at all reasonable hours until 24th February, 1978.

Any person who wishes to make representations to
the above mentioned Council about the application
should make them in writing by that date to the
Council at Council Offices, The Air Station, West
Malling, Maidstone, Kent, ME19 6LZ.

Signed: Jenkins & Gosby
On behalf of: Mr G. Emery
Date: Friday, 3rd February, 1978

THE MAIDSTONE BOROUGH COUNCIL

The Maidstone Borough Council as District Planning
Authority has received the following applications for
planning permission.

Applications affecting Conservation Areas

Change of Use of 1st and 2nd floors from offices and
storage to residential, Crampson House, High Street,
Staplehurst — MA/78/105E.

Portable classroom at Eylesden Court Preparatory
School, Beasted House, The Green, Beasted —
MA/78/54N.

Construction of garage, access and run-in, Elm
Cottage, Eythorne Street, Hollingbourne —
MA/78/86N.

Change of use to opticians, 22 Week Street, Maidstone
— MA/78/75E.

Use of building for toolmaking at rear of Ironmongers'
shop, Faversham Road, Lenham — MA/78/55N.

Applications affecting Listed Buildings
Conversion of east to dwelling Tilden, Tilden Road,
Headcorn — MA/78/79E.

Conversion of oasthouse to two dwelling houses,
Oasthouse adjoining Hammond Cottages, Cheveny
Farm, Hunton — MA/78/33W.

Copies of the above applications and all relevant
documents may be inspected during normal office
hours at the Planning Department, 3 Bedford Place,
Maidstone.

Any representations should be made in writing to the
Planning Officer by no later than 24 February, 1978.

3 February, 1978

K B ROGERS
Secretary

FORMS OF NOTICES AND CERTIFICATES
UNDER SECTION 26 OF THE TOWN AND
COUNTRY PLANNING ACT, 1971(See paragraph 12 of the Notes for Applicants)
Notice under Section 26(2)

Proposed development at Wingfield Bank, Sandy
Lane, Ryarsh.

Notice is hereby given that application is being
made to the Tonbridge & Malling District Council by
E. H. Borman for planning permission in respect of
construction of six dog kennels and store room, at
Wingfield Bank, Sandy Lane.

A copy of the application and of the plans and other
documents submitted with it may be inspected at
Council Offices, The Air Station, West Malling, at all
reasonable hours until 24th February, 1978.

Any person who wishes to make representations to
the above-mentioned Council about the application
should make them in writing by that date to the
Council at Council Offices, The Air Station, West
Malling, Kent, ME19 6LZ.

1st February, 1978

Signed E. H. BORMAN

No. 6 (Rule 28)

MAIDSTONE COUNTY COUNCIL NO. 1 OF 1978

IN THE MATTER OF

H. LUPER & ASSOCIATES (GREYHOUNDS)

LIMITED

and

IN THE MATTER OF THE COMPANIES ACT, 1948

NOTICE IS HEREBY GIVEN that a Petition for the
winding up of the above-named Company by James
Graham Dawkins, in the County Court of Maidstone,
holden at Cornwallis House, Pudding Lane,
Maidstone, was, on the 16th day of January, 1978,
presented to the said Court by James Graham
Dawkins, of Woodlands Cottage, Livesey Street,
Teston, near Maidstone, Kent.

And that the said Petition is directed to be heard
before the Court sitting at Cornwallis House, Pudding
Lane, Maidstone, Kent, on the 8th day of March, 1978,
at 10.30 am, and any creditor or contributory of the
said Company desirous to support or oppose the
making of an order on the said Petition may appear at
the time of hearing in person or by his Solicitor or
Counsel for that purpose; and a copy of this Petition
will be furnished by the undersigned to any creditor
or contributory of the said Company requiring such
copy on payment of the regulated charge for the same.

E. A. MORLING & SONS

15, Gabriel's Hill,
Maidstone, Kent

NOTE: Any person who intends to appear on the
hearing of the said Petition must serve on or send by
post to the above-named, notice in writing of his
intention so to do. The notice must state the name and
address of the person, or, if a firm, the name and
address of the firm, and must be signed by the person
or firm, or his or their solicitor (if any), and must be
served, or if posted, must be sent by post in sufficient
time to reach the above-named not later than four

SCHOOL RANCE OLARSHIPS

tion for boys aged ar, 1978, will take April 29th. Closing ril 21st. p examination on Junior entrance. 1,000 offered. ained from the /alance 2281.

MORE YTHING?

quest. select most suitable one who have completed a VASECTOMY (not a vasectomy) to meet your needs. You can have a vasectomy at a low cost. Details on page 19.

Marie Stokes House, 109 Whitfield Street, London W.1. A. 51, since 1925

AN, 51, in professional would wish to meet last friendship. Box No 756 Express, Station Road

NSPLANTING by leading specialist (near Ashford) 563 or 681. YOUNG at heart lady look after dad and two children live in privacy. Maidstone 673969

FOR garages, extensions, versions, etc. Seven day. Maidstone 30275

AN, MID 40s seeks lady, 25-35 for occasional. Photo appreciated. 16410. Kent Messenger.

LESSONS. Professional. From beginners to West Midlands 436518. ERAPY. TREATMENT by. Appointment by only. Medway 572340

EXPERIENCE required by section League, registered. Medway 573154

IE SPEECH and Drama. Few vacancies. 157755

IE EMERY, A.L.A.M., and private lessons in drama, and public term begins 15th April. West Midlands 840081

D make friends at The Hub (unattached over 30s) 8.30 pm. The Mire, Maidstone. Open 27th April - All welcome. KING you have made me. Happy Birthday

HELP required 25-45s, n/a a week, 3.30 - 9.30 exible. Maidstone

CY TESTING. Discreetly. wait. Medway 62267. E. relaxing at home. 8 pad one. As used in leading lines. 14th charge 24.50 Helene Maidstone 61999, 56327.

WHICH, some association ships available on approx. regularly stocked range, £18 ing fee. Details SAE. N. Chickenden Farm House, 1st, Tonbridge, Kent. IRNS completed within 24 n/a n/a accounts prepared n/a n/a records maintained. P. J. Searies, Maidstone

ND Massage. Ring for Orington 2494.

UTHORITY

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B. R. THORPE Chief Executive

TOWN AND COUNTRY PLANNING ACT 1971 (AS AMENDED BY THE TOWN AND COUNTRY PLANNING (AMENDMENT) ACT 1972)

Kent Structure Plan

NOTICE IS HEREBY GIVEN that an examination in public of selected matters arising on the above-named Structure Plan by a panel under the chairmanship of Michael Mann Q.C., LL.B., Ph.D., will be held at the Princes Hall, The Royal Star Hotel, High Street, Maidstone, from 10 am on Tuesday, 23 May 1978. The other Members of the Panel will be Mr Leonard Mann, recently retired as Regional Controller (Planning) for the South East Regional Office of the Department of the Environment, and Major General J. C. Woollett, a Principal Planning Inspector in the Department.

Following consultation with the Chairman of the Panel about comments received, the Secretary of State for the Environment has decided to make certain revisions to the list of matters to be examined in public and of participants. These include an additional matter and additional persons being invited to take part in the examination.

The final list of matters proposed to be examined in public and of the persons invited to take part in the discussion has been deposited, for inspection during normal opening hours, at County Hall, Maidstone; the Divisional Planning Office, Meadow House, Medway Street, Maidstone; and the Divisional Planning Office, Kirby's Lane, Canterbury and District Council Offices and principal libraries including:—

- Council Offices, 41 Old Dover Road, Canterbury
- The Library, High Street, Canterbury
- The Library, High Street, Heme Bay
- The Library, 31 33 Oxford Street, Whitstable
- Dover District Council Offices, New Bridge House, Dover
- Dover District Council Offices, Neville House, 38 Queen Street, Deal
- The Library, Malson Dieu House, Dover
- The Library, Broad Street, Deal
- The Library, 13 Market Street, Sandwich
- Civic Centre, Castle Hill Avenue, Folkestone
- Central Library, Grace Hill, Folkestone
- The Library, Slade Street, Hythe
- The Library, High Street, New Romney
- Town Clerk's Office, Guildhall, Lydd
- Council Offices, Cecil Square, Margate
- Central Library, Cecil Square, Margate
- The Library, The Broadway, Broadstairs
- Ramsgate Central Library, Guildford Lawn, Ramsgate

Copies of the list can be obtained free of charge from the County Secretary (Ref 3 PL 2 AL), Kent County Council, County Hall, Maidstone, Kent ME14 1XQ.

N. THOMPSON Regional Controller Department of the Environment South East Regional Office

21 March 1978.

TOWN AND COUNTRY PLANNING ACT, 1971

NOTICE UNDER SECTION 26(2)

Proposed development at Pembury Sewage Treatment Works, Lower Green Road, Pembury, Kent.

NOTICE IS HEREBY GIVEN that application is being made to the Tunbridge Wells Borough Council by the Southern Water Authority for planning permission in respect of the construction of a Tertiary Treatment Plant.

A copy of the application and of the plans and other documents submitted with it may be inspected at Tunbridge Wells Borough Council, Dover House, 8 Tonbridge Road, Pembury, Tunbridge Wells, Kent, at all reasonable hours until 28th April, 1978.

L. B. DANGERFIELD, ESQ BSc CEng MICE MIMunE Divisional Manager

Southern Water Authority West Kent Drainage Division, 54/58 College Road Maidstone, Kent ME15 6SJ Date: 7th April, 1978

MEDWAY HEALTH DISTRICT

KITCHEN WASTE CONTRACT

TENDERS INVITED for collection of kitchen waste daily Monday to Saturday from eight hospitals within the Medway Health District.

Application for tender forms to District Supplies Officer, Medway Health District, All Saints' Hospital, Magpie Hall Road, Chatham, Kent ME4 5NG, not later than 14th April 1978.

KENT COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1967 — SECTION 12

Temporary Prohibition of all Traffic

Footpath 188, Yalding

NOTICE IS HEREBY GIVEN that the Kent County Council has made an Order prohibiting the use by all traffic of footpath 188, Yalding from a point approximately 30 metres north of its junction with Hampslead Lane for a distance of approximately 15 metres, during restoration work. The period of closure is estimated to be 3 months from 24 March 1978.

The alternative route is via Station Road (B2162) and Maidstone Road (B2015).

County Hall, Maidstone. W. G. HOPKIN County Secretary

TOWN AND COUNTRY PLANNING ACT 1971 (AS AMENDED BY THE TOWN AND COUNTRY PLANNING (AMENDMENT) ACT 1972)

KENT STRUCTURE PLAN

NOTICE IS HEREBY GIVEN that an examination in public of selected matters arising on the above-named Structure Plan by a panel under the chairmanship of Michael Mann Q.C., LL.B., Ph.D., will be held at the Princes Hall, The Royal Star Hotel, High Street, Maidstone, from 10 am on Tuesday, 23 May 1978. The other Members of the Panel will be Mr Leonard Mann, recently retired as Regional Controller (Planning) for the South East Regional Office of the Department of the Environment, and Major General J. C. Woollett, a Principal Planning Inspector in the Department.

Following consultation with the Chairman of the Panel about comments received, the Secretary of State for the Environment has decided to make certain revisions to the list of matters to be examined in public and of participants. These include an additional matter and additional persons being invited to take part in the examination.

The final list of matters proposed to be examined in public and of the persons invited to take part in the discussion has been deposited, for inspection during normal opening hours, at County Hall, Maidstone; the Divisional Planning Office, Meadow House, Medway Street, Maidstone; and the Divisional Planning Office, Kirby's Lane, Canterbury and District Council Offices and principal libraries including:—

- Maidstone Borough Council Offices, 13 Tonbridge Road, Maidstone
- Central Library, St Faith Street, Maidstone
- The Library, The Parade, Staplehurst
- Council Offices, Frindsbury Hill, Strood
- Central Library, Riverside, Chatham
- The Library, Northgate, Rochester
- The Library, St Werburgh Crescent, Hoo, Rochester
- Council Offices, Argyle Road, Sevenoaks
- Council Offices, White Oak, Swanley
- The Library, The Drive, Sevenoaks
- The Library, Church Street, Edenbridge
- The Library, Ash Road, Hartley, Longfield
- The Library, London Road, Swanley
- The Library, London Road, Westerham
- Council Offices, Central Avenue, Sittingbourne
- The Library, Central Avenue, Sittingbourne
- The Library, Newtown Road, Faversham
- The Library, Worcester Close, Minster Road, Minster-in-Sheppey
- The Library, High Street, Queenborough, Sheppey
- The Library, 44 Trinity Road, Sheerness
- Council Offices, The Airfield, West Malling
- Council Offices, The Castle, Tonbridge
- The Library, 4 High Street, Tonbridge
- The Library, Holborough Road, Snodland
- The Library, 24 High Street, West Malling
- The Library, Martin Square, Larkfield.

Copies of the list can be obtained free of charge from the County Secretary (Ref 3/PL/2/AL), Kent County Council, County Hall, Maidstone, Kent ME14 1XQ.

N. THOMPSON Regional Controller DEPARTMENT OF THE ENVIRONMENT SOUTH EAST REGIONAL OFFICE

21 March 1978

THE MAIDSTONE BOROUGH COUNCIL THE MAIDSTONE BOROUGH COUNCIL as District Planning Authority has received the following applications for planning permission:

Applications Affecting Conservation Areas Replacement shop front and fascia, 19 Earl Street, Maidstone — MA/78/401E.

Erection of sales kiosk and alteration of front window, Farleigh Forge Garage, Lower Road, East Farleigh — MA/78/432W.

Applications Affecting Listed Buildings Reposition main door, provision of new entrance door and internal alterations, 32 High Street, Maidstone — MA/78/391E.

Demolition of outhouse and low brick wall adjacent to Fairfax Hall, within the curtilage of Leeds Castle, Broomfield — MA/78/452NXLB.

Copies of the above applications and all relevant documents may be inspected during normal office hours at the Planning Department, 3 Bedford Place, Maidstone.

Any representations should be made in writing to the Planning Officer by no later than 21 April 1978.

7 April 1978

K. B. ROGERS Secretary

THE MAIDSTONE BOROUGH COUNCIL HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

AMENDED NOTICE

NOTICE IS HEREBY GIVEN that The Maidstone Borough Council at its meeting on 27 April 1978 intends to pass the following resolution:—

RESOLVED: That in pursuance of Section 45(2) of Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 shall come into force throughout the area of the Borough of Maidstone with effect from Monday 5 June 1978.

The effect of this resolution is to apply throughout the Borough of Maidstone the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 relating to the control and licensing of hackney carriages and private hire vehicles.

13 Tonbridge Road Maidstone Kent ME16 8HG. 60 K B ROGERS Secretary

PROPOSED DEVELOPMENT AT THE AVIARIES, LEEDS CASTLE

NOTICE IS HEREBY GIVEN that application is being made to the Maidstone Borough Council by Leeds Castle Foundation for planning permission in respect of New Public Lavatories and Birdhouse in the Aviaries, Leeds Castle.

A copy of the application and of the plans and other documents submitted with it may be inspected at Estate Office, Leeds Castle, Kent, at all reasonable hours until 28th April, 1978.

Any person who wishes to make representations to the above-mentioned Council about the application should make them in writing by that date to the Council at 3 Bedford Place, Maidstone ME16 8HG.

JOHN D. MONEY On behalf of Leeds Castle Foundation Date 21st March, 1978

THE MAIDSTONE BOROUGH COUNCIL THE MAIDSTONE BOROUGH COUNCIL (FAIRMEADOW AND MEDWAY STREET, MAIDSTONE)

TEMPORARY PROHIBITION OF RIGHT-HAND TURN ORDER 1977

NOTICE IS HEREBY GIVEN that the Order made by The Borough Council of Maidstone on 23 December 1977, the effect of which is to temporarily prohibit any vehicle proceeding in Fairmeadow to make a right-hand turn into Medway Street in the Borough of Maidstone has been continued in force with the approval of the Secretary of State for Transport until 7 August 1978 to enable the underground cabling works in progress in Fairmeadow to be completed.

The alternative route for vehicles wishing to gain access to Medway Street is via Earl Street and Pudding Lane.

Dated the 7th day of April 1978.

13 Tonbridge Road, Maidstone Kent K B ROGERS Secretary

21 Legal Notices

DAVID FROUD DECEASED. NOTICE IS HEREBY GIVEN pursuant to Section 27 of the Trustee Act 1925 that any persons having a claim against or an interest in the Estate of David Froud, of 47 Mill Street, East Malling, Kent. (Description) Retired builder who died on 6.1.1978, and whose will dated 9.9.1977 appointed NATIONAL WESTMINSTER BANK LIMITED Trustee & Income Tax Agent, 29 Earl Street, Maidstone, Kent. ME14 1PJ, Executor thereof are required to send particulars in writing of their claims or interest to the above Bank by the 17th June 1978, after which the Executor will distribute the Estate among the persons entitled thereto having regard only to the claims and interests of which they have had notice. Dated 7th April 1978.

JOHN SAMUEL Wightman, deceased. Notice is hereby given pursuant to Section 27 of the Trustee Act 1925 that any persons having a claim against or an interest in the Estate of John Samuel Wightman, c/o Howard Hall, 22/24 London Road, Maidstone, Kent, retired paper agent, who died on 8 March, 1978, and whose Will dated 28 April, 1963, appointed National Westminster Bank Limited (Ref 1CV/391669), Trustee & Income Tax Dept. 161, Cheapside, London, EC2V 6EU, executor thereof, are required to send particulars in writing of their claims or interests to the above Bank by the 17th June 1978, after which the Executor will distribute the Estate among the persons entitled thereto having regard only to the claims and interests of which they have had notice. Dated 20 March, 1978.

MISS F. M. Gittins, deceased. Notice is hereby given pursuant to Section 27 of the Trustee Act 1925 that any persons having a claim against or an interest in the Estate of Miss Florence Mabel Gittins, of 'The Laurels', West End, Staplehurst, near Maidstone, Kent, Spinster, who died on 22 February, 1978, and whose will dated 22 September, 1976, appointed National Westminster Bank Limited, Trustee & Income Tax Dept. 29 Earl Street, Maidstone, Kent. ME14 1PJ, Executor thereof, are required to send particulars in writing of their claims or interest to the above Bank by the 17th June 1978, after which the Executor will distribute the Estate among the persons entitled thereto having regard only to the claims and interests of which they have had notice. Dated 23 March, 1978.

RE JOHN Rowland Henham, deceased. Notice pursuant to the Trustee Act 1925. Any person having any claim against or an interest in the estate of John Rowland Henham, late of Post Office, Hunton, Maidstone, Kent, who died on the 24th day of October, 1977, is required to send particulars thereof to the undersigned Solicitors for the Administrators of the said deceased on or before the 16th day of June, 1978, after which date the estate will be distributed having regard only to claims and interests of which they have had notice. Bradfield & Howson, 42 Earl Street, Maidstone, Kent ME14 1PJ (Solicitors).

THE COMPANIES ACTS 1948 to 1967. Solent Engineering Limited. Notice is hereby given pursuant to section 293 of the Companies Act 1948, that a Meeting of the Creditors of the above-named Company will be held at 133/135, Oxford Street, London, W1R 1TD on Wednesday, the 26th day of April, 1978, at 11.30 o'clock, forenoon, for the purposes mentioned in sections 294 and 295 of the said Act. Dated this 23rd day of March, 1978. By Order of the Board, E. T. Everett, Secretary.

SIR CHARLES GORDON LARKING DECEASED. PURSUANT to the Trustee Act 1925, section 27, NOTICE IS HEREBY GIVEN, that all persons having a claim against or an interest in the Estate of SIR CHARLES GORDON LARKING late of PEAR PATCH, WALNUT TREE LANE, LOOSE, MAIDSTONE in the County of KENT who died on the 10th day of January, 1978, are hereby required to send particulars in writing of their claims or interests to us, the undersigned, as Solicitors to the Executors thereof by the 8th day of June, 1978. And Notice is hereby Given, that at the expiration of that time the Executor will proceed to distribute the Estate of the said testator among the persons entitled thereto, having regard only to the claims and interests of which they shall then have had notice; and that they will not as respects the property so distributed, be liable to any person or persons of whose claim they have had notice and who they will not as respects the property so distributed, be liable to any person or persons of whose claim they have had notice. Dated this 7th day of April, 1978. GULLAND & GULLAND, 10 MILL STREET, MAIDSTONE, KENT. ME15 6AT. Solicitors to the Executors.

23 Auctions

JOHN HOBGIN & SON Saleroom 53 High Street Tenterden, Kent Tel 241/2

Wednesday, April 12 at 6.30pm EVENING SALE OF ANTIQUES & COLLECTORS ITEMS including large collection of decorative PORCELAIN, PAINTINGS, SILVER, OBJECTS D'ART, etc.

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20 Public Notices

TONBRIDGE & MALLING DISTRICT COUNCIL

ROAD TRAFFIC REGULATION ACT, 1967 - SECTION 12

TEMPORARY PROHIBITION OF TRAFFIC ON FOOTPATH 185 - TROTTSCLIFFE

NOTICE IS HEREBY GIVEN that the Tonbridge & Malling District Council has made an Order prohibiting the use by traffic including pedestrians on the length of footpath No. 185 which crosses Pearson's Sand Pit at Trottscliffe whilst works are undertaken.

The closure will be for a period of three months or for such extended period as may be agreed by the Secretary of State for the Environment to enable completion of the works.

The alternative route for traffic will be via Addington Lane and Woodgate Road, Trottscliffe Addington.

J. E. SWEETMAN,
Administration Director

14th April, 1978

Council Officers.
The Air Station,
West Malling,
Kent

TONBRIDGE AND MALLING DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1971

NOTICE IS HEREBY GIVEN of the following applications made to the Council:

Planning Application affecting or likely to affect the setting of a listed building:
Erection of two detached houses with garages at corner of High Street and School Lane, Wouldham - Application No. TM/78/374
Planning Application affecting or likely to affect the conservation area of Wrotham:
Demolition of part of building in a conservation area and extension of public car park at land to the rear of Three Post Boys P.H., West Street, Wrotham - Application No. TM/78/324

A copy of the relevant applications and supporting plans and documents may be inspected at the Council Offices, The Air Station, West Malling, between the hours of 9 am and 4.30 pm. Monday to Thursday and 9 am to 4 pm Fridays until 5th May, 1978.

Any representations on the applications should be made in writing to the Planning Director, Tonbridge and Malling District Council, Council Offices, The Air Station, West Malling, Kent. ME19 6LZ.

J. E. SWEETMAN
Administration Director

THE MAIDSTONE BOROUGH COUNCIL

TRANSPORT DEPARTMENT

TENDERS are invited for the supply of the following vehicle on the basis of early delivery:-

1 - Bedford KG Chassis fitted with 1500 gallon Moléx Cesspool Emptier.
Specifications, and Forms of Tender may be obtained from the Transport Officer, Armstrong Road, Maidstone, Kent. ME15 6TY, telephone Maidstone 56744.

Tenders to be returned to The Secretary, The Maidstone Borough Council, 13 Tonbridge Road, Maidstone, Kent, ME16 8HG, by noon 2 May, 1978, in the envelope provided with the Tender.

THE MAIDSTONE BOROUGH COUNCIL

The Maidstone Borough Council (Camden Street, Maidstone)
(Temporary Prohibition of Through Traffic) Order 1978

NOTICE IS HEREBY GIVEN that The Borough Council of Maidstone has made an Order, the effect of which is to temporarily prohibit any vehicle proceeding along Camden Street from its junction with County Road 4 to its junction with Brewer Street in the Borough of Maidstone.

The Order will continue in force with effect from 17 April 1978 until the public sewer works which it is proposed to carry out in Camden Street have been completed. The actual period of the works is estimated to be one week.

During the period of the temporary closure of Camden Street the existing one-way traffic flow in Camden Street is suspended to enable access to and from premises to be maintained at all times from either County Road or Brewer Street.

Dated the 14th day of April 1978.

13 Tonbridge Road,
Maidstone,
Kent.

KB ROGERS
Secretary

THE MAIDSTONE BOROUGH COUNCIL

The Borough of Maidstone (Consolidation of Traffic Regulation Orders) (Variation No.) Order 1978

1. THE MAIDSTONE BOROUGH COUNCIL proposes to make an Order under Section 1 of the Road Traffic Regulation Act 1967, as amended.
2. The effect of the proposed Variation Order would be to:

- Amend the existing traffic restrictions in FAIRMEADOW as follows:
(a) Revoke the provisions for the one-way traffic flow in the existing length of Fairmeadow which is in a South to North direction;
(b) Revoke both the "no waiting" restrictions between the hours of 8 a.m. and 6.30 p.m. Monday to Saturday and the peak hours loading and unloading restrictions in the existing length of Fairmeadow;
(c) Prohibit waiting at any time (subject to the usual exceptions) on both sides of each carriageway in the new and realigned lengths of Fairmeadow now in course of construction but not in the existing length of Fairmeadow referred to in (e) below;

- Prohibit loading and unloading between the hours of 8.15 a.m. and 9.15 a.m. and between the hours of 5 p.m. and 6 p.m. Monday to Saturday on both sides of each carriageway in the new and realigned lengths of Fairmeadow now in course of construction but not in the existing length of Fairmeadow referred to in (e) below; and
- Restrict waiting between the hours of 8 a.m. and 6.30 p.m. Monday to Saturday (subject to the usual exceptions) on both sides of the whole of the existing length of Fairmeadow, extending length of Fairmeadow, extending in a southerly direction from its junction with Medway Street, which it is proposed should be retained as a cul-de-sac for access purposes.

(2) Prohibit waiting at any time (subject to the usual exceptions) on both sides of the whole length of the NEW MAIDSTONE BRIDGE

(3) Prohibit waiting at any time (subject to the usual exceptions) on all sides of the new Approach Road extending from its junctions with Broadway and the existing Maidstone Bridge to its junctions with St Peter Street and the new Maidstone Bridge.

(4) Prohibit loading and unloading between the hours of 8.15 a.m. and 9.15 a.m. and between the hours of 5 p.m. and 6 p.m. on the sides of the lengths of the NEW MAIDSTONE BRIDGE and the associated APPROACH ROAD specified in paragraphs (2) and (3) above.

(5) Introduce a one-way gyratory traffic flow on the following lengths of roads in the directions specified:

(a) EXISTING MAIDSTONE BRIDGE - North-East to South-West

(b) APPROACH ROAD to the new Maidstone Bridge from its junction with the existing Maidstone Bridge - South-East to North-West

(c) NEW MAIDSTONE BRIDGE - South-West to North-East

(d) FAIRMEADOW from its junction with the new Maidstone Bridge to its junction with High Street - North-West to South-East

(6) Prohibit any vehicle proceeding in the westbound carriageway of BROADWAY to make a U-turn so as to proceed in the opposite direction in the eastbound carriageway.

3. Full details of these proposals are contained in the draft Order, which together with a map of the restricted lengths of roads concerned and a statement of the Council's reasons for proposing to make the Order, may be examined at the Chief Executive's Office, 13 Tonbridge Road, Maidstone, during normal office hours.

4. If you wish to object to the proposed Order you should send the grounds for your objection in writing to the undersigned by not later than 5 May, 1978.

KB ROGERS

13 Tonbridge Road,
Maidstone,
Kent, ME16 8HG

Secretary

STRICKLAND SCHOLARSHIP TRUST

APPLICATIONS ARE invited from residents in the Civil Parish of Ightham, and in the Ecclesiastical Parish of Paddock Wood, for Strickland Scholarships valued at £20.00 per annum tenable at Secondary Schools, University, Technical College or Institute, or other place of Technical or Art Education.

Application forms may be obtained from the County Treasurer, reference: RFE, County Hall, Maidstone, Kent, ME14 3XE, and must be returned by the 31st May 1978.

THE KENT COUNTY COUNCIL

(LONDON ROAD AND HERMITAGE LANE, AYLESFORD)
(EXPERIMENTAL PROHIBITION OF RIGHT-HAND TURNS) ORDER 1978

THE KENT COUNTY COUNCIL propose to make an experimental Order under Section 9 of the Road Traffic Regulation Act 1967, as amended, the effect of which will be to prohibit right-hand turns from (A.20) London Road into Hermitage Lane, Aylesford, for an initial trial period of six months.

A copy of the proposed Order, an explanatory statement and a map showing the lengths of road concerned, may be inspected during normal office hours either at Room 1, 97, County Hall, Maidstone, or at the Offices of the Tonbridge and Malling District Council, The Air Station, West Malling, Kent.

Letters of objection or in support of the proposal, specifying the grounds on which they are made should be sent to the undersigned by 5 May, 1978.

W. G. HOPKIN
County Secretary

County Hall,
Maidstone.

THE MAIDSTONE BOROUGH COUNCIL

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

AMENDED NOTICE

NOTICE IS HEREBY GIVEN that The Maidstone Borough Council at its meeting on 27 April 1978 intends to pass the following resolution:-

RESOLVED: That in pursuance of Section 45(2) of Part II to the Local Government (Miscellaneous Provisions) Act 1976 the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 shall come into force throughout the area of the Borough of Maidstone with effect from Monday 5 June 1978.

The effect of this resolution is to apply throughout the Borough of Maidstone the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 relating to the control and licensing of hackney carriages and private hire vehicles.

K B ROGERS
Secretary

13 Tonbridge Road
Maidstone
Kent ME16 8HG.

DEPARTMENT OF TRANSPORT

The Trunk Road (Tonbridge Bypass Exit Slip Road) (Prohibition of Left-Hand Turns) Order 1971

THE SECRETARY OF STATE FOR TRANSPORT proposes to make an order under section 1 of the Road Traffic Regulation Act 1967, as amended by Part IX of the Transport Act 1968 on the Sevenoaks - Hastings Trunk Road (A 21) known as the Tonbridge Bypass in the District of Tonbridge and Malling in the County of Kent.

The effect of the Order would be to prohibit vehicles proceeding in the eastbound exit slip road of the trunk road from turning left into Quarry Hill Road (A 261).

A copy of the Order, together with a plan illustrating the proposals and a Statement explaining the Secretary of State's reasons for proposing to make the Order, may be inspected during office hours at the offices of the Tonbridge and Malling District Council at The Castle, Tonbridge and at the offices of the Kent County Council at Kent House, Lower Stone Street, Maidstone.

Any person desiring to object to the Secretary of State's proposal to make the Order should send not later than 5th May 1978 to the Department's Regional Controller (Roads and Transportation), South Eastern, "Edgeborough," 74 Epsom Road, Guildford, Surrey, quoting the reference DSE 5062 41 7 A 21 T 01 a written statement of his or her objection and of the grounds thereof.

R. J. HARMAN

A Senior Executive Officer in the
Department of Transport

THE MAIDSTONE BOROUGH COUNCIL

THE Maidstone Borough Council as District Planning Authority has received the following applications for planning permission:

Applications affecting Conservation Areas
Change of use of former Butchers Shop to residential at 3 Lower Street, Leeds, a Grade II Listed Building - MA/78/348N.

Outline applications for bungalow with garage, land in Princess Way, Detling - MA/78/412N.

Two - storey pitched roof extension to Malt Cottage, Upper Street, Hollingbourne - MA/78/406N.

Erection of front porch, Chestnut House, Boughton Monchelsea - MA/78/418E.

Application affecting Listed Building
Alterations to form first floor bathroom at 88 Sandling Road, Maidstone - MA/78/408N/XLB.

Copies of the above applications and all relevant documents may be inspected during normal office hours at the Planning Department, 3 Bedford Place, Maidstone.

Any representations should be made in writing to the Planning Officer by not later than 5 May 1978.

K. B. ROGERS
Secretary

14 April 1978

WATER RESOURCES ACT, 1963

NOTICE OF APPLICATION FOR A COMBINED LICENCE TO OBSTRUCT OR IMPEDE THE FLOW OF AN INLAND WATER BY MEANS OF IMPOUNDING WORKS AND TO ABSTRACT WATER

NOTICE IS HEREBY GIVEN that an application is being made to the Southern Water Authority by E. F. Guthrie Limited for a combined licence to obstruct or impede the flow of a tributary of the River Teise by means of an earth dam at O.S. Map Reference TQ 667435, Paddock Wood, Tonbridge, Kent and to abstract 7 million gallons of water per year from the said inland water at or near that point for spray irrigation including frost protection and trickle irrigation and the introduction of fish. The capacity of the reservoir at overflow level will be approximately 2 million gallons.

A copy of the application and of any map, plan or other document submitted with it may be inspected free of charge at Crundalls Farm, Matfield, during the period beginning on 14th April, 1978, and ending on 12th May, 1978 (inclusive), at all reasonable hours.

Any person who wishes to make representations about the application should do so in writing to the Chief Solicitor of the Southern Water Authority at Guildbourne House, Chatsworth Road, Worthing, Sussex before the end of the said period.

Signed R. S. BROWNING
of E. F. Guthrie Ltd.

Date 7.4.78

Lorraine

Further to your comments on the Final Report for the Taxi Unmet Demand Study we have now looked into the matters raised and offer the following response.

There is no formal list or definitive guidance on who should be contacted for consultation in the course of undertaking such a study. The current DfT guidance provides the list in Annex A that you included with your comments and in the main body of the guidance states:

“consultation. As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations)”

In our original proposal to the Council we suggested that:

3.12 Consultees for face to face consultation can be expected to include:

- The Council’s senior licensing officer;
- The Police;
- Transport policy officers within the Council
- Public transport, education, social care and health transport procurement officers,

And that

3.13 Written consultation will also be undertaken with the above as well as a number of other stakeholders.....Stakeholders for written consultation can be expected to include:

- The Chamber of Commerce;
- The main Public Transport operators, including bus, coach, rail and community transport;
- Students and young peoples organisations in the area;
- Manager of the Town Centre/s Management Team;
- The Council access, equality and diversity officers etc;
- Voluntary Service Council, organisations for disabled people, organisations for older people, Equality Action Group/s, students associations, organisations for young people, BME Networks, Faith networks, women’s groups, etc;
- Universities and their Student Unions, FE colleges and schools for those with special needs;
- Council – Crime and Safety Partnership, Ward partnerships/committee’s, Regeneration committee’s, environment committee, etc;
- Primary Care Trust, Ambulance Trust, Hospital Trust, Patient and Public Involvement Forum;
- Residential homes and Day Care providers
- Pubs, Night Clubs, Cinemas, Theatres and Restaurants
- Major supermarkets and retailers;
- Tourism association, major hotels and visitor attractions,
- Transport Action Groups

However, because our previous experience undertaking taxi studies has shown us it can be difficult to get stakeholders to engage unless they have something particular they want to say about taxi provision, we also state in the proposal that:

“3.6 All consultation is dependent on gaining the participation of consultees. Every effort will be made to consult with those identified by the Council and below (here above) within the timescales and resources allocated; however their co-operation cannot always be guaranteed.”

At the inception meeting for the study it was agreed that *“The Council will forward a list of key stakeholders and other stakeholders they would like to see included in consultation (with reference to the lists in sections 3.12 and 3.13 of the detailed proposal)”*. However, while we received contact details for the Key stakeholders, we do not believe any contact list for other stakeholders was provided. In the absence of this we did our own search, identified and contacted all the stakeholders that we have listed in appendix 1 to this note, providing each with an SAE for their response. While these organisations do not include a number of the organisations you list in your comments we believe they encompass the range of stakeholders necessary to meet the DfT guidance and show that we contacted a substantial number of relevant organisations.

As is often the case with taxi unmet demand studies, unfortunately, we only received replies from a small number of these, as listed below, despite making follow up calls or sending emails to a number of them to encourage them to respond. The detail of the feedback received is included in the final report.

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

In terms of the meeting with Private Hire Operators they were initially given the same time for a forum meeting as the Hackney Carriage operators, in error. However, as we considered it important that Hackney and Private Hire operators each had the opportunity to express their views without being inhibited by the presence of the other we rearranged the time we asked the Private Hire Operators to attend. All the main private hire operators as identified to us at the inception meeting (Streamline, Express, Sapphire and Mazies) were invited. We were aware the rearranged time for this meeting was not convenient to Mr Parker. However, we understood from the other operators contacted that at least one would try to attend. All were sent a reminder a couple of days before the forum was due to take place but in the event none actually turned up on the day.

As we had only allocated 1 day in our proposal for face to face consultation, it was not possible to rearrange another date to meet with these operators. However, all 4 PHV operators were also sent a copy of the driver survey together with a covering letter inviting them to let us have us their views on taxi provision in Maidstone by contacting us either by telephone, by email or by completing and returning the survey form. Unfortunately, none of the PHV operators took the opportunity to use any of these other alternatives to give us their views. Whilst we appreciate Mr Parker may feel we should have made further efforts to contact him for a meeting, we believe he was aware that there were other options available to him to input to the study. In a study of this kind with a relatively small and limited budget there is only so much time we can spend chasing up consultees. It's also the case that we did receive reasonable representation from the PHV sector in the form of the 20 PHV drivers that responded to the driver survey.

If it would help to address any concerns about the manner the response from PHV operators is portrayed in the report we would be happy to change the wording of 5.3.1 to read as follows, or some other form of words you think may suit:

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

We do not think it is correct to suggest we abandoned that part of the brief, as the meeting for PHV operators was arranged as outlined in our proposal and we gave all operators options to respond in other ways. Having received representation from a substantial number of the general public, hackney and private hire drivers, from the consultees who chose to respond to the stakeholder survey, the Hackney Association and the key stakeholders who were able to attend the forum meeting organised (much of the feedback from whom we found to be common) we would be surprised if any further consultations would materially affect our findings or our final recommendations.

Appendix 1 - Other Stakeholders contacted:

The Chamber of Commerce;

Kent Invicta Chamber of Commerce

The Gat House, Archbishop Palace, Mill Street, Maidstone, Kent, ME15 6YE

Public Transport operators, including bus, coach, rail and community transport;

Arriva Kent's Medway Towns

Arriva Customer Services

FREEPOST ANG 7624

Luton

Bedfordshire

LU4 8BR

Bzee Buses

Aylesford, Kent County, ME20 7SP

Countryliner Coaches

Unit 4, Gresham Industrial Estate

Eastern Road

Aldershot

Hampshire GU12 4YD

East Kent Buses - Stagecoach South East

Bus Station

St George's Lane

Canterbury

Kent

CT1 2SY

South-eastern Trains

PO Box 63428, London, SE1P 5FD

ASD Coaches Ltd

Neptune Close

Medway City Estate

Strood

Rochester

Kent ME2 4LT

01634 726412

www.asdtransport.com

Arriva Kent and Sussex

Invicta House

Armstrong Road

Maidstone

Kent ME15 6TY

0844 800 4411

www.arrivabus.co.uk/

Clarkes of London

Kangley Bridge Road
Lower Sydenham
London SE26 5AT
0208 778 6697
www.clarkescoaches.co.uk/

Chalkwell Garage and Coach Hire
195 Chalkwell Road
Sittingbourne
Kent ME10 1BJ
01795 423982
www.chalkwell.co.uk/

Farleigh Coaches
Unit E,
Hoo Marina,
Vicarage Lane,
Hoo
Rochester,
Kent ME3 9LB
01634 201065
www.farleighcoaches.com/

Kent Top Travel
Passenger Services
The Forstal
Beddow Way
Aylesford
Kent ME20 7HB
01622 605928
0845 365 8294
www.kenttoptravel.co.uk/

The Kings Ferry
The Travel Centre
Eastcourt Lane
Gillingham
Kent ME8 6HW
01634 377577
www.thekingsferry.co.uk/
www.coachhireconnections.com/

The Travel Link
The Travel Centre
Eastcourt Lane
Gillingham
Kent ME8 6HW
01634 265503
www.thetravellink.co.uk/

Nu Venture

Unit 2F
Deacon Trading Estate
Forstal Road
Aylesford
Kent ME20 7SP
www.nu-venture.co.uk/
01622 882288

National Express
4 Vicarage Road
Edgbaston
Birmingham B15 3ES
08705 808080
www.nationalexpress.com/

Redroute Buses
Granby Coachworks,
Grove Road,
Northfleet,
Kent DA11 9AX
01474 353896
<http://redroutebuses.co.uk/>

Students and young peoples organisations in the area; and

Student Union Rep, lfrost@su@creative.ac.uk, 01622 620013
Midkent College student Union President, president@mkcsu.co.uk, 01634383023 or 07714139738

Connexions
35 Earl Street
Town Centre, Maidstone
01622 753 360

Manager of the Town Centre/s Management Team;

Town Centre Manager: Bill Moss
PA: Ilsa Butler
Intelligence Manager: John Drogomirecki
Sales & Marketing: Larry Williamson
Contact Details
Maidstone Town Centre Management
Mall Management Suite
Pads Hill
Maidstone, Kent.
Telephone: 01622 678 777
Fax: 01622 692 110
e-mail: info@maidstonetowncentre.com

The Council access, equality and diversity officers etc.;

Address to above @ Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ

Voluntary Service Council, organisations for disabled people, organisations for older people, Equality Action Group/s, students associations, organisations for young people, BME Networks, Faith networks, women's groups, etc;

Voluntary Service Council
VAM Maidstone Community
Support Centre
39 - 48 Marsham Street,
Maidstone,
ME14 1HH

Sheltered Schemes for the Elderly
Titchfield Close, Maidstone, Kent, ME15 8TA

Kent Association for Disabled People
CALL 01622 756444
Greenborough Close Community Hall, Shepway, Maidstone

BME Network Contacts

Cynthia Colston Chair cynthia.colston@nhs.net
Dr Khalid El-Badawi Vice Chair kel-badawi@nhs.net
Alex Manu Treasurer alexmanu@nhs.net
Bibi Sobrany Social Event Organiser bibi.sobrany@nhs.net
Anna Harrison Public Relations phaik.harrison@nhs.net
Vijaya Chadalavada Public Relations vchadalavada@nhs.net
Lourdes Quijano Nursing Rep stormpink2004@yahoo.com
Prabhakar Potu Consultant Rep prabhakar.potu@nhs.net
Terry Coode Exec Lead t.coode@nhs.net

KCFN (Children and young people charity)
Unit 3, Eden Business Centre
South Stour Avenue
Kent
TN23 7RS

Jubilee Church
Jubilee Auditorium
Upper Stone Street
Maidstone
Kent
ME15 6HD
United Kingdom

Universities and their Student Unions, FE colleges and schools for those with special needs;

University for the Creative Arts AND Midkent College
UCA Maidstone
Oakwood Park
Maidstone
Kent
ME16 8AG

Student Union Rep, Ifrost@su@creative.ac.uk, 01622 620013

Midkent College student Union President, president@mkcsu.co.uk, 01634383023 or 07714139738

Maidstone Grammar School for Girls
Buckland Road
Maidstone
Kent ME16 0SF

Maidstone Grammar School
Barton Road
Maidstone
Kent ME15 7BT

John Wernham College of Classical Osteopathy
28-30 Tonbridge Road
Maidstone
Kent
ME16 8RT

Five Acre Wood School (Special Needs School)
Boughton Lane
Maidstone
Kent
ME15 9QL

The Cedars (Special Needs School)
Bower Mount Road
Maidstone
Kent
ME16 8AU

Bower Grove School (Special Needs School)
Fant Lane
Maidstone
Kent
ME16 8NL

Tuck by Truck (Special Needs School)
Unit 5 Britannia Business Park
Mills Road
Quarry's Wood
Aylesford
Kent
ME20 7NT

Maidstone & Malling Alternative Curriculum Pru (Special Needs School)
3 Palace Avenue
Maidstone
Kent
ME15 6NF

Council – Crime and Safety Partnership, Ward partnerships/committee's, Regeneration committee's, environment committee, etc.;

Crime and Safety Partnership

Safer Maidstone Partnership

Sarah Robson

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ

Regeneration and Economic Development Overview & Scrutiny Committee.

Clare Wood

Maidstone Borough Council

Maidstone House, King Street, Maidstone, Kent, ME15 6JQ

Primary Care Trust, Ambulance Trust, Hospital Trust, Patient and Public Involvement Forum;

Maidstone Hospital

Hermitage Lane

Maidstone

Kent

ME16 9QQ

0845155 1000

Tunbridge Wells Hospital

Tonbridge Road

Pembury

Tunbridge Wells

Kent

TN2 4QJ

West Kent PHT

Wharf House

Medway Wharf Road, Tonbridge

01732 375200

Kent and Medway NHS & Social Care Partnership Trust

35 Kings Hill Avenue

West Malling

ME19 4AX

West Kent Community Health Trust

Preston Hall

Royal British Legion Village

Aylesford

ME20 7NJ

Kent Ambulance NHS Trust

Ambulance Headquarters

Heath Road

Maidstone

Kent ME17 4BG

Local involvement networks (LINKs) (Patient and Public Involvement Forum)
Karen Beesley 01622 224960

Residential homes and Day Care providers

Residential Homes:

Loose Court
Rushmead Drive
Loose
Maidstone

Barty House Nursing Home
Roundwell
Bearsted
Maidstone

The Poplars Care Centre
158 Tonbridge Road
Maidstone

Maidstone Care Centre
259 Boxley Road
Penenden Heath
Maidstone

Eastfield
76 Sittingbourne Road
Maidstone

The Haven
17 Church Road
Tovil
Maidstone

Sutton Valence Care Home
Maidstone Road
Sutton Valence
Maidstone

Day Care Providers:

Just Learning Nursery
48 College Road
Maidstone
01622 663454

Kent Children and Families Information Centre
Invicta House
Maidstone

0800 032 3230

Parenta Training
3 Ashford Road
Maidstone
0844 504 5504

Maria's Child-minding Service
19 Finglesham Court
Maidstone
01622 752843

Hemsley House Day Nursery
137 Tonbridge Road
Maidstone
01622 692 977

The Meadows Children's Centre
Furfield Close
Maidstone
01622 699900

Pubs, Night Clubs, Cinemas, Theatres and Restaurants

Pubs:

The White Rabbit – Vintage Inns
Sandling Road
Maidstone
01622 692212

The Pilot
25 Upper Stone Street
Maidstone
01622 691162

The White Horse
The Green
Bearsted
01622 738365

The Society Rooms
Brenchley House
Week Street, Maidstone
01622 350 910

The Bull Inn
Lower Road
Maidstone
01622 726 282

Swan Inn
2 County Road
Maidstone
01622 751264

Night Clubs:

Strawberry Moon's
24-32 Gabriel's Hill
Maidstone
01622 678211

The Source Bar
4-6 Rose Yard
Maidstone, Kent
01622 678174

Beluga Bar
73 Bank Street
Maidstone
01622 761300

Chicago Rock Café
60-61 High Street
Maidstone
01622 692299

The Road House
33 Gabriel's Hill
Town Centre, Maidstone
01622 678 211

Bar Chocolate
10-11 Market Buildings
Maidstone
01622 609330

Cinema:
ODEON Maidstone
Lockmeadow
Barker Road
Maidstone
Kent
ME16 8RG

Theatre:
Hazlitt Arts Centre, Earl Street, Maidstone, ME14 1PL

Restaurants:
Wildwood Restaurant
37-41 Earl Street

Town Centre, Maidstone
01622 755339

Mumu
108-110 Week Street
Maidstone
01622 669800
www.mumuloungebar.com/

Zizzi's
46 Earl Street
Maidstone
01622 675248
www.zizzi.co.uk/

Lashings
81-83 Upper Stone Street
Maidstone
01622 755 030
www.lashings.co.uk/

Prezzo - Maidstone
Fremlin Walk Shopping Centre
45 Earl Street, Town Centre
01622 677 499
www.prezzorestaurants.co.uk/

Buenos Aires
63 High Street
Kent, Maidstone
01622 688655
www.barestaurant.com/

Black Rocks Maidstone
62 High Street
Maidstone
01622 669333
www.blackrocksm Maidstone.co.uk/

Major supermarkets and retailers;

Sainsubrys
Romney Place
Maidstone

Tesco
Maidstone Grove Green
Groewood Drive North
Kent
Maidstone

Morrisons Store
Sutton Road
Maidstone

Waitrose
Mid-Kent Shopping Centre
Allington Park
Maidstone

Asda St Peters Street
Maidstone
Kent

Lidl
Farleigh Hill
Town centre
Maidstone

Iceland's Foods Ltd
234 Water Lane
Town Centre
Maidstone

Tourism association, major hotels and visitor attractions,

Tourist association:

Maidstone Tourist Association
MTA Chairman
Alan Reading
01622 820841

Hotels:

Travelodge Maidstone Central Hotel
Saint Peter's Street
Maidstone

Village Hotel Maidstone
Castle View
Forstal Road
Maidstone

Best Western – The Russell Hotel
136 Boxley Road
Maidstone

King Street Hotel
74 King Street
Maidstone

Hilton Maidstone
Bearsted Road
Weaving
Maidstone

Oakwood House
Maidstone

Visitor Attractions:

Kent Life
Lock Lane
Sandling
Maidstone
Kent

Maidstone Museum
Saint Faith's Street
Town Centre
Maidstone

Leeds Castle
Maidstone
Kent
ME17 1PL

Stoneacre Farm
Stoneacre Lane
Otham
Maidstone

Mote Park
Off Mote Avenue
Maidstone

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

March 2010

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

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INTRODUCTION

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

THE ROLE OF TAXIS AND PHVs

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

THE ROLE OF LICENSING: POLICY JUSTIFICATION

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

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

SCOPE OF THE GUIDANCE

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

CONSULTATION AT THE LOCAL LEVEL

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

ACCESSIBILITY

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

14. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from:
<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>

15. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.

16. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.

17. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.

18. Local authorities can take action against non-taxibus drivers who do not abide by their duties under section 36 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should drivers accumulate a certain number of points

19. There are plans to modify section 36 of the DDA. The Local Transport Act 2008 applied the duties to assist disabled passengers to drivers of taxis and PHVs whilst being used to provide local services. The Equality Bill which is currently on its passage through Parliament would extend the duties to drivers of taxis and PHVs whilst operating conventional services using wheelchair accessible vehicles. Licensing authorities will be informed if the change is enacted and Regulations will have to be made to deal with exemptions from the duties for drivers who are unable, on medical grounds to fulfil the duties.

Duties to carry assistance dogs

20. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

21. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

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

Duties under the Part 3 of the DDA

22. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

23. The Disability Rights Commission, before it was incorporated into the Equality and Human Rights Commission, produced a Code of Practice to explain the Part 3 duties for the transport industry; this is available at http://www.equalityhumanrights.com/uploaded_files/code_of_practice_provision_and_use_of_transport_vehicles_dda.pdf. There is an expectation that Part 3 duties also now demand new skills and training; this is available through GoSkills, the sector skills council for road passenger transport. Go-Skills has also produced a DVD about assisting disabled passengers. Further details are provided in the training section of this guidance.

24. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards for example through GoSkills.

25. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

VEHICLES

Specification Of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

29. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

Tinted windows

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

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

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

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

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

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

www.businesslink.gov.uk/vehicleapprovalschemes

Vehicle Testing

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

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

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

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

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

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

Personal security

34. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.

35. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. In addition, licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

36. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imaging-technology/CCTV-and-imaging-publications>) and on the Information Commission's Office website (www.ico.gov.uk). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures for example, from community safety partnerships, local authorities and drivers themselves.

37. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>.

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

Vehicle Identification

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

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

Environmental Considerations

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

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

Stretched Limousines

40. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. Indeed, the Department's view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle and that any authorities which do adopt such practices are leaving themselves open to legal challenge. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it would inevitably lead to higher levels of unlawful operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators. The Department has now issued guidance on the licensing arrangements for stretched limousines. This can be accessed on the Department's web-site at <http://www.dft.gov.uk/pgr/regional/taxis/stretchlimousines.pdf>.

41. The limousine guidance makes it clear that most operations are likely to fall within the PHV licensing category and not into the small bus category. VOSA will be advising limousine owners that if they intend to provide a private hire service then they should go to the local authority for PHV licences. The Department would expect licensing authorities to assess applications on their merits; and, as necessary, to be proactive in ascertaining whether any limousine operators might already be providing an unlicensed service within their district.

42. Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This is now the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" section; or by writing to VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.

43. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats was hard to determine. In these circumstances, if the vehicle had obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation.

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

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

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

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

TAXI FARES

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

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

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

DRIVERS

Duration Of Licences

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

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

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

Criminal Record Checks

58. A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to a Standard Disclosure (and for those working in “Regulated Activity” to an Enhanced Disclosure) through the Criminal Records Bureau. Both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is for those working in Regulated Activity¹ and the Government has produced guidance in relation to this and the new “Vetting and Barring Scheme” which is available at www.isa.gov.org.uk/default.aspx?page=402. [The Department will issue further advice as the new SVG scheme develops.]

59. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

60. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.

61. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

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

Notifiable Occupations Scheme

62. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.

63. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.

64. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.

65. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at <http://www.basingstoke.gov.uk/CommitteeDocs/Committees/Licensing/20070710/3%20yr%20licences-update%20on%20hants%20constab%20procedures%20re%20Home%20office%20circ%206;2006-%20Appendix%202.pdf>. Further information can also be obtained from the Criminal Records Team, Joint Public Protection Information Unit, Fifth Floor, Fry Building, 2 Marsham Street, London SW1P 4DF; e-mail Samuel.Wray@homeoffice.gsi.gov.uk.

Immigration checks

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

Medical fitness

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

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

68. It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

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

Driving Proficiency

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

Language proficiency

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

Other training

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

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

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

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

Topographical Knowledge

75. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

76. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same ‘knowledge’ test as a taxi driver, though it may be thought appropriate to test candidates’ ability to read a map and their knowledge of key places such as main roads and railway stations. The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical

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

PHV OPERATORS

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

Criminal Record Checks

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

Record Keeping

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

Insurance

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

Licence Duration

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

Repeal of the PHV contract exemption

82. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. A similar change was introduced in respect of London in March 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.

83. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles> As a result of a recent report on the impact of the repeal of the PHV contract exemption, the Department will be revising its guidance note to offer a more definite view about which vehicles should be licensed as PHVs. The report is also on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/phvcontractexemption/>.

ENFORCEMENT

84. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. Indeed, it could be argued that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those operators who are evading the licensing system, not just licensing those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Benefits Agency) have proved beneficial in some areas.

85. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site - www.sentencing-guidelines.gov.uk.

86. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

87. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

88. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

TAXI ZONES

89. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

90. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

91. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

FLEXIBLE TRANSPORT SERVICES

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

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

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

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

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

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

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

LOCAL TRANSPORT PLANS

96. The Transport Act 2000 as amended by the Transport Act 2008, requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in July 2009 will cover the next round of LTPs from 2011. LTPs set out the authority's local transport strategies and policies for transport in their area, and an implementation programme. 82 LTPs covering all of England outside London have been produced and cover the period up to 2011. From 2011 local authorities will have greater freedom to prepare their LTPs to align with wider local objectives.

97. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Useful questions when assessing quantity controls of taxi licences

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

Questions relating to the policy of controlling numbers

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

Questions relating to setting the number of taxi licences

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

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

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

The driver will:

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

The passenger will:

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

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

The driver will:

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

The passenger will:

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

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE**Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard**

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

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

Agenda Item 10

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MONDAY 7 OCTOBER 2013

REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES

Report prepared by Lorraine Neale

1. NEW SCRAP METAL DEALERS ACT 2013

1.1 Issue for Decision

- 1.1.1 To consider the new provisions for licensing scrap metal dealers and decide on the appropriate fee levels for grant and renewal of site licence and a collector's licence.

1.2 Recommendation of Head of Housing and Community Services

- a) To note the contents of the report on new provisions.
- b) Agree the fees as set out in the body of the report at 1.3.3, on the basis as outlined at Appendix D

1.3 Reasons for Recommendation

- 1.3.1 The Act repeals the Scrap Metal Dealers Act 1964 (and related legislation) and Part 1 of the Vehicles (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The Act maintains local authorities as the principal regulator, but gives them the power to better regulate these industries by allowing them to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'.
- 1.3.2 The licensing regime introduced by the Act is very similar to the licensing of taxi drivers and the issuing of Personal Licences under the Licensing Act. The suitability of applicants is based on a number of factors as outlined in the Act, including any unspent relevant criminal convictions. Whilst it is expected that straightforward applications will be decided under delegation to Officers, any applications with objections where the applicant wishes to make representations would need to be heard by the

Licensing Committee, with an option to appeal their decision to the Magistrates' Court.

- 1.3.3 **Licences** - Under the Act there are two types of licence; a site licence and a collector's licence, which will both be administered by the local authority. Site managers will need to be named on site licences. Collectors will need a licence in each local authority area in which they collect. Both types of licence last for three years.
- 1.3.4 The local authority must be satisfied that the applicant is a suitable person to hold a licence before it can grant a licence. The scope of this requirement will include applicants, site managers, directors, secretaries and shadow directors of companies.
- 1.3.5 It is proposed that the Council will require a photograph to accompany the application for a Collector's Licence. It is envisaged that the photograph will form part of the licence document and will enable Officers to identify licensed collectors.
- 1.3.6 **Determining Applications** - Section 3 of the Act states that a Council must not issue a licence unless it is satisfied the applicant is a suitable person to carry on a business as a scrap metal dealer, identified via a 'suitability test'. In the case of a partnership, the suitability of each partner will be assessed. In the case of a company, it means assessing the suitability of any directors, company secretaries, or shadow directors.
- 1.3.7 In assessing an applicant's suitability, the Council can consider any information considered relevant. The Council will be in a stronger position to defend any challenges to a decision to refuse a licence where the decision is based on the factors specifically listed in legislation, which includes whether:
- The applicant or site manager has been convicted of a relevant offence or subject to any relevant enforcement action (Regulations have been published and are attached as Appendix B);
 - The applicant has previously been refused a scrap metal dealers licence or an application to renew a licence has been refused.
- 1.3.9 The applicant will be required to complete an application and declare that the information provided is correct. The applicant will commit an offence under the Act should they make a false statement, or recklessly make a statement which is false in a material way.

- 1.3.10 The authority will want to satisfy itself that an applicant is suitable by checking they do not have a previous relevant conviction, have not been the subject of enforcement action, or have been refused a licence. There is no requirement under the Act for applicants to provide a Basic Disclosure Certificate (BDC). However, it is recommended to the Licensing Committee that an applicant is required to submit a Basic Disclosure Certificate provided by Basic Disclosure Scotland as part of the application process. The Council will have to determine at what point a Basic Disclosure Certificate, the Certificate will be accepted due to its age.
- 1.3.11 Should an applicant refuse to supply a BDC this would be grounds for the Council to consider what further information was needed to judge whether the applicant was suitable to hold a licence. Refusal to submit a Basic Disclosure Certificate would be grounds for the Council to decline to proceed with the application.
- 1.3.12 The application period includes a transitional period for those currently registered under the Scrap Metal Dealers Act 1964 and the Vehicles (Crime) Act 2001. The guidance issued by the Local Government Association (Appendix C) recommends for those registered under the former licensing regime, that their BDC is no more than 3 months old at the time of application. During the transitional period, the Council will accept relevant standard or enhanced disclosure certificates which are no more than three months old at the date of application.
- 1.3.13 Once the transitional period has ended, the Council will require an applicant to provide a Basic Disclosure Certificate (including standard and enhanced disclosures) that are no more than one month old at the time the application is submitted. The authority recognises that a Basic Disclosure Certificate will reveal only any unspent convictions on the Police national computer. The Certificate will not provide details of convictions for relevant offences secured by the Environment Agency or equivalent, or other local authorities. In the case of applications received during the transitional arrangements or for any new applications, the authority will consult with the Environment Agency or equivalent and the Police. The authority will reserve the right to also contact any other local authority it feels necessary to determine the suitability of an applicant(s).
- 1.3.14 In the case where a Basic Disclosure Certificate highlights a relevant conviction the authority will seek further information from the Police to enable the authority to better assess the applicant(s) suitability. The authority will also check public records held by the Environment Agency or equivalent to assess if any enforcement action has been taken against an individual. In certain

circumstances it may be necessary to make direct contact with the above to assess if any on-going enforcement action is pending, which may not be held on a public register at the time of application.

- 1.3.15 If the Council should receive information that an applicant(s) has been convicted of a relevant offence, a judgement will be made whether to refuse or grant the licence. The Council will take into account any information received by an applicant or other bodies. The Council will consider the nature of the offence or enforcement action, the gravity of the offence or enforcement action, when the enforcement action was taken, or any other relevant information as defined by the Act.
- 1.3.16 **Representations** - In the case where the authority rejects an application(s), or revokes, or varies a licence, the Council will notify the applicant or licence holder by way of a written Notice. The Council will advise the applicant(s) or licence holder what the authority proposes to do and the reasons behind the action. The Notice will stipulate that the applicant/licence holder has the opportunity to make a representation, or let the authority know that they wish to. The applicant/licence holder has up to 14 days from the date of the Notice to respond.
- 1.3.16 If the applicant/licence holder does not make a representation, or does not say that they wish to in that time period, then the Council can refuse the application, or revoke, or vary the licence. Where the applicant states they want to make representations, the authority will provide a further reasonable period in which to do so. If the applicant fails to provide a representation within the agreed period then the authority will refuse the application, or revoke, or vary the licence.
- 1.3.17 **Hearings** - Where the applicant makes representations, the authority has to consider them in accordance with the Act. If the applicant wishes to make oral representations the authority will arrange a hearing. It is anticipated that these hearings will follow the procedures for hearings under the Licensing Act 2003. The Council anticipates that further guidance on hearings will be issued.
- 1.3.18 Should the Council refuse an application, revoke, or vary a licence the applicant/licence holder will receive a Notice of Decision, which will set out the Council's reasons for its decision. The Notice will inform the applicant, or licence holder of their right to appeal to the Magistrates' Court and, where the licence has been revoked, or varied, the date under which that comes into effect.

1.3.19 **Conditions** - In cases where the applicant or any site manager has been convicted of a relevant offence, or where the authority is revoking a licence, the authority can impose conditions on the licence. The authority can impose one or both of two conditions, these conditions specify that:

- the dealer can receive scrap metal only between 9.00am and 5.00pm on any day, in effect limiting the dealer's operating hours; and/or
- any scrap metal received has to be kept in the form the dealer received it for a set period of time, which cannot be more than 72 hours.

There is no equivalent set of conditions for collectors.

1.3.20 **Fees** The Act provides that an application for a licence must be accompanied by a fee. The fee will be set locally by each local authority on a cost recovery basis. Local authorities will have a duty to have regard to guidance issued by the Secretary of State which outlines the issues that should be considered when setting the fee and what activities the fee can cover. This fee will be an essential component of the new regime as it will provide local authorities with the funding they need to administer the legislation and ensure compliance (Appendix A).

1.3.21 In setting a fee, the authority must have regard to any guidance issued by the Secretary of State, the proposed fees have been calculated using that Guidance (Appendix A) and are as follows;

Site Licence – Grant (3 years) £500.00
Renewal (3 years) £440.00
Collectors Licence (3 years) £340.00

Appendix D

Further Fees will need to be set for variations and transfers however due to the short time frame it was felt that these fees are the most relevant and need to be agreed prior to 15 October 2013 when applications will start to be submitted.

1.4 Alternative Action and why not Recommended

1.4.1 The introduction of new legislation replaces the current legislation governing Scrap Metal and as such there is no alternative action.

1.5 Impact on Corporate Objectives

1.5.1 None

1.6 Risk Management

1.6.1 The introduction of the legislation has been introduced in order to properly regulate the industry. It is considered that the reform of the Scrap Metal Dealers Act will improve the impact on metal theft affecting national transport infrastructure, electricity, telecommunication links and street furniture etc.

1.6.2 Other Implications

None

1.6.3

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

X

1.7 Relevant Documents

1.7.1 Appendices

- A - Fees Guidance
- B - SMDA 2013 Relevant Offences Regulations
- C - LGA Guidance
- D - Fees

1.7.2 Background Documents

None

Scrap Metal Dealer Act 2013: guidance on licence fee charges

Context

The Scrap Metal Dealers Act 2013 (referred to in this guidance as the 2013 Act) received Royal Assent on the 28 February 2013, delivering much needed reform of the scrap metal sector. The 2013 Act will provide effective and proportionate regulation of the sector, creating a more robust, local authority run, licensing regime that will support legitimate dealers yet provide the powers to effectively tackle unscrupulous operators. It will raise trading standards across the whole sector.

Introduction

The 2013 Act will allow local authorities to decide who should and should not be licensed, allowing them to refuse a licence upon application or to revoke a licence at any time if they are not satisfied that the applicant is a suitable person to carry on business as a Scrap Metal Dealer. The act also creates closure powers for unscrupulous dealers who operate without a licence. It extends the record keeping requirements placed upon scrap metal dealers and requires the verification of the people Scrap Metal Dealers are transacting with. The act will integrate the separate regulation for motor salvage operators with the scrap metal sector and bring to an end the cash exemption given to some collectors under the 1964 Act.

Finally, the 2013 Act creates a fee raising power, to allow local authorities to recover the costs stemming from administering and seeking compliance with the regime. This element of the legislation will be the focus of this guidance.

The intention is for the act to be implemented in October 2013.

Licensing requirements placed upon scrap metal dealers

Section one of the 2013 Act requires a scrap metal dealer to obtain a licence in order to carry on business as a scrap metal dealerⁱ. It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction with a fine not exceeding level 5 on the standard scale. In addition, Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the authority.

Aim and scope

Local authorities will be responsible for administration and compliance activity in relation to the 2013 Act. This guidance is provided to local authorities in relation to the carrying out of their fee raising function. It also provides information for the benefit of those who will be applying for a scrap metal dealer's licence and the general public. This guidance applies to local authorities in England and Wales and is produced in accordance with the 2013 Act.

Legal status

Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the local authority. In setting a fee, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury. This Guidance is therefore binding on all licensing authorities to that extent.

What costs can local authorities charge for when issuing a licence?

The 2013 Act provides that an application for a licence must be accompanied by a fee set by the local authority. This fee raising power is an essential component of the legislation as it will provide local authorities with the funding they need to administer the regime and ensure compliance.

The power to set fees has been passed to individual local authorities, so that any fees levied in each local area is set by reference to the actual costs to each authority. The EU services directive states that a licence fee can only be used to pay for the cost associated with the licensing process. In effect, each local authority must ensure that the income from fees charged for each service does not exceed the costs of providing the service.

LAs should specify fees for each category of application. Specifically we would expect a fee to be specified for the assessment of an application for a licence, the assessment of an application to vary a licence, and the assessment of an application for licence renewal.

Local authorities should specify fees which are payable by licence applicants for the assessment and administration activity within the new licensing regime brought about by the 2013 Act. They should do this by identifying what they need to do to assess the type of licence in question and calculating their best estimate of the cost to be incurred by the LA. The authority will then be able to calculate a best estimate of unit cost for each case.

In effect, the costs of a licence should reflect the time spent assessing and administering applications, processing them, having experienced licensing officers review them, storing them, consulting on the suitability of an applicant, reviewing relevant offences, the decision on whether to issue a licence, as well as the cost of issuing licences in a format that can be displayed. Consulting the local authority's enforcement records in order to determine the suitability of the applicant is chargeable within the licence fee costs as are costs associated with contested licence applications.

Registering authorities should review fees regularly to check whether they remain appropriate.

Can a local authority charge for enforcement activity?

The licence fee cannot be used to support enforcement activity against unlicensed scrap metal dealers. Any activity taken against unlicensed operators must be funded through existing funds. Such activity against unlicensed operators includes issuing closure notices; with applications for closure orders subsequently made to a magistrates court. The cost of applying to the Magistrates Court for a warrant (Section 16(5)(6) and (7) of the 2013 Act) for entry to unlicensed premises, by force if necessary, will incur legal costs to be borne by the local authority and police.

What are the different types of licences?

There are two types of licence specified within the act, one is for a site licence and the other is for a mobile collector licence (carrying on business otherwise than at a site). The licence authorises the licensee to carry on business as a scrap metal dealer at the sites listed in it (in the case of a site licence) or within the local authority area (in the case of a mobile collector's licence).

Site licences

A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.

Collectors licences

A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal.

The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority from which the individual wishes to collect in. A collector's licence does not authorise the licensee to carry on a business at a site within any area. Should a collector wish to use a fixed site, they will need to obtain a site licence from the relevant local authority.

The Act 2013 also specifies that a licence will be issued by the local authority in whose area a scrap metal site is situated, or (in respect of a mobile collector) in the area that the collector operates.

Do different fees apply?

Yes. Fees charged for a site licence would reflect the extra work involved in processing these licences and will vary from a collector's licence.

Display of licences

The form in which a licence is issued must enable it to be displayed in accordance with section ten of the 2013 Act. All licensees are therefore required to display a copy of their licence. For site operators the licence must be displayed in a prominent place in an area accessible to the public. For mobile collectors, it must be in a manner which enables the licence to be easily read by a person outside the vehicle. A criminal offence is committed by any scrap metal dealer who fails to fulfil this requirement. This offence is punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

The cost of providing a licence in a form which can be displayed should be included in the local authority licence fee charges.

Police objections to licence applications

The police may object to a licence application where they believe that the applicant is not a suitable person as defined within the act. The police can object where, for example, the applicant has been convicted of a relevant offence. LAs should also consider representations from other organisations or individuals in considering the applicant's suitability

Where the police do object, the local authority should take this into consideration but must use their own judgement and discretion when taking a licence decision. The local authority must allow for the person whose licence is about to be refused or revoked to be afforded the right to make representations. The local authority considering the matter must restrict its consideration to the issue of suitability of applicant and provide comprehensive reasons for

its decision.

Costs associated with considering oral and written representations should be included in licence fee charges.

Appeals

There is a right of appeal to the Magistrates' Court against a decision to refuse a licence application, to include a condition within the licence, to revoke the licence or to vary the licence. The costs associated with appeals and the costs of defending an appeal in the Magistrate Court should not be included in licence fee charges.

The costs associated with defending a Judicial Review into whether the local authority has failed to have regard to the guidance on fees is not chargeable under the licence regime.

Revocation of a licence and formulating and imposing licence conditions

If a licence has been granted, it may be revoked or licence conditions imposed on a scrap metal dealer if the subsections within Clause 4 of the Scrap Metal Dealers Act are triggered. A local authority may impose conditions pending an appeal against revocation (section 4 (7)) or if the applicant or site manager has been convicted of a relevant offence (section 3 (8)).

Variation of licence

Schedule 1 paragraph 3(1) indicates that a local authority may, on an application, vary a licence by changing it from one type to another and (2) if there is a change in any of the matters mentioned in section 2(4)(a), (c) or (d) or (6)(a).

These changes should be recorded by the local authority. The applicant is also under a duty to notify any convictions for relevant offences to the local authority. These measures ensure that a single record will be held of the licence holder's history in terms of licensing matters.

National Register of Scrap Metal Dealers

Whilst a local authority can recover any costs incurred in transmitting information about a licence, the costs which the Environment Agency incurs are not chargeable under the licence regime.

How long will a licence be valid for?

Schedule 1 paragraph 1 of the 2013 Act specifies the terms of a licence. It indicates that a licence expires at the end of the period of 3 years beginning with the day on which it is issued.

Additional regulations and guidance

The Home Office will be publishing regulations in relation to relevant offences and the identification required to sell scrap metal over the summer of 2013. These regulations will be published on www.gov.uk. We will also be working with the Local Government Association, the British Metal Recycling Association and British Transport Police to produce additional guidance on the requirements of the new act.

The Local Government Association guidance will include a breakdown of reasonable timescales for each of the activities associated with setting a fee.

Annex A - Definitions

What is a local authority?

‘Local authority’ means —

- (a) in relation to England, the council of a district, the Common Council of the City of London or the council of a London borough;
- (b) in relation to Wales, the council of a county or a county borough.

What is a scrap metal dealer?

21 ‘Carrying on business as a scrap metal dealer’ and ‘scrap metal’

(2) A person carries on business as a scrap metal dealer if the person—

- (a) carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

What is a mobile collector?

‘Mobile collector’ means a person who—

- (a) carries on business as a scrap metal dealer otherwise than at a site, and
- (b) regularly engages, in the course of that business, in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door.

What is a motor salvage operator?

(4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists —

- (a) wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
 - (b) wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
 - (c) wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), or
 - (d) wholly or mainly in activities falling within paragraphs (b) and (c).
-

STATUTORY INSTRUMENTS

2013 No. 2258

CRIMINAL LAW
SCRAP METAL DEALERS

**The Scrap Metal Dealers Act 2013 (Prescribed Relevant
Offences and Relevant Enforcement Action) Regulations 2013**

<i>Made</i>	- - - -	<i>6th September 2013</i>
<i>Laid before Parliament</i>		<i>10th September 2013</i>
<i>Coming into force</i>	- -	<i>1st October 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 3(3)(b) and (c) and 20(4) of the Scrap Metal Dealers Act 2013⁽¹⁾ makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 and shall come into force on 1st October 2013.

(2) In these Regulations—

“environment-related offence” means an offence which relates to the transportation, shipment or transfer of waste, or to the prevention, minimisation or control of pollution of the air, water or land which may give rise to any harm;

“harm” means:

- (i) harm to the health of human beings or other living organisms;
- (ii) harm to the quality of the environment;
- (iii) offence to the senses of human beings;
- (iv) damage to property; or
- (v) impairment of, or interference with, amenities or other legitimate uses of the environment.

(1) 2013 c.10.

Relevant offences

2. For the purposes of section 3(3)(b) of the Scrap Metal Dealers Act 2013, “relevant offence” means any offence specified in the Schedule to these Regulations, and includes an offence of—

- (a) attempting or conspiring to commit any offence falling within the Schedule;
- (b) inciting or aiding, abetting, counselling or procuring the commission of any offence falling within the Schedule, and
- (c) an offence under Part 2 of the Serious Crime Act 2007⁽²⁾ (encouraging or assisting crime) committed in relation to any offence falling within the Schedule.

Relevant enforcement action

3. For the purposes of section 3(3)(c) of the Scrap Metal Dealers Act 2013, a person is the subject of “relevant enforcement action” if—

- (a) the person has been charged with an offence specified in the Schedule to these Regulations, and criminal proceedings in respect of that offence have not yet concluded; or
- (b) an environmental permit granted in respect of the person under the Environmental Permitting (England and Wales) Regulations 2010 ⁽³⁾ has been revoked in whole, or partially revoked, to the extent that the permit no longer authorises the recovery of metal.

Home Office
6th September 2013

Damian Green
Minister of State

⁽²⁾ 2007 c.27.

⁽³⁾ S.I. 2010/675. Environmental permits can be granted under regulation 13, and revoked under regulation 22.

SCHEDULE

Regulation 2

PART 1

Primary Legislation

- (a) An offence under section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989⁽⁴⁾
- (b) An offence under section 170 or 170B of the Customs and Excise Management Act 1979⁽⁵⁾, where the specific offence concerned relates to scrap metal
- (c) An offence under section 110 of the Environment Act 1995⁽⁶⁾
- (d) An offence under sections 33, 34 or 34B of the Environmental Protection Act 1990⁽⁷⁾
- (e) An offence under section 9 of the Food and Environment Protection Act 1985⁽⁸⁾
- (f) An offence under section 1 of the Fraud Act 2006⁽⁹⁾, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- (g) An offence under section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012⁽¹⁰⁾
- (h) An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002⁽¹¹⁾
- (i) Any offence under the Scrap Metal Dealers Act 1964⁽¹²⁾
- (j) Any offence under the Scrap Metal Dealers Act 2013
- (k) An offence under sections 1, 8, 9, 10, 11, 17, 18, 22 or 25 of the Theft Act 1968⁽¹³⁾, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- (l) Any offence under Part 1 of the Vehicles (Crime) Act 2001⁽¹⁴⁾
- (m) An offence under sections 85, 202, or 206 of the Water Resources Act 1991⁽¹⁵⁾.

PART 2

Secondary Legislation

- (a) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007⁽¹⁶⁾
- (b) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010⁽¹⁷⁾

⁽⁴⁾ 1989 c.14.

⁽⁵⁾ 1979 c.2. Section 170B was inserted by the Finance (No 2) Act 1992 (c.48), section 3, Schedule 2, paragraph 8.

⁽⁶⁾ 1995 c.25.

⁽⁷⁾ 1990 c.43. Section 34B was inserted, in relation to England and Wales, by the Clean Neighbourhood and Environment Act 2005(c.16), section 46.

⁽⁸⁾ 1985 c.48.

⁽⁹⁾ 2006 c.35.

⁽¹⁰⁾ 2012 c.10. Section 146 is to be repealed by section 19(1)(f) of the Scrap Metal Dealers Act 2013, which has not yet been commenced.

⁽¹¹⁾ 2002 c.29.

⁽¹²⁾ 1964 c.69. This Act is to be repealed by section 19(1)(a) of the Scrap Metal Dealers Act 2013, which has not yet been commenced.

⁽¹³⁾ 1968 c.60.

⁽¹⁴⁾ 2001 c.3. Part 1 of this Act is to be repealed by section 19(1)(d)(i) of the Scrap Metal Dealers Act 2013, which has not yet been commenced.

⁽¹⁵⁾ 1991 c.57. Section 85 was repealed by S.I. 2010/675 regulation 107 and Schedule 26, Part 1 paragraph 8(2)(a).

⁽¹⁶⁾ S.I. 2007/3538. Regulation 38 was revoked by S.I. 2010/675, regulation 108(1) and Schedule 27.

⁽¹⁷⁾ S.I. 2010/675.

- (c) Any offence under the Hazardous Waste (England and Wales) Regulations 2005(**18**)
 - (d) Any offence under the Hazardous Waste (Wales) Regulations 2005(**19**)
 - (e) An offence under regulation 17(1) of the Landfill (England and Wales) Regulations 2002(**20**)
 - (f) Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000(**21**)
 - (g) Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007(**22**)
 - (h) Any offence under the Transfrontier Shipment of Waste Regulations 1994(**23**)
 - (i) Any offence under the Transfrontier Shipment of Waste Regulations 2007(**24**)
 - (j) Any offence under the Waste (Electrical and Electronic Equipment) Regulations 2006(**25**)
 - (k) An offence under regulation 42 of the Waste (England and Wales) Regulations 2011(**26**).
-

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe relevant offences and relevant enforcement action for the purposes of section 3(3)(b) and (c) of the Scrap Metal Dealers Act 2013. Pursuant to section 3(2) of that Act, where a local authority is processing an application for a scrap metal licence and is evaluating whether the applicant is a suitable person to carry on business as a scrap metal dealer, the local authority may have regard to whether the applicant or any site manager has been convicted of a relevant offence, or has been the subject of any relevant enforcement action.

(18) [S.I. 2005/894](#).

(19) [S.I.2005/1806](#).

(20) [S.I.2002/1559](#). These Regulations were revoked by [S.I. 2007/3538](#), regulation 74(1) and Schedule 22.

(21) [S.I. 2000/1973](#). These Regulations were revoked by [S.I. 2007/3538](#), regulation 74(1) and Schedule 22.

(22) [S.I. 2007/871](#)

(23) [S.I. 1994/1137](#). These Regulations were revoked by [S.I. 2007/1711](#), regulation 60(1)(a) and (2).

(24) [S.I. 2007/1711](#).

(25) [S.I. 2006/3289](#).

(26) [S.I. 2011/988](#).

LGA Guide to the Scrap Metal Dealers Act 2013: Applications**Contents**

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Foreword

Metal theft has, over the last few years, had a significant impact on communities, businesses and councils themselves. A survey we conducted in early 2012 showed that seven out of ten councils had been the victims of metal theft, and that this cost councils over £5.25 million in 2010/11.

Co-ordinated action by the police, councils, the Environment Agency/Natural Resources Wales (NRW) and other organisations since 2011, particularly through Operation Tornado, has been successful in reducing metal theft rates. This joint work has been aided by a fall in the price of metals since they peaked in early 2011. However the high metal prices we have seen recently, driven by industrialisation in China, are likely to continue to be a feature of the world economy over the next decade, and possibly longer, as other countries like India and Brazil follow a similar pattern of growth.

That is why the Local Government Association – following requests from our members, along with a range of other bodies – pressed the government to reform the regulation of scrap metal dealers. The result was the Scrap Metal Dealers Act 2013, taken through Parliament by Richard Ottaway MP as a private members' bill.

Much of the thrust of British Transport Police's Operation Tornado was to get dealers to voluntarily adopt measures (such as proper checks on the identities of sellers) that went on to inform, influence and be included in the Act; so we know that this legislation will make a difference to levels of metal theft in England and Wales.

There are undoubted challenges for councils in introducing a new licensing regime in a comparatively short timescale, and then enforcing it. However, it is in our own interests to make this legislation work. We have seen the results of high metal prices and an environment where thieves felt there was little risk of being caught. We have seen communications and trains disrupted, precious memorials desecrated, artwork stolen, church and library roofs vandalised, manhole covers, gully covers and road signage stolen. Money we could have spent on other vital local services has instead been taken up replacing what has been lost. Motivated by this I am sure councils will go that extra mile to ensure the Scrap Metal Dealers Act 2013 is implemented successfully.

Cllr Mehboob Khan,
Chair of the LGA's Safer and Stronger Communities Board

Introduction

The Scrap Metal Dealers Act 2013 replaces the previous registration system for scrap metal dealers created by the 1964 Scrap Metal Dealers Act. In its place it establishes a new licensing regime. This scheme will be run and administered by local authorities, and is based on the legislation for alcohol licences created in the 2003 Licensing Act. Every scrap metal dealer will be required to have a licence, and operating without one will be a criminal offence. Under the new legislation the definition of scrap metal dealers is extended so it now includes motor salvage operators, and the provisions in the Vehicles (Crime) Act 2001 under which they operate will end once the new Act comes into effect.

Whereas under the 1964 Act councils have to register anyone who notifies them that they are operating as a scrap metal dealer, councils will be able to refuse to grant a licence where the applicant is judged not to be a suitable person to operate as a scrap metal dealer. This ability to regulate who is, and who is not, a scrap metal dealer is designed to improve the operating standards of those dealers who do not operate in the same way as the majority of reputable dealers. The transition from the requirement on dealers to register to holding a licence provides an opportunity to ensure that those dealers who have been operating illegally are no longer able to do so.

The Home Office is looking to commence the new regime from 1 October 2013, but with a transitional period to ensure a smooth hand over from the old regime to the new with minimal disruption to scrap metal dealers. That imposes a challenging timetable for councils in implementing the legislation. This guide is designed to assist local authorities so that they are ready to issue the new scrap metal dealers licences in time for enforcement of the licensing regime from 1 December. It forms part of a set of guides to help councils understand their responsibilities under the new Act, and the role councils have in tackling metal theft.

The other guides are:

- Enforcement guide: An explanatory guide to enforcing the new licensing regime.
- Fees guide: A toolkit that assists with the setting of licence fees that comply with the requirements of the EU Services Directive and the Provision of Services Regulations 2009.
- Getting in on the Act: A short outline of the new Act and how it differs from the 1964 Act.
- Councillor handbook: A guide to help councillors to understand their role and responsibilities in tackling instances of metal theft.

- Tackling metal theft toolkit: A toolkit that outlines additional strategies and tools that go beyond the limitations of the 2013 Act and can be used more broadly to tackle instances of metal theft.

We hope that you find this a useful document. Should you have any questions please contact either Mark Norris (mark.norris@local.gov.uk) or Ian Leete (ian.leete@local.gov.uk) at the LGA.

Licences

In order for anyone to carry on business as a scrap metal dealer they have to have a licence. These licences will last for three years. Trading without a licence is a criminal offence.

If convicted of trading without a licence the offender can be fined. The fine will be at Level 5 on the standard scale. Amendments to the size of the fines that courts can impose in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 mean that when the provisions come into force, a fine at that level will be unlimited.

There are two types of licence specified in the Act:

- **Site licence**
All the sites where a licensee carries on business as a scrap metal dealer have to be identified, and a site manager has to be named for each site. This licence allows the licensee to transport scrap metal to and from those sites from any local authority area.
- **Collector's licence**
This allows the licensee to operate as a collector in the area of the issuing local authority. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained from each council the collector wishes to operate in. The licence does not authorise the licensee to operate a site; to do so they will need a site licence from the relevant local authority.

It should be noted that a dealer can only hold one type of licence in any one local authority area. They have to decide whether they are going to have a site or a mobile licence in any one area. They cannot hold both a site and mobile collector's licence from the same council (s2(9)).

Timetable for transition to new regime

The licensing regime created by the Scrap Metal Dealers Act 2013 will commence on 1 October 2013. In order to provide time for councils to process applications without existing businesses being in a position where they cannot operate, the Home Office is implementing a transition process.

The transition arrangements will be implemented by a commencement order which will be made in August 2013. This order will allow councils to set a licence fee for applications from 1 September. It will also specify that the remaining sections in the Act commence on 1 October, apart from the majority of criminal offences and enforcement-related provisions, which will come into force on 1 December. The exception to this will be the ban on using cash to pay for scrap metal which will also come into force on 1 October. Any dealer currently registered under the 1964 Scrap Metal Dealers Act, or a motor salvage operator already registered under the 2001 Vehicles (Crime) Act, will be deemed to have a licence under the 2013 Act until the council grants a licence or sends the dealer notice of its decision to refuse the licence, provided they submit an application on or before the 15 October. If they do not submit an application their deemed licence will lapse on 16 October. If they wish to trade in the future they would then need to submit an application, but would not be able to legally trade until a licence had been granted.

While their application is being considered by the local authority, these dealers will be able to operate as if they have a licence. No date will be specified in the regulations setting out when councils will have to have made a decision on applications made between 1 and 15 October. We recommend that decisions on whether to grant or refuse a licence to previously registered dealers are made before 1 December 2013. Dealers will therefore be able to continue to trade without disruption during the transition period without fear of being prosecuted for operating illegally. While an actual transitional licence need not be issued, sending the dealer an acknowledgement that the application has been received on or before 15 October 2013 should enable a dealer to satisfy the police that during this period they were legally able to operate.

Where an applicant is not registered under the Scrap Metal Dealers Act 1964 or the Vehicles (Crime) Act 2001 before 1 October then they will not be able to trade legally after 1 October until a licence has been issued. Full enforcement of the provisions in the 2013 Act will commence from 1 December 2013.

The transition timeline is:

- The Commencement Order will be made in August.
- This will allow local authorities to set a licence fee from 1 September.
- The main provisions of the Act commence on 1 October including the offence of buying scrap metal for cash.
- Dealers and motor salvage operators registered immediately before 1 October will be deemed to have a licence under the Act from 1 October.
- Provided the dealer submits an application for a licence on or before 15 October their deemed licence will last until the council either issues them with a licence or gives them notice of the decision to

refuse them a licence, although they will be able to continue trading pending an appeal against the decision not to grant a licence.

- Where a dealer submits an application on or before 15 October but does not supply all the required information with the application form then the deemed licence remains in effect after 15 October.
- Where a dealer with a deemed licence fails to submit an application on or before 15 October the deemed licence will lapse on 16 October.
- Other scrap metal dealers, not previously registered, will be able to apply for a licence from 1 October but will have to wait until a licence is granted before they can legally trade.
- Local authorities will complete suitability checks on applicants and decide whether to issue licences. We recommend that decisions on whether to grant or refuse a licence to previously registered dealers are made before 1 December.
- All other enforcement provisions within the Act commence on 1 December.

There are two implications for councils arising from this transitional timetable. They will need to be in a position to accept applications for licences from 1 October. To do that councils will have had to have agreed the fees they will charge applicants no later than the end of September.

There is also the question for councils about how they deal with renewals of registrations under the 1964 Scrap Metal Dealers Act and Vehicles (Crime) Act 2001. We have been advised by the Home Office that any registrations that expire in August or September will need to be renewed for the dealer or operator to take advantage of the temporary licence provision in the transitional arrangements. We would therefore advise that councils continue to renew registrations for both the 1964 Scrap Metal Dealers Act and Vehicles (Crime) Act 2001 but do not charge a fee for the motor salvage operators in view of the Scrap Metal Dealers Act 2013 coming into force on 1 October.

What is a scrap metal dealer, what is a site, what is a mobile collector and what is scrap metal?

The 2013 Act defines a scrap metal dealer, a site, a mobile collector and scrap metal.

A dealer is defined under s21(2) of the Act as someone carrying on a business which consists wholly or in part of buying or selling scrap metal, whether or not the metal is sold in the form in which it is bought. However a manufacturing business that sells scrap metal created only as a by-product of the processes it uses, or because it has a surplus of materials, is not caught by this definition (see s21(3)).

The definition of scrap metal dealer is deliberately quite widely drawn, and there are no further details provided in the Act or the explanatory notes about who potentially might have to apply for a licence. Does it, for example, include

firms that hire out skips, or to tradesmen like plumbers or builders who sell scrap metal resulting from any work they do?

The answer to this question varies according to individual circumstances to a certain extent, but generally where the sale of the metal is incidental to the main type of work or business undertaken then a licence will not be needed. In the case of most tradesmen such as plumbers and electricians and some skip hire firms the sale of scrap metal is not an integral part of their business and they will not require to be licensed as a scrap metal dealer. Where though there is a reasonable expectation, for example, that the material deposited in the skip will contain significant amounts of scrap metal, such as skips used where there is demolition activity or ones sited at engineering manufacturing establishments and plumbers' yards, then the skip hire company will generally require a scrap metal dealers licence.

In considering whether a scrap metal dealers licence is needed, questions that local authorities may wish to take into account include:

- Is the applicant a business?
- Is the applicant associated with any other business that might buy or sell metal (eg subsidiaries, businesses run by the same people, companies within a group etc)?
- Do they buy scrap metal in any form as part of the business?
- Is the purchase or sale of scrap metal an integral part of the business? Is the buying or selling of metal advertised by the business, including on the internet?
- Is any advertising of metal sales etc done separately from the main part of the business?
- Is the metal sold as a by-product from a manufacturing process?
- What happens to any waste metal that is collected by the business?

The Home Office's and LGA's view is that household waste collections by councils or their contractors that pick up metal items thrown out by households and which are to be recycled, along with municipal waste/civic amenity sites ('council tips') are not caught by these provisions. As councils have a statutory obligation to collect household waste any resulting sales of scrap metal are incidental to this objective. Additionally only 7.3 per cent of the material recycled by councils is metal or metal objects so it is merely a small proportion of the recycled material councils deal with. Any income from this would only offset a fraction of the cost of running a waste collection service and the landfill charges councils incur.

Dealers under the legislation are further divided into two categories based on the two different types of licence: those operating from fixed sites; and those who are mobile collectors. A collector is defined (by s22(4)) as a person who carries on business as a scrap metal dealer otherwise than at a site, and regularly engages in the course of that business in collecting waste materials and old, broken, worn out or defaced articles by means of door to door visits.

A site is defined in the Act (s22(9)) as 'any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there)'. Due to the wording of the definition this means that someone who trades in scrap metal and is thus defined as a dealer under s21(2) will need a site licence for their office even if they do not operate a scrap metal store or yard.

A dealer also includes someone carrying on business as a motor salvage operator. This is defined as a business that:

- wholly or in part recovers salvageable parts from motor vehicles for re-use or re-sale, and then sells the rest of the vehicle for scrap
- wholly or mainly involves buying written-off vehicles and then repairing and selling them off
- wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them off.

Scrap metal itself includes any old, waste or discarded metal or metallic material, and any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life. This definition is not intended to include second hand goods, but these could be caught by the definition if they are made from or contain metal that is broken or worn out. It will be a question in each case as to whether items fall within the definition. The definition does however include platinum and a range of other rare metals now being used in catalytic converters although gold or silver are not included in the definition of scrap metal. Jewellers or businesses trading in second hand gold and silver jewellery or products are not therefore caught by this definition.

The boundary of what is scrap metal and what is a second hand good containing metal will probably be something that is explored further as the legislation is implemented. There is some concern that some motor salvage operators may argue they are trading in second hand cars, rather than breaking up cars for scrap to avoid the ban on buying scrap metal for cash. Councils will have to take a view according to the circumstances of the case, and perhaps after consultation with police and Environment Agency/NRW colleagues, as to whether a person, partnership or company is really buying or selling scrap metal, or trading in second hand goods and whether they need to apply for a licence or not. Issuing a certificate of destruction would clearly indicate a vehicle is scrap and a trader should not in those circumstances pay cash for it. Where a certificate is not issued, factors such as whether the car has a valid MOT and is driveable without repair, and also whether the dealer has facilities for repairing vehicles and a history of selling vehicles, will indicate if it is second hand or scrap.

Licence applications

Schedule 1 of the Act sets out what information must accompany an application for a scrap metal dealers licence. This includes:

- the full name, date of birth and usual place of residence of an individual applicant (including mobile collectors), anyone proposed as a site manager for a site, and every partner where a partnership is applying for a licence
- the company name, registered number and registered office address where it is the applicant
- any proposed trading name for the business
- the telephone number and email address (if any) of the applicant.
- where it is a site licence, the address of each proposed site to be included on the licence
- the address of any site in another council area where the applicant already carries on business or proposes to do so
- details of any relevant environmental permit or registration held by the applicant
- details of any other scrap metal licences issued to the applicant within the three years before making this application
- details of the bank account(s) to be used for cashless transactions – where a licensee operates multiple sites different bank accounts may be used
- details of any relevant conviction or enforcement action that relates to the applicant.

There are practical reasons why this information has to be supplied. Either it relates to details that have to be included on the licence if it is granted, it helps in the assessment of an applicant's suitability to hold a licence, or it has to be provided to the Environment Agency/Natural Resources Wales for inclusion on the register of scrap metal dealers.

Although the local authority has to be supplied with this information this is not the limit of what it can ask for. Under Schedule 1, paragraph 4(1) councils are entitled to request any further information they regard as relevant to considering the application. If therefore they believe they need more information before they can reach a decision they can request it. Where a council is considering seeking additional information from all applicants, the short timescale for previously registered dealers to submit applications (to take advantage of the deemed licence in the transition period) means that local authorities in this position should consider making their application forms and guidance on completing them available at the earliest opportunity. If councils do not make the application forms and guidance available in good time, there may be legal challenges/complaints from dealers who were previously registered who fail to put in an application by 15 October, and claim that this is the fault of the local authority for not making these essential documents available.

With applications by companies the suitability of any directors, shadow directors and company secretaries need to be assessed so councils should also ask for their details. In the event that an applicant does not supply the information that has been requested, the council can refuse to proceed with

the application. This could be of relevance where an applicant has refused to provide a Basic Disclosure to enable the council to arrive at a view on the suitability of the applicant, which is covered in a later section.

Some other information the authority may consider useful could be:

Site licences

- what security arrangements exist to prevent the unlawful purchase, sale or theft of scrap metal
- details of the arrangements to be used to record sales, storage and purchase of scrap metal

Mobile collectors

- details of the vehicles to be used
- where the vehicles are stored when not being used.

In order to assist local authorities, and so there is a degree of consistency in what the application form asks for, the LGA has produced a template application form for scrap metal dealers. This is set out in Appendix A. It covers the information the legislation specifies must be provided along with some additional information that it will be helpful to have.

Application fees

Any application must be accompanied by a fee. The fee is set by the local authority having had regard to guidance issued by the Home Office with the approval of the Treasury. This guidance is due to be published shortly. It will contain information on whether an element of the fees should contribute towards the costs of maintaining the national register of licences or not.

In setting their fees local authorities will of course have to have regard to the requirements of the European Union Services Directive and any licensing case law, of which the recent case in the Court of Appeal of *Hemming v Westminster City Council* is especially relevant.

In calculating their fees councils will want to take into account:

- all the activity required with processing and granting a licence such as considering applications and assessing the suitability of the applicant
- the costs of staff associated with supporting the service, including senior staff with managerial responsibility for the service
- support provided by other parts of the council to the licensing team such as legal services and any recharges there might be for rooms, heating and lighting from the centre of the authority
- the cost of providing advice and guidance to applicants on what will be a new process
- carrying out inspections and ensuring compliance with the law

- training for staff and councillors in the requirements of the new legislation
- costs associated with consulting other agencies and bodies when considering if an applicant is a suitable person
- working with any partners in ensuring compliance
- making and reviewing any policies in relation to the operation of the new licensing regime
- issuing the licence
- any officer time spent providing information for inclusion in the register of dealers.

These costs are likely to differ over the period from the initial grant of a licence through to the renewal of the licence three years later, which suggests the need to reassess the fees on a regular basis.

Not mentioned in the list immediately above, but a potentially significant cost, will be holding hearings to consider whether to grant a licence or whether to revoke or vary a licence. As the cost for these will be spread across licence fees as a whole, an estimate will have to be made when setting the fees of how many potential hearings there might be. Given the likely number of applicants is very difficult to assess it would be sensible to increase the number of hearings in any estimate rather than decreasing them. However once at the end of the first year of operation of the licensing system it would be sensible to review how many hearings there had actually been and revise the fees accordingly. Councils are also assisted by one of the decisions from *Hemming v Westminster* which allows deficits or surpluses to be carried over into the next financial year.

In assessing the costs of any hearings where the applicant makes oral representations to the local authority, councils will want to have regard to:

- the cost of communicating with the applicant and any representatives they have
- how much it costs to prepare and issue the notice setting out what the council proposes to do as required by paragraph 7(1) in Schedule 1
- what costs are incurred in preparing the report to the licensing committee
- any costs incurred by members associated with the hearing such as travel expenses
- hire of any rooms for the meeting
- the cost of printing and sending out the agendas, legal services costs and any legal advice the committee needs
- officer costs associated with actually running the hearing.

When looking at enforcement costs it is important to bear in mind that they must be based on the principles of good regulation, and they have to be set in an open and transparent way. An important point arising out of the *Hemming v Westminster* case is that the fees cannot be used to pay for enforcement action against unlicensed dealers (particularly collectors) or as an economic deterrent or to raise funds. The limitation placed by the EU Services Directive

around enforcement means that councils cannot recover the cost of issuing closure notices to unlicensed dealers and applying for closure orders from the magistrates' court.

A further consideration from Hemming is that councils cannot demand a fee where that has not been determined. In the case of Hemming there were a number of years where in effect the fee was carried over from the previous year without being considered in detail by a committee or the council. This point highlights the importance of regularly reviewing the fees and also making sure that when committees come to determine fees they have all the relevant information before them, otherwise they could be subject to legal challenge. One final matter is whether to consult on the fees. There is no requirement in the Act to do so, and it will not be practical to do so under the transitional provisions, but looking ahead consulting on the fees in the future may assist in reducing the potential for challenge where there has been a transparent and open process for agreeing them.

The LGA will shortly be producing a toolkit on setting licensing fees under the EU Services Directive which may provide assistance in setting fees for scrap metal dealer licences.

Assessing the suitability of the applicant

Section 3 of the Act states that a council must not issue a licence unless it is satisfied the applicant is a suitable person to carry on business as a scrap metal dealer – the 'suitability test'. In the case of a partnership this means assessing the suitability of each of the partners in the partnership, while in the case of a company it means assessing the suitability of any directors, company secretaries or shadow directors.

In assessing an applicant's suitability the council can consider any information it considers relevant. Applicants' behaviour in the operation of their business, such as the fact they have been operating for a considerable period of time without planning permission for their site, or that they are not registered with the Information Commissioner's Office (ICO) under the Data Protection Act, could be factors that are considered. The template application form requests information on whether the applicant has planning permission for their site. The lack of planning permission can only be taken into account for sites established after 1 November 1990 as sites in use before then will not have needed to obtain planning permission. Using the lack of planning permission as a relevant consideration for a site where it has not been needed could provide valid grounds for appealing the council's decision.

Even the lack of planning permission for a site established after 1 November 1990 or the lack of registration with the ICO would not in our view be enough on its own to arrive at the view an applicant is not suitable to hold a licence. If however there are also a range of other behaviours and activities that suggest an applicant is unsuitable to hold a licence then the lack of planning permission or registration with the ICO might be a factor in reaching an overall

decision that the applicant is unsuitable. Councils will be in a stronger position to defend any challenges to their decision to refuse a licence where they made their decision based on the factors specifically listed in the legislation. The list includes whether:

- the applicant or site manager has been convicted of a relevant offence, or subject to any relevant enforcement action
- the applicant has previously been refused a scrap metal dealers licence or an application to renew a licence has been refused
- the applicant has previously been refused a relevant environmental permit or registration
- they had previously held a scrap metal dealers licence that has been revoked.

Much of this information should be set out in the application form, and it is an offence under paragraph 5 of Schedule 1 for the applicant to make a false statement or recklessly make a statement which is false in a material way. However local authorities will undoubtedly want to satisfy themselves that an applicant is a suitable person by checking that they do not have previous relevant convictions, been the subject of any relevant enforcement action or have been refused a licence. There are benefits from the industry's perspective in there being a standardised process when it comes to assessing applicants' suitability, and in having a consistent approach applied to each application.

Agreement has therefore been reached between the Home Office and Disclosure Scotland allowing applicants for a scrap metal dealers licence to apply for a Basic Disclosure as part of the application process. This offers the possibility of providing a fair, transparent and objective means of identifying matters that might lead a council to conclude an applicant was not a suitable person to hold a scrap metal dealers licence.

As part of the application process the applicant should be asked to provide a Basic Disclosure certificate with the application form. In order to ensure there is minimal delay in processing applications councils are advised to inform dealers of the need to apply for a Basic Disclosure certificate before they submit their application, so that the form and certificate can be submitted together on or before 15 October. The Basic Disclosure certificate will remain the property of the applicant. This would allow them to use it for other applications to other local authorities. There is no requirement under the Act for applicants to provide a Basic Disclosure certificate, and the deemed licence for previously registered dealers will not lapse if it is not supplied with the application. However refusing to supply a certificate would be grounds for the council to consider what further information it needed to judge whether the applicant was suitable. Refusing to provide a Basic Disclosure certificate would also be grounds under paragraph 4(2) of Schedule 1 for the local authority to decline to proceed with the application.

The Basic Disclosure certificate contains details only of any unspent convictions as of the date the certificate is issued. It can be applied for on-line

or by completing a form, and paying a fee of £25. Disclosure Scotland will usually be able to provide a certificate with the results of the disclosure application within 14 days so there should not be any significant delay in the application process. The Basic Disclosure process can also be used for applicants living overseas (such as directors of multinational companies based abroad) to see whether they have any unspent convictions for relevant offences in this country. The older a certificate is, the more likely it is to be out of date. Councils will therefore have to consider at what point they will decide a certificate is not up-to-date enough to provide a reasonable check on an applicant's suitability. As some scrap metal dealers may have already applied for a Basic Disclosure certificate in anticipation of the legislation coming into effect, we would recommend that when considering applications from registered dealers and operators made between 1 to 15 October, councils accept certificates up to three months old.

Once the local authority has received the application they can then compare the results of the certificate with the relevant offences prescribed by the Home Office. The list of offences will be set out in regulations which it is intended will be laid in Parliament in September. The regulations will also set out the relevant enforcement action a local authority may have regard to when considering an application.

Based on the explanatory notes to the Act the LGA expects the offences listed in the regulations will mirror, where possible, those that the Environment Agency/Natural Resources Wales consider when granting an environmental permit. It is also likely to include criminal offences relevant to metal theft. The regulations will also set out the relevant enforcement action local authorities may consider when assessing suitability.

The Basic Disclosure certificate will reveal only any unspent convictions on the Police National Computer. It will not therefore necessarily contain details of convictions for relevant offences secured by the Environment Agency/Natural Resources Wales or other local authorities.

We would recommend that councils as a result consult these other organisations when assessing the suitability of an applicant. Section 3(7) provides the legal basis for doing this as it allows a council to consult other councils, the Environment Agency and/or Natural Resources Wales and the police about the suitability of an applicant.

Where for example the Basic Disclosure certificate reveals an unspent relevant conviction the council may well wish to seek additional information from the police to enable them to better assess the applicant's suitability. Councils may also wish to do this where there are other indications that an applicant may not be a suitable person, such as operating without planning permission or having registered with the ICO.

As a matter of course councils should also check the Environment Agency/Natural Resources Wales public registers to see if they have taken any relevant enforcement action. Searching through the Environment Agency

website provides an easy means of doing this. This will not however show any on-going enforcement action, and the only way to check that is through directly contacting the Environment Agency (through their National Customer Contact Centre on 03708 506 506, Mon-Fri, 8am - 6pm) or Natural Resources Wales (0300 065 3000, Mon-Fri, 8am - 6pm, or email: enquiries@naturalresourceswales.gov.uk). There is also a duty on councils to provide these bodies and the police with any information they have received in respect of a licensing application if requested.

Finding out if there has been any relevant enforcement action by another local authority is in some senses more problematic. Local authorities have for some time been encouraged to notify their local force of prosecutions for recordable offences so these can be entered on the Police National Computer. We would encourage local authorities to continue to do this, and specifically in the case of the Scrap Metal Dealers Act 2013, to notify their forces where they have secured convictions under any of the relevant offences already listed. There is however no central database of council prosecutions that could be checked as part of an assessment of whether an applicant is a suitable person.

To assist councils in the role of assessing the suitability of applicants the Home Office would like to see a proactive exchange of information, with the police and Environment Agency/Natural Resources Wales advising local authorities when they are prosecuting a scrap metal dealer for a relevant offence so a local authority may have regard to this information when considering applications for a scrap metal dealers licence, or when considering whether to instigate procedures to revoke a licence.

It is important to bear in mind when considering any application that even if an applicant has been convicted of a relevant offence this is not automatic grounds for refusing to grant a licence. The local authority has discretion in this matter and could decide after receiving further information from an applicant or other bodies, and considering the matter further, that they can grant a licence, or grant the licence with conditions. For example the council could take into account how long ago the offence was committed, the nature of the offence or enforcement action; the gravity of the offence or enforcement action; when the enforcement action was taken; along with any other relevant information as set out in s3(2).

Representations

Where a council proposes to reject an application (or revoke it or vary it) the applicant has to be notified what the council proposes to do and the reasons for it. If having conducted an initial assessment of an applicant's suitability the council is minded to refuse the application, the relevant officer has to write to the applicant to let them know.

In doing so the notice from the council has to give the applicant (or licensee) the opportunity to make representations or let the council know they wish to. The notice must also specify a period of time in which the applicant does this,

which cannot be less than 14 days from the date on which the notice is given to the applicant. If the applicant does not make any representations, or does not say that they wish to in that time period, then the council can refuse the application or revoke or vary the licence. Where the applicant states they want to make representations the council has to give them a further period in which to do so, and only if they fail to do so can they refuse the application or revoke or vary the licence.

Where the applicant makes representations the council has to consider them (Schedule 1, paragraph 7(7)), and if the applicant states they want to make oral representations the council must provide them with the opportunity to appear before a licensing committee. This is in our view the most appropriate way of interpreting the requirement in the Act for a person appointed by the council to hear representations (Schedule 1, paragraph 7(8)).

Application hearings

The requirement on councils to allow an applicant to make oral representations means that it will be appropriate to refer any contested applications to a licensing committee. Those applications which are uncontested or where there are no questions about the suitability of the applicant can be delegated to licensing officers to make the decision on whether or not to grant the application. Before that can occur, councils will need to have the appropriate delegations in place.

The most obvious instance where an application should be referred to a licensing committee is where there is information available to the council that suggests the applicant may not be suitable to hold a scrap metal dealers licence. Existing good practice around the consideration of applications by licensing committees should be applied to the consideration of applications for scrap metal dealers licences.

In the event the committee is minded to refuse the application then it will need to carefully consider the grounds on which it has decided to do so. The applicant has to be given the reasons an application has been rejected (see the next section) and if there is an appeal, the council will want to have robust grounds on which to defend its decision not to grant a licence.

Notices of decisions

Where a council has refused an application, revoked a licence or varied a licence it must give the applicant or licensee notice of the decision, which also sets out the reasons for the decision.

The notice also has to inform the applicant or licensee of their right to appeal the decision; the timeframe for making that appeal; and, where the licence has been revoked or varied, the date under which that comes into effect.

Appeals

Appeals against a decision by the council to refuse an application, to impose a condition on the licence or to revoke or vary the licence are to the magistrates' court.

The dealer has 21 days from the day on which they were given notice of the decision in which to appeal. The magistrates' court then has the power to confirm, vary or reverse the council's decision and issue any directions it considers appropriate having regard to the Act.

As the notice under paragraph 8 to schedule 1 must be in writing, notice will be deemed to have been given when the applicant/dealer has received it. Ordinarily, this will be the next working day if delivered by first class post.

Including conditions in the licence

A council's ability to impose conditions on a licence is very limited. Conditions can be imposed only where the applicant or any site manager has been convicted of a relevant offence, or, where the council is revoking a licence when a condition can be imposed, until the revocation comes into effect. For the majority of applicants therefore it is unlikely that a council will be in a position of being able to consider imposing conditions. In considering whether to issue a licence where the applicant or a site manager has a relevant conviction, the local authority might decide to do so on the basis that a condition is imposed on the licence.

Councils can impose one or both of two conditions. These conditions specify that:

- the dealer can receive scrap metal only between 9.00am and 5.00pm on any day, in effect limiting the dealer's operating hours; and/or
- any scrap metal received has to be kept in the form the dealer received it for a set period of time, which cannot be more than 72 hours.

Varying the licence

Dealers can apply to vary a licence from a site licence to a collector's licence or vice versa, and have to apply to vary the licence where there are any changes in certain details stipulated by the Act (see paragraph 3(2) in Schedule 1). The application has to be made to the council that issued the licence and has to set out the details of how the licence needs to be amended. A variation in a site licence has to be applied for where there are any changes relating to the name of the licensee on the licence; any change in the sites from which the licensee is authorised to carry on business; and any change in the details of a site manager.

In the case of a collector's licence a variation has to be applied for where there is a change in the details relating to the name of the licensee.

Councils have to be aware that variations related to changes in the name of the licensee on the licence for a site or a collector's licence cannot be used to effect a transfer of the licence from one person to another. Anyone wanting to hold a licence to be a scrap metal dealer has to apply for their own licence, they cannot take over an existing licence. This includes the situation where one business buys another business.

Failure on the part of the licensee to apply for a variation is an offence punishable by a fine not exceeding level 3 on the standard scale.

Notifications to the National Register

The Scrap Metal Dealers Act creates a requirement for a register of scrap metal dealers licences. The Environment Agency must maintain a register of scrap metal licences issued in England, and Natural Resources Wales must maintain a register of scrap metal licences issued in Wales. Both registers will be open to the public.

Under the provisions of the Act when councils issue a licence they are obliged to pass on certain information to the Environment Agency/NRW to enter on the register. The information that has to be passed on about each licence is:

- the name of the council which issued the licence
- the name of the licensee
- any trading name under which the licensee conducts business as a dealer
- the address of any site identified in the licence
- the type of licence (site or mobile)
- the date the licence expires.

It is planned that councils will email a CSV file across to a dedicated email address at the Environment Agency and Natural Resources Wales. The more frequently the information is passed across to the Environment Agency/NRW the more up-to-date the register will be, and the more useful it will be in enforcement terms. As a matter of good practice we would encourage councils to email details of licences issued or revoked to the Environment Agency/NRW within 10 working days of the decision to issue or revoke the licence being made.

A template form for submitting the information to the Environment Agency/NRW is in the process of being agreed and when available the LGA and the Environment Agency/NRW will be circulating this to councils. The aim of this is to ensure that the Environment Agency/NRW do not have to send data back to the originating local authority for correction and to provide as much consistency in entries on the register as possible. This will be important as the licensing regime develops in facilitating checks on dealers. With mobile

dealers potentially holding multiple licences across a range of local authorities, differences in the way information is entered will make it more difficult to spot that one authority may have revoked the collector's licence. For this reason consideration is being given to ask for more information through the template than just what is required for the public register. The home addresses of mobile collectors will help councils and the police distinguish between mobile collectors so there is a possibility councils will be asked to supply and update this information as well.

In order for the register to work properly each licence will need a unique identification number. The Environment Agency/NRW are therefore keen to agree a naming and numbering convention for licences, including retaining the licence number when a licence is renewed even if a separate reference number is automatically generated by the council's back-office systems.

Where information has been submitted but data has been found that needs correction then the files will be sent back to the local authority to be amended. Details will be supplied as to why the data needs correcting. Councils will therefore have to provide the Environment Agency/NRW with an email address to which the data can be returned. Once the register is up and running any questions about the data on it will be referred back to the licensing authority by the Environment Agency/NRW.

The register itself will be accessed through the Environment Agency/NRW website, where it will appear as a separate searchable register. This will show the type of licence, and may also show the postcode for mobile collector's licences.

The process described here will also be used for notifying the Environment Agency/NRW of any variations in the licence as councils are required to do under s8 of the Act. This includes:

- changing the type of licence from one form to the other
- changes in the name of the licensee(s)
- a change in sites from which the licensee can carry on business
- a change in the name of the site manager(s)
- whether the business has stopped trading in that local authority area as a scrap metal dealer
- any changes in the trading name.

Similarly councils are obliged to notify the Environment Agency/NRW of any licences that are revoked. Any notification of changes to the register detail are likely to require the overwriting of all the old data about the licence so the template provided for notifying the Environment Agency/NRW of a new licence will probably also be used for notifying them of any variations.

Form and content of licence when issued

The details the licence has to contain are set out in the legislation (s2(4) and (6)), and it also has to be in a form that allows it to be displayed in accordance with the requirements in s10.

In the case of a site licence, the actual licence has to state on it the name of the licensee; the name of the authority that issued it; list the sites in the authority's area where the licensee is allowed to conduct business; the name of any site manager at each site; and the date the licence will expire.

With a mobile collector's licence, the actual licence has to state the name of the licensee; the name of the authority that issued it and the date on which it is due to expire.

Although not required by law, councils should consider inserting the unique licence number for that licence created in relation to the national register as that would aid the police, the Environment Agency/NRW and other agencies in checking the dealer against the national register.

In the case of a mobile collector the dealer has to display a copy of the licence in their vehicle in such a way that it can be read by a person outside the vehicle. Councils will therefore have to give consideration when issuing the licence to ensure it is legible from outside the vehicle if, for example, it is left on the dashboard like a disabled parking badge. The LGA has drafted template site and mobile licences for councils to utilise, which are set out at Appendix B.

Application for a Scrap Metal Licence

SECTION 1. (for all applicants)		
Please indicate the type of licence you are applying for (please tick):		
A site licence <input type="checkbox"/> A collector's licence <input type="checkbox"/>		
Are you applying as (please tick):		
An individual <input type="checkbox"/> A company <input type="checkbox"/> A partnership <input type="checkbox"/>		
Please state your trading name:		
Is this application for a grant of a new licence or a renewal (please tick the relevant box):		
Grant of a new licence <input type="checkbox"/> Renewal of an existing licence <input type="checkbox"/>		
If 'yes' please provide your existing licence number:		
SECTION 2. Permits, registrations and licences in force		
Please provide details of any relevant environmental permit, exemption or registration (such as a scrap metal dealer or a motor salvage operator) in relation to the applicant:		
Type:	Identifying number:	Date of issue:
Type:	Identifying number:	Date of issue:
Continue on a separate sheet if necessary		
Please provide details, including licence number, of any other scrap metal licence issued by any authority to the applicant within the last 3 years (please use a continuation sheet if necessary):		
Are you registered as a waste carrier? (please tick)		
Yes <input type="checkbox"/> No <input type="checkbox"/>		
If 'yes' please provide your carrier's registration number:		
SECTION 3. TO BE COMPLETED IF APPLYING FOR A SITE LICENCE		
N.B- A site licence authorises the licensee to carry on business at a site in the authority's area. You can apply to licence multiple sites using this form.		
Details of prospective licence holder		

Title (please tick): Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> (please state):	I am 18 years old or over. Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> Date of Birth:
Surname:	Forenames:
Position/Role in the business:	
I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland ¹ : Yes <input type="checkbox"/> No <input type="checkbox"/> If you do not provide a disclosure certificate your application may be delayed or rejected.	
Contact details (we will use your business address to correspond with you unless you indicate we should use your home address)	
Business Address: Head office name or house name or number: First line of address: Town/City: Postcode:	Telephone numbers: Daytime: Evening: Mobile:
Home address: House name or number: First line of address: Town/City: Postcode:	Email address (if you would prefer us to correspond with you by email): Please note that you must still provide us with a postal address

¹ Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

<p>Site details. Please list the details for each site where you propose to carry on business as a scrap metal dealer in this local authority area. If you operate more than two sites in the area please provide details for each site on a continuation sheet. [N.B- If the applicant operates multiple sites within a licensing authority area, provision should be made for more than one site manager]</p>	
Full address of each site you intend to carry out business as a scrap metal dealer:	Site manager(s) details (if different from the applicant)
<p>Site 1</p> <p>Name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Telephone number:</p> <p>Email address:</p> <p>Website address:</p>	<p>Name:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Date of Birth:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> 2</p>
<p>Site 2</p> <p>Name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Telephone number:</p> <p>Email address:</p> <p>Website address:</p>	<p>Name:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Date of Birth:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Partnerships (If you are applying as a partnership, please provide the following details in respect of each partner – where there are more than two partners then please use a continuation sheet)</p>	

² If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.

Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> 3	Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>
Companies (If you are applying as a company please provide the details set out below about the company)	
Company name: Registration number: Address of the registered office: 	
Please provide the following details for each director(s), shadow director(s) and company secretary where these are different from the applicant and site manager(s) – where necessary please use a continuation sheet.	
Role: Name: Date of Birth: House name or number: First line of address: Town/City: Postcode: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> 4	Role: Name: Date of Birth: House name or number: First line of address: Town/City: Postcode: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>

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- 3** If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.
- 4** If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.

<p>Please provide details of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so:</p> <p>Address:</p> <p>Postcode:</p> <p>Please name the local authority which has licensed this site, or to whom applications have been made if before commencement of the Scrap Metal Dealers Act 2013:</p> <p>Please continue on a separate sheet of paper if necessary.</p>	
<p><i>Only applicable to sites established after 1 November 1990</i></p> <p>Do you have planning permission (please tick)</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>SECTION 4. TO BE COMPLETED IF APPLYING FOR A COLLECTOR'S LICENCE N.B- A collector's licence authorises the licensee to carry out business as a mobile collector in the authority's area only.</p>	
<p>Details of prospective licence holder</p>	
<p>Title (please tick):</p> <p>Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/></p> <p>(please state):</p>	<p>I am 18 years old or over. Please tick</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Date of Birth:</p>
<p>Surname:</p>	<p>Forenames:</p>
<p>I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland⁵:</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If you do not provide a disclosure certificate your application may be delayed or rejected.</p>	
<p>Contact details (we will use your business address to correspond with you unless you indicate we should use your home address)</p>	
<p>Business Address:</p> <p>House name or number:</p> <p>First line of address:</p>	<p>Telephone numbers:</p> <p>Daytime:</p> <p>Evening:</p> <p>Mobile:</p>

⁵ Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

Town/City: Postcode:	
Home address: House name or number: First line of address: Town/City: Postcode:	Email address (if you would prefer us to correspond with you by email): Please note that you must still provide us with a postal address
Where will scrap metal that has been purchased be stored before further disposal? House name or number: First line of address: Town/City: Postcode: Will not be stored <input type="checkbox"/>	
SECTION 5. MOTOR SALVAGE (For all applicants)	
Will your business consist of acting as a motor salvage operator? This is defined as a business that: <ul style="list-style-type: none"> • wholly or in part recovers salvageable parts from motor vehicles for re-use or re-sale, and then sells the rest of the vehicle for scrap; • wholly or mainly involves buying written-off vehicles and then repairing and selling them off; and, • wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them off. <p>(please tick)</p> Yes <input type="checkbox"/> No <input type="checkbox"/>	
SECTION 6. BANK ACCOUNTS THAT WILL BE USED FOR PAYMENTS TO SUPPLIERS (For all applicants)	
Please provide details of the bank account(s) that will be used to make payment to suppliers, in accordance with s12 of the Scrap metal Dealers Act 2013. If more than two bank accounts will be used, please use a continuation sheet.	

Help with completing your application for a scrap metal dealer's licence

If you need more help in completing the application then call your local council licensing team. They will be happy to help.

Section 1 – For everyone

This section asks if you are applying for a collector's licence or a site licence. You may only apply for one type of licence in each council area, but you can apply to run multiple sites. For instance, you could apply to run 3 sites in council A's area, and also apply to be a collector in council B's area.

A **site licence** lets you buy and sell scrap metal from a fixed location within the council area.

A **collector's licence** allows you to travel within the council area to collect scrap metal. You may not take this metal back to a site that you run within the council area in order to sell it.

Section 2 – For everyone

In order to carry on your business you may need to hold other environmental permits or licences that we should know about. For instance, if you carry waste as part of your business it is a legal requirement to register as a waste carrier. This includes transporting waste while travelling from job to job, to a storage place for disposal later, or to a waste disposal company or waste site. For more information on this, or to register call: 03708 506506 or visit: www.environment-agency.gov.uk/wastecarriers

This section also asks for details of any other scrap metal licences you hold. Please make sure you include the licence number so that we can check this against the national register.

Section 3 – For site licences

Fill out this section if you want a **site licence**. It should be filled out in the name of the person who will hold the scrap metal dealer's licence. As well as details about you and your business, we will also need details of any directors or partners involved in the business including their home address. We also need to know the address of the site or sites you want the licence for, as well as the details of each site manager responsible for that site. These details are required by law and also so that you can be contacted if there are any problems.

You and every person listed on the application form needs to submit a Basic Disclosure Certificate from Disclosure Scotland. You can apply for this certificate at <http://www.disclosurescotland.co.uk/apply/individuals/>

This is because the Home Office has decided that you and any person listed on the application need to tell the council if you have been convicted of certain crimes. Possessing a conviction may not automatically prevent you from having a licence if the offence was unrelated to being a scrap metal dealer or a long time ago, and you can convince the council that you are a suitable person.

A Basic Disclosure Certificate is considered to be only valid for a limited time, but can be used to apply to as many councils as you want within that time. Typically, three months is the longest that you can expect your check to be considered valid.

There is not much space on the form, so if you need to list more than one site manager, director, or partner, then please continue on a separate piece of paper setting out the details in the same way as the form.

A **site manager** is the person who will be in charge of the site on a daily basis. You will probably need a different site manager for each site on the licence.

A **director** or **partner** is someone who has or shares legal responsibility for the operation of the company, including filing returns at Companies House.

We also want to know if you operate or propose to operate a site in another local authority area, along with details of this site, the council which has licensed it or to whom you have applied for a licence.

If your site(s) were established after 1990, then you are required to have planning permission from the council. You will need to tell us if this is the case, and it will be checked with the council planning department.

Section 4 – For a collector’s licence

Fill out this section if you want a **collector’s licence**. It should be filled out in the name of the person who will hold the scrap metal dealer’s licence. You are asked to provide contact details, including the place where you live, so that the council can get in touch with you if necessary.

You need to submit a Basic Disclosure Certificate from Disclosure Scotland along with the application form. You can apply for this certificate at <http://www.disclosurescotland.co.uk/apply/individuals/>

This is because the Home Office has decided that you need to tell the council if you have been convicted of certain crimes. Possessing a conviction may not automatically prevent you from having a licence if the offence was unrelated to being a scrap metal dealer or a long time ago, and you can convince the council that you are a suitable person.

A Basic Disclosure Certificate is considered to be only valid for a limited time, but can be used to apply to as many councils as you want within that time. Typically, three months is the longest that you can expect your check to be considered valid.

We also ask for the place where you will store any collected scrap metal before taking it to a licensed site to dispose of it. Note that you are not allowed to sell or buy metal at this storage site and doing so is an offence. This may be a licensed site that you operate in another council area.

You will need to ensure that all your vehicles are roadworthy and are properly taxed, insured and otherwise meet the legal requirements to be on the road.

Section 5 – Motor salvage operator

This section asks if you will be salvaging motor vehicles as part of your work. The Scrap Metal Dealers Act 2013 brings together the Scrap Metal Dealers Act 1964 together with Part 1 of the Vehicles (Crime) Act 2001, which means you now only need a scrap metal dealer's licence.

Section 6 – Bank accounts that will be used for payments to suppliers

This section asks you for the bank details which you will use to pay people for the scrap metal you receive or sell. This is to check that you are not selling the metal for cash, which is illegal. These details will be kept securely by the council.

Section 7 – Payment

There is a fee to apply for a licence and your council will tell you how you can pay. The fee varies from council to council as it reflects their costs of processing the form and checking that people are doing what the licence requires. Applications cannot be accepted unless the correct fee has been paid.

Section 8 – Criminal convictions

This section asks you to set out any relevant convictions or enforcement activity that has been undertaken against you by the Environment Agency or Natural Resources Wales. It is an offence under the Scrap Metal Dealers Act 2013 to make or recklessly make a false statement. The information listed here will be checked against the Basic Disclosure Certificate from Disclosure Scotland that you are required to submit with the application, along with information retained by the police and the Environment Agency or Natural Resources Wales.

Section 9 – Declaration

The person who will hold the scrap metal dealer's licence needs to sign and date the declaration, as do the other people named on the form. This section also explains that the council has to share some of these details with the police, Environment Agency, or Natural Resources Wales when checking whether the applicant(s) is a suitable person to hold a licence. Some of the information will also be displayed on a public register.

If you do not agree to this use of your information then you should **not** sign the form. If you are in any doubt about what this section means then speak to your council's licensing team.

Relevant offences

These are to be confirmed in Home Office Regulations. The LGA anticipates, based on the explanatory notes to the Scrap metal Dealers Act 2013, that these will reflect other environmental permitting schemes and suggests the below as an *indicative* list:

- Control of Pollution (Amendment) Act 1989: Sections 1, 5 or 7(3)
- Customs and Excise Management Act 1979: Section 170 (for environmental/metal theft related offences only)
- Environment Act 1995: Section 110(2)
- Environmental Permitting Regulations 2007: Regulation 38
- Environmental Permitting Regulations 2010: Regulation 38

- Environmental Protection Act 1990: Sections 33 and 34
- Food and Environment Protection Act 1985: Section 9(1)
- Fraud Act 2006: Section 1 (for environmental/metal theft related offences only)
- Hazardous Waste (England and Wales) Regulations 2005
- Hazardous Waste (Wales) Regulations 2005
- Landfill (England and Wales) Regulations 2002
- Legal Aid, Sentencing and Punishment of Offenders Act 2012: Section 146
- Pollution Prevention and Control (England and Wales) Regulations 2000
- Proceeds of Crime Act 2002: Sections 327, 328, 330, 331 & 332 (for environmental/metal theft related offences only)
- Producer Responsibility Obligations (Packaging Waste) Regulations 2007
- Scrap Metal Dealers Act 1964 (for environmental/metal theft related offences only)
- Scrap Metal Dealers Act 2013
- Theft Act 1968: Sections 1, 8, 9, 10, 11, 17, 18, 22 & 25 (for environmental/metal theft related offences only)
- Transfrontier Shipment of Waste Regulations 1994
- Transfrontier Shipment of Waste Regulations 2007
- Vehicles (Crime) Act 2001: Part 1
- Waste Electrical and Electronic Equipment Regulations 2006
- Waste (England and Wales) Regulations 2011: Regulation 42
- Water Resources Act 1991: Section 85, 202 or 206

Scrap metal Site - Grant	COMM	£98.56	Committee										APPENDIX D				
	AO	£24.14	Admin Officer														
	LO	£33.76	Licensing Officer														
	SLO	£41.26	Senior Licensing Officer					rates per hour									
	HOS	£72.67	Head of Service														
	LEGAL	£80.40	Legal														
	CO	£33.76	Committee Officer														
	EO	£31.69	Enforcement Officer														
					Time						Cost						TOTAL
	AO	LO	SLO	EO	HOS	Legal	COMM	CO	AO	LO	SLO	EO	HOS	Legal	COMM	CO	
Send potential applicants guidance and copies of forms/Send existing licensees reminder letters		0.25								£8.44							
Provide telephone/personal assistance and deal with queries regarding completion of application forms and general enquiries			0.25								£10.32						
Check all required documents are included with the application	0.33								£7.97								
Ascertain whether all necessary information has been included and is complete on application		0.25								£8.44							
Verify cheque details, bank money and clear funds	0.5								£12.07								
Input application onto computer system (scanning in documents where necessary)	0.5								£12.07								
Confirm to applicant that application is complete/incomplete	0.25								£6.04								
Inspection visit to confirm notice posted, and that premises conform with the application and plan				2								£63.38					
Decide who to consult with e.g. Councillors, Environmental Health, UKBA, etc and send appropriate letters			0.5								£20.63						
Assess whether any representations received are valid/invalid and require investigation/hearing			0.5								£20.63						
Arrange Committee hearing, write report, inform all interested parties of details - 10% applications			4		1	1					£16.50		£7.27	£8.04			
Attendance at hearing, draft and issue decision notice to applicant/objectors - 10% applications			4		1	4	4	4			£16.50		£7.26	£32.16	£39.42	£13.50	
Draft and issue licence	0.5								£12.07								
Update register	0.1								2.41								
Premises inspections/intervention and compliance, complaints/queries -annual				3								£95.07					
Partnership cost																	£78.80
									£52.63	£16.88	£84.58	£158.45	£14.53	£40.20	£39.42	£13.50	£498.99

Scrap metal Site - Renewal	COMM	£98.56	Committee															
	AO	£24.14	Admin Officer															
	LO	£33.76	Licensing Officer															
	SLO	£41.26	Senior Licensing Officer						rates per hour									
	HOS	£72.67	Head of Service															
	LEGAL	£80.40	Legal															
	CO	£33.76	Committee Officer															
	EO	£31.69	Enforcement Officer															
					Time						Cost							
	AO	LO	SLO	EO	HOS	Legal	COMM	CO	AO	LO	SLO	EO	HOS	Legal	COMM	CO	TOTAL	
Send potential applicants guidance and copies of forms/Send existing licensees reminder letters		0.25								£8.44								
Provide telephone/personal assistance and deal with queries regarding completion of application forms and general enquiries			0.25								£10.32							
Check all required documents are included with the application		0.33								£7.97								
Ascertain whether all necessary information has been included and is complete on application		0.25								£8.44								
Verify cheque details, bank money and clear funds	0.5								£12.07									
Input application onto computer system (scanning in documents where necessary	0.5								£12.07									
Confirm to applicant that application is complete/incomplete	0.25								£6.04									
Decide who to consult with e.g. Councillors, Environmental Health, UKBA, etc and send appropriate letters			0.5								£20.63							
Assess whether any representations received are valid/invalid and require investigation/hearing			0.5								£20.63							
Arrange Committee hearing, write report, inform all interested parties of details - 10% applications			4		1	1					£16.50		£7.27	£8.04				
Attendance at hearing, draft and issue decision notice to applicant/objectors - 10% applications			4		1	4	4	4			£16.50		£7.26	£32.16	£39.42	£13.50		
Draft and issue licence	0.5								£12.07									
Update register	0.1								2.41									
Premises inspections/intervention and compliance, complaints/queries -annual				3								£95.07						
Partnership cost																	£78.80	
									£44.66	£24.85	£84.58	£95.07	£14.53	£40.20	£39.42	£13.50	£435.61	

[illegible]

Agenda Item 11

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

7 OCTOBER 2013

REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES

Report prepared by Lorraine Neale

- 1. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS -
OPERATIONAL CHANGES WITH REGARD TO DISCLOSURE
AND BARRING SERVICE (DBS) CHECKS**
 - 1.1 Issue for Decision
 - 1.1.1 To consider information on the recent changes made to the DBS checking service and their impact on procedures for licensing drivers at MBC.
 - 1.2 Recommendation of Head of Housing and Community Services
 - 1.2.1 That the report and necessary procedural changes are noted and agreed.
 - 1.3 Reasons for Recommendation
 - 1.3.1 This report is to provide information to the Committee regarding changes to the DBS checking system and for the Committee to note the resulting procedural changes which need to be implemented by the Licensing Section and the Licensing Partnership.
 - 1.3.2 The Licensing Authority requires an enhanced DBS to check for any criminal convictions/cautions in order to assist the determination of whether an applicant or a renewing licence holder is a fit and proper person to hold a hackney carriage/private hire driver's licence. The DBS was previously known as the Criminal Records Bureau (CRB)
 - 1.3.3 The enhanced disclosure involves an extra level of checking with police force records in addition to checks with the Police National Computer (PNC) and other agencies where appropriate. This level of disclosure is considered necessary for drivers as the nature of

their work can put them in regular unsupervised contact with children and vulnerable adults.

- 1.3.4 As of 17th June 2013, Registered Bodies no longer receive copies of DBS certificates direct. This means that the Licensing Section do not receive a copy of driver's enhanced certificate, and the Licensing Section cannot request a copy from the DBS. The certificate is sent to the applicant direct and the Council will only be able to view it with their consent.
- 1.3.5 Previously the Council did not accept DBS checks undertaken by other organisations as the duty of care fell to the Local Authority and they accepted only certificates received direct from CRB. That position was agreed by Licensing Committee
- 1.3.6 However due to the changes in legislation there is now no justification for refusing to accept a certificate that has been applied for by another body, as the certificate will come from the individual in any event. It will also be available online with the consent of the individual if they have registered for the updating service. There are various security features to enable a certificate to be checked as genuine. The Council will, therefore, now accept up to date certificates from an applicant and will encourage all applicants to subscribe to the update service and consent to the Council making status checks, (see below).

1.4 **DBS Update Service**

- 1.4.1 Any driver applying for their next criminal record check can choose to subscribe online to the DBS Update Service. This will allow them to keep their certificate up to date and allow applicants to reuse their DBS certificate when applying for similar jobs.
- 1.4.2 If a driver subscribes to the Update Service, the Council can carry out a free online check of the DBS certificate as long as the driver gives their consent.
- 1.4.3 Drivers can register online when they apply for a DBS certificate or within 14 days of getting one. Registration lasts for 1 year and costs £13 per year.
- 1.4.4 There are three possible outcomes of an online status check:

This Certificate did not reveal any information and remains current as no further information has been identified since its issue. This means that the individual's Certificate contains no criminality or barring information and no new information is available;

This Certificate remains current as no further information has been identified since its issue. This means that the individual's Certificate did contain criminality or barring information and no new information is available;

This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information. This means that the individual's Certificate should not be relied upon as new information is now available and you should request a new DBS check.

- 1.4.5 The DBS have advised that the service will be cancelled in cases where drivers have failed to pay the DBS the annual fee. In these instances drivers will then be expected to apply for a Certificate in the traditional way.
- 1.4.6 Further information regarding the DBS Update Service can be found at <https://www.gov.uk/dbs-update-service> or 0870 90 90 811.
- 1.4.7 The Council Licensing Policy requires that all new taxi and private hire drivers obtain an enhanced Disclosure & Barring Service (DBS) certificate prior to the grant of a licence. Existing drivers currently are required to apply for a new DBS certificate on a four yearly basis.

1.5 Alternative Action and why not Recommended

- 1.4.1 There is no alternative action available as the change has been necessitated by legislative change.

1.6 Impact on Corporate Objectives

- 1.5.1 None

1.6 Risk Management

- 1.6.1 There are none

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal

X

4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management

1.7.3 Under the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority shall not grant/renew a hackney carriage or private hire driver's licence unless it is satisfied that the applicant/driver is a fit and proper person to hold such a licence. The DBS certificate assists the Licensing Authority in assessing whether an applicant/driver is a fit and proper person and the new system allows this checking to take place.

1.8 Relevant Documents

None

1.8.1 Background Documents

1.8.2 None

<u>IS THIS A KEY DECISION REPORT?</u> <u>COMPLETED</u>	<u>THIS BOX MUST BE</u>
Yes <input style="width: 50px; height: 30px; margin-left: 10px;" type="checkbox"/>	No <input style="width: 50px; height: 30px; margin-left: 10px;" type="checkbox"/>
If yes, this is a Key Decision because: Wards/Parishes affected:	

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MONDAY 7 OCTOBER 2013

REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES

Report prepared by Lorraine Neale

1. LOCAL CODE OF GOOD CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH LICENSING MATTERS

1.1 Issue for Decision

- 1.1.1 The report informs Members of changes necessary to the Code of Conduct for dealing with Licensing Matters following the introduction of the new standards regime on 5 July 2012 (and amendments to the Licensing Act 2003. The draft revised code, updated to reflect the legislative changes is attached as Appendix B for members' information.

1.2 Recommendation of Head of Housing and Community Services

- 1.2.1 The draft revised Licensing Code be agreed and inserted into the Council's Constitution.

1.3 Reasons for Recommendation

- 1.3.1 Chapter 5 of the Constitution contains the Code of Conduct for Councillors and Officers Dealing With Licensing Matters, which gives officers, members of this Committee, the Licensing Act 2003 Committee,(change round for the report to the other committee) and its sub-committees advice on probity issues, insofar as they relate to licensing. The Code does not form a part of the adopted Members' Code of Conduct but is a separate document, which is both supportive of the Members' Code of Conduct and the source of expanded guidance in the particular area of licensing. The Licensing Code is intended to provide advice to Members so as to minimise the prospect of legal or other challenge to decisions. A copy of the current Licensing Code is attached as Appendix A to this report.
- 1.2.2 Following the provisions in the Localism Act 2011 relating to member standards coming in to force, Maidstone Council adopted a new Member Code of Conduct on 5 July 2012. There have also been

changes to the Licensing Act 2003, which change the position on who may make representation. As a result, the existing Licensing Code requires updating.

- 1.2 .3 The Localism Act 2011 brought to an end the previous standards regime and enabled local authorities to adopt a locally determined code. Maidstone Council adopted a new Code on 5 July 2012. The Localism Act, together with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, introduced the new concept of "Disclosable Pecuniary Interests" (DPIs). Members are required to notify the Monitoring Officer of their DPIs and may not take part in a discussion or vote on any matter in which they have a DPI. Failure to do this, with reasonable excuse, is now a criminal offence. Maidstone's Code of Conduct also requires Members with DPIs to withdraw from the room during a discussion on a matter in which they have a DPI.
- 1.2.4 Guidance from the Department for Communities and Local Government states that a member may not participate in any discussion or vote at any committee or sub-committee where they have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting. The guidance goes on to state that this prohibition applies to any form of participation, including speaking as a member of the public at such a meeting. There are provisions in the Localism Act 2011 which permit a Member with a DPI to apply for a dispensation from the Council to allow the Member to take part in a discussion or vote.
- 1.2.5 DPIs include ownership of land (including the Member's home), employment or sponsorship. The full list of DPIs is set out in the Members Code of Conduct.
- 1.2.6 As a result of the above changes it will be necessary to amend the Licensing Code to replace advice on prejudicial and personal interests with advice on DPIs in relation to licensing matters.
- 1.2.7 In addition, the Licensing Act 2003 was recently amended to remove the vicinity test for interested parties. This now means that any person may make a relevant representation in respect of an application under the Licensing Act 2003. Also The Police Reform and Social Responsibility Act 2011 added licensing authorities to the list of responsible authorities under the Licensing Act 2003. The aim of this policy is to ensure that licensing authorities are better able to respond quickly to the concerns of local residents and businesses by taking actions they consider appropriate to tackle irresponsible premises without having to wait for representations from other responsible authorities. The Licensing Code therefore requires

amendment in relation to the advice given to members of Licensing Sub Committees and Councillors wishing to make representations those.

1.4 Alternative Action and why not Recommended

1.4.1 The changes proposed arise from changes in legislation and therefore no alternative action is recommended.

1.5 Impact on Corporate Objectives

1.5.1 Revising the Code supports the Council's objective of corporate and customer excellence.

1.6 Risk Management

1.6.1 Failure to amend the Licensing code of conduct could lead to the challenge that the Council do not conduct their business in a fair and transparent way.

1.7 Other Implications

1.7.1

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

X

1.7.3 The legal implications have been dealt with in the body of the report

1.8 Relevant Documents

1.8.3 Appendices

- A. Existing Code of conduct
- B. Amended Code of Conduct

1.8.4 Background Documents

Localism Act 2011

Licensing Act 2003

Police Reform and Social Responsibility Act 2011

<u>IS THIS A KEY DECISION REPORT?</u>		<u>THIS BOX MUST BE COMPLETED</u>	
Yes	<input style="width: 50px; height: 25px; border: 1px solid black;" type="checkbox"/>	No	<input style="width: 50px; height: 25px; border: 1px solid black;" type="checkbox"/>
If yes, this is a Key Decision because:			
Wards/Parishes affected:			

LOCAL CODE OF CONDUCT FOR

COUNCILLORS AND OFFICERS

DEALING WITH LICENSING MATTERS

Adopted by the Licensing Act 2003 Committee on 28 April 2005
By Standards Committee on 13 June 2005
And by the Council on 27 July 2005

BACKGROUND TO THE CODE

The Code is based on the Lacor's Guidance: The Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003, which was produced to help ensure that Councillors make licensing decisions in an open, impartial, and lawful manner, with sound judgement and for justifiable reasons. For Licensing Committee, also read as Licensing Sub-Committee.

1. THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- Councillors and Officers have different, but complementary, roles. Officers advise Councillors and the Council, and carry out the Council's work. They are employed by the Council, not by individual Councillors and it follows that instructions may only be given to Officers through a decision of the Council or its Executive or a Committee or Sub-Committee. A successful relationship between Councillors and Officers can only be based upon mutual trust and understanding of each others positions. This relationship, and the trust which underpins it, must never be abused or compromised.
 - Both Councillors and Officers are guided by codes of conduct. The statutory Local Code of Conduct supplemented by guidance from the Standards Board, provides standards and guidance for Councillors. Employees will be subject to a statutory Employees' Code of Conduct. In addition to these codes, a Council's standing orders set down rules which govern the conduct of Council business.
- (a) The Model Code sets out the requirements on Councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including the need to register and declare interests, but also appropriate relationships with other Members, staff and the public, which will impact on the way in which Councillors participate in the licensing process. Of particular relevance to Councillors serving on licensing committees, sub-committees, or who become involved in making a licensing decision is the requirement that a Member:

*"must not in his official capacity, or any other circumstances, use his position as a Member **improperly** to confer on or secure for himself or any other person, an advantage or disadvantage;" (Paragraph 5(a) of Model Code).*

Councillors serving on the Licensing Committee, or Sub-Committee, or who otherwise become involved in making a licensing decision will represent their constituents as a body and vote in the interests of the whole Borough. The basis of the licensing system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members of the Licensing Committee should take account of those views, they should not

favour any person, company, group or locality, nor put themselves in a position where they appear to do so.

(1) The role of an Elected Member on the Licensing Committee will involve balancing the multiple needs and interests of the community, whilst giving priority to the Four Licensing Objectives of the Licensing Act 2003, namely:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

Councillors who do not feel that they can act in this way should consider whether they are best suited to serving on the Licensing Committee. Councillors should also be very cautious about accepting any gifts and hospitality. The Code requires any Members receiving any gift or hospitality **in their capacity as Members**, over the value of £25, to provide within 28 days of its receipt written notification of the details to the Monitoring Officer of the Council. However, Members of the Licensing Committee should not accept any gifts of hospitality from persons involved in licensing applications.

(b) Similarly, Officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a licensing proposal. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, Officers should ensure that it is of the minimal level and register its receipt as soon as possible, Officers should also register any offer of gifts or hospitality which they have declined.

Employees must always act impartially. In order to ensure that Senior Officers do so, the Local Government and Housing Act 1989 enables restrictions to be set on their outside activities, such as Membership of political parties and serving on another Council.

A requirement for staff to act impartially is likely to be a requirement of the statutory Employees' Code.

Such impartiality (particularly crucial in highly contentious matters) is re-enforced by requirements on Members in the Model Code. Members are placed under a requirement by paragraphs 2(b) and (c) 3(2)(c) of the Model Code to:

- Treat others with respect; and
- Not to do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

(c) The Council has agreed that no member will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies and procedures of this Committee as specified by the

Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the committee for newly appointed members and substitute members of the committee. If the specified training has not been completed by the due date, the member will cease to be a member/substitute member of this Committee until the training has been completed. The Head of Housing and Community services will keep a record of the training requirements of this Committee and of member's compliance with the requirements. Existing members of this Committee should be updated regularly on changes of legislation and procedures and receive refresher training on an annual basis. All Members of Licensing Committee should receive refresher training annually.

2. **REGISTRATION OF INTERESTS BY COUNCILLORS**

The Local Government Act 2000 and the Model Code place requirements on Members on the registration and declaration of their interests and the consequences for the Member's participation in consideration of an issue, in the light of those interests. These requirements must be followed scrupulously and Councillors should review their situation regularly. Guidance on the registration and declaration of interests will be issued by the Standards Board for England and advice may be sought from the Council's Monitoring Officer. Ultimate responsibility for fulfilling the requirements rests individually with each Councillor.

A register of Members' interests will be maintained by the Council's Monitoring Officer, which will be available for public inspection. A Member must provide the Monitoring Officer with written details of relevant interests within 28 days of his election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Member becoming aware of such changes.

3. **DECLARATION OF INTERESTS**

The Model Code abandons the use in the old National Code of the terms 'pecuniary' and 'non-pecuniary' interests. Instead, it uses the terms '**personal**' and '**prejudicial**' interests. The code defines a personal interest in any matter under discussion as:

- (1) If the matter relates to an interest in respect of which the Member has given notice in the statutory register of Members' interests; and
- (2) If a decision upon it might reasonably be regarded as affecting **to a greater extent than other Council tax payers, ratepayers or inhabitants of the authority's area**, the well-being or financial position of themselves, a relative or a friend, or
 - Any employment or business carried on by such persons;
 - Any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are Directors;
 - Any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

- Any body which the Member is required to register in the statutory register of interests, in which such persons hold a position of general control or management.

Where a Member considers he has such a personal interest in a matter, he must always declare it, but ***it does not then necessarily follow that the personal interest debars the Member from participation in the discussion***

The Member then needs to consider whether the personal interest is a **prejudicial** one. The code provides that a personal interest becomes a prejudicial one “...if the interest is one which a Member of the public **with knowledge of the relevant facts** would **reasonably** regard as so significant that it is likely to prejudice the Member’s judgement of the public interest”. *If a Member has such an interest, he should not participate in a discussion on the matter and must withdraw from the room and must not seek improperly to influence a decision in the matter.*

The code includes some exceptions to this. For example, if the matter under discussion relates to:

- Another authority of which the Councillor is a Member;
- Another public authority in which the Councillor has a position of general management or control;
- A body to which the Councillor has been appointed or nominated as a representative of the authority.

Then, in these circumstances, the interest **may not be regarded as prejudicial**. In practice, therefore, the Member would need to declare the interest, but could participate, if appropriate, having regard to all the circumstances. The Member, in such circumstances, should seek advice of the Monitoring Office.

It can be seen that these provisions of the Code are an attempt to separate out interests arising from the personal and private interests of the Councillor and those arising from the Councillor’s wider public life. The emphasis is on a consideration of the status of the interest in each case by the Councillor personally, and included in that judgement is a consideration of the perception of the public, acting reasonably and with knowledge of the facts. The Standards Board has provided guidance on this aspect of the Code. In the end, however, the decision will be for the Councillor alone to take.

Translated to a Councillor’s involvement in licensing issues, the two stage test of personal and prejudicial interests taken a firm view on the licensing matter, either in meetings of the other body or otherwise, they would not be able to demonstrate that, in participating in a decision, all the relevant facts and arguments had been taken into account – they would have fettered their discretion. Were they to participate in a decision in those circumstances, they might place their authority in danger of judicial review.

The advent of new forms of political management in local authorities has given rise to a potentially difficult issue. Authorities operating forms of the Executive Model will typically have an Executive Member responsible for economic development. That Member may be a member of the authority's Licensing Committee or other decision-making body for licensing matters. There may be occasions when that Executive Member will wish to press for a particular development which the Member regards as beneficial to the development of the area. Should that Executive Member be able to vote on any licensing application relating to that proposal? The appropriate action is not clear cut, and may depend on the particulars of the case. However, the general advice would be that a Member in such circumstances may well be so committed to a particular development as the result of undertaking the responsibilities of furthering the development of the area, that he or she may well not be able to demonstrate that they are able to take account of counter arguments before a final decision is reached. Indeed, the Member may be seen as the chief advocate on behalf of the authority for the development in question. In that sense, the Member becomes almost the 'internal applicant'.

Any Member who is a Parish Councillor and/or a County Councillor must consider carefully the potential conflicts of interest that might arise by serving on the Licensing Committee when considering taking up an appointment on that Committee, but provided that the Member has not voted on the application when considered by that Council and provided that he does not believe himself to be under an obligation to vote in the same way as the Parish Council recommends, dual Membership should not be a bar to sitting on the Licensing Committee when considering such applications.

4. APPLICATIONS SUBMITTED BY COUNCILLORS AND THE LOCAL AUTHORITY

Proposals to their own Authority by serving and former Councillors, Officers, and their close friends and relatives can easily give rise to suspicions of impropriety. So indeed can proposals for a Council's own development.

Local Authorities may apply for their own Premises Licenses so as to licence areas of public space (either indoor or outdoor). Indeed the Government's guidance encourages this:

3.5.9 "To ensure cultural diversity thrives, Local Authorities should consider establishing a policy of seeking premises licenses from the Licensing Authority for public spaces within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres, and similar public areas."

Such applications must be and seen to be dealt with in exactly the same manner in all other applications, with no regard given to the interests of the Council itself. During such an application process, it is therefore important to be aware of any potential appearance of bias.

It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism. Accordingly:-

- Councillors who act as agents for people pursuing a licensing matter with the Authority should play no part in the decision-making process for that proposal. Similarly, should they submit their own proposal to the Council which they serve they should take no part in its processing.
- The Monitoring Officer shall be informed of such proposals by the Councillor concerned and by Officers when they submit licensing applications on behalf of themselves or their spouses.
- Applications by Councillors, Officers and by the Council itself will be dealt with by the Licensing Sub-Committee.

5. LOBBYING OF AND BY COUNCILLORS

- Local Democracy – the Licensing Act 2003 sets out the grounds for making representations on licensing applications and limits the parties that may make such representations. The scope of lobbying may be restricted whereby, for example, local Councillors are only permitted to make representations to the Licensing Authority where they live in the vicinity of the premises concerned, or have been requested by one of the “interested parties” (e.g. residents/local businesses) to act on its behalf (see Licensing Act 2003 – Section 13 “3”). However, it should be borne in mind that one of the key aims of the Licensing Act 2003 is to localise decision making or “democratise” the process and members are therefore legitimately concerned with their locality and the needs/wishes of its constituents, including both the needs for entertainment and employment as well as the undesirability of crime and public nuisance.

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It is important to recognise that lobbying is a normal and a perfectly proper part of the political process. Those who may be affected by a licensing decision will often seek to influence it through an approach to their elected Ward Councillor or to a Member of the Licensing Sub-Committee.

- However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Councillor being called in question. When being lobbied, Members of the Licensing Committee should not express an opinion which may be taken as indicating that they have already made up their mind on the issue before they consider the matter in Committee. In such situations, they should restrict themselves to giving procedural advice and refer the lobbyist to his/her Ward Member, who is not a Member of the Licensing Committee or the Licensing Officer who can explain the process of decision making.
- Councillors, and Members of the Licensing Committee in particular, need to take account of the expectations of the general public (and the Courts and the Ombudsman) that a licensing application will be processed and determined in a transparently open and fair manner, in which Members taking the decision will take account of all the Officers’ advice and other relevant representations made

before arriving at a decision, and that to commit themselves one way or the other before the Committee meets makes them vulnerable to an accusation of partiality. Determining a licensing application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that the Council will act reasonably and fairly. There is also the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration, or to the Standards Board that any Member has breached the Local Code.

- In reality, of course, Councillors will often form a judgement about an application early on in its passage through the system, whether or not they have been lobbied. The difficulty created by the nature of the Licensing Committee's proceedings (as set out in the paragraph above) is that Members of the Licensing Committee must not decide which way they intend to vote in advance of the Licensing Committee meeting.
- Political reality suggests that it is often important to distinguish between the role of the Licensing Committee Member who is, and who is not, a Ward Member for the area affected by a particular licensing application.

A Licensing Committee Member who does not represent the Ward affected is in an easier position to adopt an impartial stance, however strong his or her feelings about the application may be, and to wait until the Licensing Committee meeting before declaring one way or the other.

A Licensing Committee Member who represents a Ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If the Member responds to lobbying by deciding to go public in support of a particular outcome - or even campaign actively for it - it will be very difficult for that Member to argue convincingly when the Licensing Committee comes to take its decision that he/she has carefully weighed the evidence and arguments presented - perhaps in some respects for the first time - at the Licensing Committee. Although not amounting to a prejudicial interest according to the Code of Conduct, the proper course of action for such a Member would be not to participate in consideration of the application.

It should be evident from the previous paragraphs that it is very difficult to find a form of words which covers every nuance of these situations and which gets the balance right between the duty to be an active Ward representative and the requirement when taking decisions on licensing matters to take account of all arguments in an open-minded way.

- It cannot be stressed too strongly that the striking of this balance is, ultimately, the responsibility of the individual Member, and that in doing so regard needs to be paid to the general rules laid down in the Code of Conduct.
- Given that the point at which a decision on a licensing application is made cannot occur before the meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the Licensing Committee meeting must not be used to decide how Councillors should vote.

- Members of the Licensing Committee should avoid organising support for or opposition to a licensing application, and avoid lobbying other Councillors. Such actions can easily be misunderstood by parties to the application and by the general public.
- Councillors should not put improper pressure on Officers for a particular application and should not do anything which compromises, or is likely to compromise, their impartiality.
- Councillors who are unsure whether an interest should be declared should seek the advice of the Monitoring Officer, although as indicated above, the decision rests with the Councillor.
- Where a Councillor receives written representations directly in relation to a licensing application he/she shall pass the correspondence to the Licensing Officer in order that those representations may be referred to in any Committee report.
- Members of the Licensing Committee will remain in the meeting for the whole time that an item is being debated and will not be able to vote on the matter unless they have done so.

6. PRE-APPLICATION DISCUSSIONS

Councillor(s) will not be involved in discussions with an applicant or agent concerning a licensing proposal when a licensing application is imminent or has been submitted and remains to be determined. This is because the Councillor could all too easily compromise his/her own position or the position of the Council.

7. SITE VISITS

The Protocol for site visits, which take place during a hearing, is as follows:-

Purpose of Visits

- (i) The purpose of the site visits is to enable Members to inspect proposed application sites to enable Members to better understand the impact of that proposal;
- (ii) It is not the function of the visit to receive representations or debate issues;

Selecting Site Visits

- (i) visits will take place if voted for by a majority of the Licensing Sub-Committee;
- (ii) site visits will only take place where the Sub-Committee believes that there is a clear substantial benefit to be gained and the hearing will be adjourned;

Procedures on Site Visits

- (i) the site will be inspected from the viewpoint of both applicant(s) and other persons making representations;
- (ii) where applicant(s) and/or other persons making representations are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered but will first advise them that it is not the function of the visit to receive representations or debate issues.

Decision Making

- (i) No decision will be taken on site.

8. REGULAR REVIEW OF DECISIONS

- Councillors should visit a sample of implemented licensing decisions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision-making, thereby strengthening public confidence, and can help with reviews of licensing policy.
- Such a review will be undertaken at least annually. It should include examples from a broad range of categories. The Licensing Committee should formally consider the review and decide whether it gives rise to the need to review any policies or practices.

9. COMPLAINTS AND RECORD KEEPING

- Whatever procedures a Council operates, it is likely that complaints will be made. However, the adoption of this local code should reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
- The Council already has a fully developed local complaints system.
- So that complaints may be fully investigated (and in any case as a matter of general good practice) record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. Every licensing application file should contain an accurate account of events throughout its life. It should be possible for someone not involved with that application to understand what the decision was and how and why it was reached. Particular care needs to be taken with applications determined under Officers' delegated powers. Such decisions should be as well documented and recorded as those taken by the Licensing Committee. These principles apply equally to enforcement. Monitoring should be undertaken regularly.

LOCAL CODE OF CONDUCT FOR

COUNCILLORS AND OFFICERS

DEALING WITH LICENSING MATTERS

Adopted by the Licensing Act 2003 Committee on 28 April 2005
By Standards Committee on 13 June 2005
And by the Council on 27 July 2005

Further Amended by Licensing Committee and Licensing Act 2003 Committee in Octoberb 2013 to take into account the new Code of Conduct, Localism Act 2011 and the officer restructure.

BACKGROUND TO THE CODE

The Code is based on the Lacor's Guidance (Updated January 2010): The Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003, which was produced to help ensure that Councillors make licensing decisions in an open, impartial, and lawful manner, with sound judgement and for justifiable reasons. For Licensing Committee, also read as Licensing Sub-Committee.

1. THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- Councillors and Officers have different, but complementary, roles. Officers advise Councillors and the Council, and carry out the Council's work. They are employed by the Council, not by individual Councillors and it follows that instructions may only be given to Officers through a decision of the Council or its Executive or a Committee or Sub-Committee. A successful relationship between Councillors and Officers can only be based upon mutual trust and understanding of each others positions. This relationship, and the trust which underpins it, must never be abused or compromised.
 - Both Councillors and Officers are guided by codes of conduct. The Code of Conduct adopted by Maidstone Borough Council , provides standards and guidance for Councillors. In addition, Councillors are obliged to register and declare certain pecuniary interests by the Localism Act. Employees will, in due course, be subject to a statutory Employees' Code of Conduct but in the meantime Maidstone Borough Council has adopted its own Code of Conduct for employees. In addition to these codes, a Council's standing orders set down rules which govern the conduct of Council business.
- (a) The Code of Conduct for Councillors was adopted by Maidstone Borough Council on 5 July 2012. It sets out the requirements on Councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including the need to register and declare interests, but it also deals with a Members relationship with other Members, staff and the public, which will impact on the way in which Councillors participate in the licensing process. Of particular relevance to Councillors serving on licensing committees, sub-committees, or who become involved in making a licensing decision is the requirement that a Member:

*"must not in his official capacity, or any other circumstances, use his position as a Member **improperly** to confer on or secure for himself or any other person, an advantage or disadvantage;" (Paragraph 5(a) of Model Code).*

Councillors serving on the Licensing Committee, or Sub-Committee, or who otherwise become involved in making a licensing decision will represent their constituents as a body and vote in the interests of the whole Borough. The basis of the licensing system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members of the Licensing Committee should take account of those views, they should not

favour any person, company, group or locality, nor put themselves in a position where they appear to do so.

(1) The role of an Elected Member on the Licensing Committee will involve balancing the multiple needs and interests of the community, whilst giving priority to the Four Licensing Objectives of the Licensing Act 2003, namely:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

Councillors who do not feel that they can act in this way should consider whether they are best suited to serving on the Licensing Committee. Councillors should also be very cautious about accepting any gifts and hospitality. The Code requires any Members receiving any gift or hospitality **in their capacity as Members**, over the value of £100, to provide within 28 days of its receipt written notification of the details to the Monitoring Officer of the Council. **Receipt of the gift must also be declared at meetings of the Council by the recipient, where it relates to the matter being considered (if the gift was received in the last 3 years).** However, Members of the Licensing Committee should not accept any gifts of hospitality from persons involved in licensing applications.

(b) Similarly, Officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a licensing proposal. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, Officers should ensure that it is of the minimal level and register its receipt as soon as possible, **having obtained the approval of their line manager.** **Such offers must be recorded in the Council's register of gifts and hospitality whether or not accepted. This register is reviewed regularly by Directors of the Council.**

Employees must always act impartially. In order to ensure that Senior Officers do so, the Local Government and Housing Act 1989 enables restrictions to be set on their outside activities, such as Membership of political parties and serving on another Council.

A requirement for staff to act impartially is likely to be a requirement of the statutory Employees' Code.

Such impartiality (particularly crucial in highly contentious matters) is reinforced by requirements on Members in the Model Code. Members are placed under a requirement by paragraphs **3(2)(c)** of the Model Code to:

- Not to do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

(c) The Council has agreed that no member will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies and procedures of this Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the committee for newly appointed members and substitute members of the committee. If the specified training has not been completed by the due date, the member will

cease to be a member/substitute member of this Committee until the training has been completed. The Head of Housing and Community services will keep a record of the training requirements of this Committee and of member's compliance with the requirements. Existing members of this Committee should be updated regularly on changes of legislation and procedures and receive refresher training on an annual basis. All Members of Licensing Committee should receive refresher training annually.

2. **REGISTRATION OF INTERESTS BY COUNCILLORS**

The **Localism Act 2011** and the Code place requirements on Members **relating to** the registration and declaration of their interests and **sets out** the consequences for the Member's participation in consideration of an issue, in the light of those interests. These requirements must be followed scrupulously and Councillors should review their situation regularly. Advice may be sought from the Council's Monitoring Officer **on these issues**. Ultimate responsibility for fulfilling the requirements rests individually with each Councillor.

A register of Members' interests will be maintained by the Council's Monitoring Officer, which will be available for public inspection **and be published on the Council's website**. A Member must provide the Monitoring Officer with written details of relevant interests within 28 days of **adoption of the local code, or within 28 days of** his election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Member becoming aware of such changes.

3. **DECLARATION OF INTERESTS**

The Code sets out definitions of Disclosable Pecuniary Interest (DPI) (which must be registered under the Localism Act – it being a criminal offence not to do so) and Other Significant Interests (OSI) which must be registered/disclosed under the Council's code. Where a Member considers he has a DPI or OSI in a matter, he must always declare it, *not participate or vote on the matter and must withdraw from the room when the matter is discussed.*

If the Council allows members of the public to address meetings, then a Member with an OSI may attend a meeting to make such representations, but must leave the room immediately after making those representations. If a Member wishes to take

Translated to a Councillor's involvement in licensing issues, **the interests test** will require a Councillor to abstain from involvement in any issue the outcome of which might advantage, or disadvantage the personal interests of the Councillor, his family, friends or employer (other than the limited right to attend meetings to make representations and then leave).

In certain circumstances a Councillor with a DPI or OSI may seek a dispensation to participate, notwithstanding their interest.

The advent of new forms of political management in local authorities has given rise to a potentially difficult issue. Authorities operating forms of the Executive Model will typically have an Executive Member responsible for economic development. That Member may be a member of the authority's Licensing Committee or other decision-making body for licensing matters. There may be occasions when that Executive Member will wish to press for a particular development which the Member regards as beneficial to the development of the area. Should that Executive Member be able to vote on any licensing application relating to that proposal? The appropriate action is not clear cut, and may depend on the particulars of the case. However, the general advice would be that a Member in such circumstances may well be so

committed to a particular development as the result of undertaking the responsibilities of furthering the development of the area, that he or she may well not be able to demonstrate that they are able to take account of counter arguments before a final decision is reached. Indeed, the Member may be seen as the chief advocate on behalf of the authority for the development in question. In that sense, the Member becomes almost the 'internal applicant'. In such circumstances, the appropriate approach is likely to be that the Member is able to speak in favour of the development but should not vote on the relevant applications, (unless the Member has conducted high-profile, active lobbying for a particular outcome, in which case he should not participate in the debate or vote on the application.)

Any Member who is a Parish Councillor and/or a County Councillor must consider carefully the potential conflicts of interest that might arise by serving on the Licensing Committee when considering taking up an appointment on that Committee, but provided that the Member does not believe himself to be under an obligation to vote in the same way as the Parish Council recommends, dual Membership should not be a bar to sitting on the Licensing Committee when considering such applications.

However, such membership should be notified to the Committee. If the application has actually been made by another Council of which the Councillor is a member or a senior member of staff, the interest is likely to be an Other Significant Interest.

4. APPLICATIONS SUBMITTED BY COUNCILLORS AND THE LOCAL AUTHORITY

Proposals to their own Authority by serving and former Councillors, Officers, and their close friends and relatives can easily give rise to suspicions of impropriety. So indeed can proposals for a Council's own development.

Local Authorities may apply for their own Premises Licenses so as to licence areas of public space (either indoor or outdoor). Indeed the Government's guidance encourages this:

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Such applications must be and seen to be dealt with in exactly the same manner in all other applications, with no regard given to the interests of the Council itself. During such an application process, it is therefore important to be aware of any potential appearance of bias.

It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism. Accordingly:-

- Councillors who act as agents for people pursuing a licensing matter with the Authority should play no part in the decision-making process for that proposal. Similarly, should they submit their own proposal to the Council which they serve they should take no part in its processing.

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5. LOBBYING OF AND BY COUNCILLORS

- Local Democracy – the Licensing Act 2003 sets out the grounds for making representations on licensing applications and limits the parties that may make such representations. The scope of lobbying may be restricted whereby, for example, local Councillors are only permitted to make representations to the Licensing Authority where they live in the vicinity of the premises concerned, or have been requested by one of the “interested parties” (e.g. residents/local businesses) to act on its behalf (see Licensing Act 2003 – Section 13 “3”). However, it should be borne in mind that one of the key aims of the Licensing Act 2003 is to localise decision making or “democratise” the process and members are therefore legitimately concerned with their locality and the needs/wishes of its constituents, including both the needs for entertainment and employment as well as the undesirability of crime and public nuisance.
- Since January 2010, councillors are regarded as interested parties in their own right. They are entitled to make representations or call for reviews in respect of any licensed premises in any ward within the council’s area. They do not have to await instructions from residents or other organisations, but can act on their own initiative. (Note: members of councils that are not licensing authorities are not included within this definition. A small minority of councils will be affected by this; the majority are licensing authorities.)

It is important to recognise that lobbying is a normal and a perfectly proper part of the political process. Those who may be affected by a licensing decision will often seek to influence it through an approach to their elected Ward Councillor or to a Member of the Licensing Sub-Committee.

- However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Councillor being called in question. When being lobbied, Members of the Licensing Committee should not express an opinion which may be taken as indicating that they have already made up their mind on the issue before they consider the matter in Committee. In such situations, they should restrict themselves to giving procedural advice and refer the lobbyist to his/her Ward Member, who is not a Member of the Licensing Committee or the Licensing Officer who can explain the process of decision making.
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It should be evident from the previous paragraphs that it is very difficult to find a form of words which covers every nuance of these situations and which gets the balance right between the duty to be an active Ward representative and the requirement when taking decisions on licensing matters to take account of all arguments in an open-minded way.

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- Whatever procedures a Council operates, it is likely that complaints will be made. However, the adoption of this local code should reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
- The Council already has a fully developed local complaints system.
- So that complaints may be fully investigated (and in any case as a matter of general good practice) record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. Every licensing application file should contain an accurate account of events throughout its life. It should be possible for someone not involved with that application to understand what the decision was and how and why it was reached. Particular care needs to be taken with applications determined under Officers' delegated powers. Such decisions should be as well documented and recorded as those taken by the Licensing Committee. These principles apply equally to enforcement. Monitoring should be undertaken regularly.

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MONDAY 7 OCTOBER 2013

REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES

Report prepared by Claire Perry

1. LICENSING PARTNERSHIP

1.1 Issue for Decision

- 1.1.1 To receive an Annual Report on the performance of the Licensing Partnership for the financial year 2012/13.

1.2 Recommendation

- 1.2.1 That Licensing Committee notes the attached report.

1.3 Reasons for Recommendation

- 1.3.1 In 2009 it was agreed that the administration of the Licensing process would be undertaken in partnership with Sevenoaks District Council and Tunbridge Wells Borough Council. It was agreed that the administrative hub processing the licensing applications would be based at Sevenoaks District Council.
- 1.3.2 In the first three years there were significant problems in the establishment of the Partnership relating to the transfer of information from the other authorities to Sevenoaks District Council. These problems relating to data transfer led to delays in the transfer of all the licensing functions to Sevenoaks and the completion of this transfer was not concluded until November 2011.
- 1.3.3 This situation led to a backlog in work from new and existing licence applications which required additional staff resource in order to clear. That resource was given to the Licensing Partnership Manager with the view that the backlog should be cleared by the end of the financial year. The administrative hub has worked very hard and the backlog has been cleared and all work is currently on schedule. It was cleared by November 2012.

1.3.4 Service Plan

1.3.5 The Partnership's Service Plan for 2012/13 had the following seven service objectives. The Licensing Partnership Board agreed the service plan and set the targets. The current position on each of these is set out below.

1.3.6 1. Manage and oversee the Licensing Partnership and contribute to annual efficiency savings.

It has not been possible to advance the efficiency savings set out in this objective because of the previously explained backlog. With the backlog now cleared work has begun on identifying the exact staffing levels required for the ongoing service. A saving of £17500 for 2012/13 has already been identified as a result of the reapportionment of the Hub costs according to the formula set out in the partnership legal agreement. The next stage will be to look at the operation of the service and to break down its administrative functions to see if any changes can be made to improve efficiency and reduce costs. Work is already underway on streamlining processes to reduce the time taken for administrative functions.

1.3.7 2. Continue to develop the 'Centre of Excellence' for all Council licensing functions

1.3.8 The same comments on work processes in relation to 1. are relevant to this objective.

1.3.9 3. Investigate further undertaking of licensing functions for other local authorities

1.3.10 No action has as yet been taken with regard to looking at other local authorities as set out in the service plan. It was agreed that the first step for the Partnership was to ensure its own systems were working effectively before looking to promote itself to other bodies. However, work on this should commence in late summer 2013, as set out within the Service Plan.

1.3.11 4. Improve public perception of services provided by using the feedback from customers to change processes

1.3.12 This is an ongoing process. Work with Tunbridge Wells Borough Council has just concluded and discussions with the team have identified a number of actions which will begin to be implemented across the Partnership from autumn 2013. It was an extensive project involving their Business Development Unit. Further details can be provided but it is an ongoing project.

- 1.3.13 5. Provide innovative solution to minimise data inputting by administration staff e.g. development of on line application forms
- 1.3.14 The Licensing Partnership Manager has had discussions with the current computer software supplier IDOX for a licensing system which included the facility for online forms and they have indicated that they are unlikely to undertake any work in this area in the near future. However, the Manager has identified a company which has worked with and developed on line forms elsewhere. Discussions have been undertaken with this company and with the computer software supplier IDOX to see how such forms could be introduced within the partnership and linked to the existing computer system.
- Those forms should be introduced and functioning by the autumn. This will ensure that the impact of the improvement of the service and the reduction of costs can take place in the financial year 2014/15. The procurement process has been undertaken at SDC by the IT Department and the proper procedures have been followed. The online forms are integrated so that the information that is input by the customer will be dropped into the back office database. This will mean that instead of officers typing in information from hard copy forms or from the pdf forms that are provided by the Government's on line forms the fields will only need to be checked to ensure that we have the required information.
- 1.3.15 6. Improve existing web pages across the Partnership
- 1.3.16 This is currently being actioned in conjunction with the introduction of the new Web pages at MBC.
- 1.3.17 7. Benchmarking against other local authorities and the Post Office
- 1.3.18 No action has been taken with regard to this objective as work has concentrated on the clearing of the backlog. It is now expected that in the next year this objective will be pursued.
- 1.3.19 The new service plan objectives agreed for 2013/14 are as follows:-see 1.3.5

Service	Service Objectives	Timescale	Responsible
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Objective Number			Officer(s)
1	To manage the Licensing Partnership to deliver efficiency savings and achieve performance targets.	March 2014	Claire Perry
2	Investigate further undertaking of licensing functions for other local authorities.	March 2014	Claire Perry
3	Improve public perception of services provided by using feedback from customers to change processes.	Ongoing – evaluate Nov 13	Claire Perry
4	Provide innovative solutions to minimize data inputting by administration staff e.g. development of on line application forms.	Autumn 2013	Claire Perry
5	Improve the web page information available across the Licensing Partnership.	Sept 2013	Claire Perry
6	Benchmarking against other local authorities and the Post Office.	March 2014	Claire Perry

1.3.20 Performance Data

- 1.3.21 The Licensing Committees and the Cabinet Member will in future receive quarterly reports updating them on the performance of the Licensing Partnership and the data produced for Members in that report will be as follows:-

Licensing Committee

- Number of vehicle checks carried out – target – fifteen per month.
Current Performance Level to the end of June 2013 – 39.
This figure is slightly down for the quarter as a result of there being fewer vehicles in locations where they should not be.
This reflects that enforcement is being effective.
- The number of Hackney Carriage Vehicle licences issued within 5 working days – target - 75%.
Current Performance Level to the end of June 2013 – 100%.
This equates to 8 out of 8 applications.
- The number of Private Hire Vehicle licences issued within 5 working days – target - 75%.
Current Performance Level to the end of June 2013 – 82%.
This equates to 46 out of 55 applications.
- The number of Hackney Carriage/Dual Driver licences issued within 30 working days – target -75%.
Current Performance Level to the end of June 2013 – 100%.
This equates to 4 out of 4 applications.
- The number of Private Hire Driver licences issued within 30 working days – target - 75%.
Current Performance Level to the end of June 2013 – 91%.
This equates to 24 out of 26 applications.
- The number of Private Hire Operator licences issued within 30 working days – target – 75%.
Current Performance Level to the end of June 2013 – 100%.
This equates to 11 out of 11 applications.

Licensing Act 2003

- Number of licensed premises enforcement visits – risk assessments) undertaken in each month –target - fifteen per month and outcomes.
Current Performance Level to the end of June 2013 – 47 visits for the first quarter.
- Percentage of valid personal licence applications to be processed within two weeks – target - 95%.
Current Performance Level to the end of June 2013 – 88.6%.
This equates to 26 out of 29 applications being processed within the target of 2 weeks. The statutory requirement is to

process these applications within 3 months. Processes are being reviewed to ensure this target will be achieved.

- Percentage of temporary event notices processed within 48 hours – target - 90%.
Current Performance Level to the end of June 2013 – 99%.
This equates to 112 notices out of 113 notices.
- The number of valid premises licence applications received and issued within two calendar months – target – 95%.
Current Performance Level to the end of June 2013 – 89%.
This equates to 13 out of 14 applications. The licence that wasn't issued within two calendar months was referred to a licensing hearing due to valid representations being received.

1.3.22 There is now no backlog in terms of the applications being processed through the Partnership and the Licensing Partnership Manager is reviewing the staffing structure of the section to ensure that efficiency savings can be made within the next financial year. Initial consideration of this matter seems to identify a saving of about £10,000 for Maidstone can be achieved. Additionally it is felt that income within the full service as a whole will increase over the forthcoming year and that a further increase in income of £5,000 can be agreed for licensing budgets.

1.3.23 At the last meeting of the Corporate Leadership Team it was enquired when the right to challenge could be taken up in respect of the Licensing Partnership. Following discussion with the Property and Procurement Manager on this issue he confirmed the right to challenge for Licensing would not occur until after the end of the next period of two years for the Partnership Legal Agreement. The date of the agreement was earlier this year.

1.3.24 Financial
The overall cost of line management and administration of the licensing functions through the Partnership for the three authorities is £418,000 per year.

The Partnership agreement contains a mechanism for apportioning this cost between the three authorities based on the level of transactions for each authority. The costs are split on the basis of the mean average of the transactions of the authorities for the three financial years ending on the 31 March of the year before the start of the financial year to which the split will be applied.

For 2013/14 the split is TWBC 30.7% MBC 36.5% SDC 32.8%

1.4 Alternative Action and why not Recommended

1.4.1 The report is for information only.

1.5 Impact on Corporate Objectives

1.5.1 The information given in this report sets out the performance of the Licensing Partnership to date and the actions taken and planned to achieve Corporate and Customer Excellence including achieving an effective value for money service.

1.6 Risk Management

1.6.1 The actions taken by the council in recent times has put the Council in a stronger position.

1.7 Other Implications

1. Financial
Note as set out in body of report
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management

x
x

The financial and staffing implications arising from the partnership are set out in the body of this report.

1.8 Relevant Documents

1.8.1 Appendices

1.8.2 Income position.

1.8.3 Background Documents

1.8.4 None.