

# AGENDA

## LICENSING COMMITTEE MEETING



Date: Thursday 29 January 2015

Time: 6.30 pm

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Mrs Grigg, Mrs Hinder, Mrs Joy,  
McKay, B Mortimer, Naghi, Newton,  
Parvin (Chairman), Mrs Parvin, Perry,  
Powell and Round

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Page No.

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

**Continued Over/:**

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**Issued on 21 January 2015**

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

6.	Disclosures of Lobbying	
7.	To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8.	Minutes of the Meeting held on 18 September 2014	1 - 3
9.	Report of the Head of Housing and Community Services - Review of Taxi Rank provision	4 - 27
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## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON**

**THURSDAY 18 SEPTEMBER 2014**

**Present:** Councillor Parvin (Chairman), and  
Councillors Mrs Blackmore, Mrs Joy, Long,  
B Mortimer, Naghi, Newton, Mrs Parvin, Perry, Powell  
and Springett

1. **APOLOGIES FOR ABSENCE**

It was noted that apologies had been received from Councillors Mrs Grigg, Mrs Hinder and Round.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Mrs Springett was a substitute for Councillor Round, Councillor Mrs Blackmore was a substitute for Councillor Mrs Hinder and Councillor Long was a substitute for Councillor Mrs Grigg.

3. **NOTIFICATION OF VISITING MEMBERS**

Councillor Cuming attended as an observer.

4. **ELECTION OF CHAIRMAN**

Councillor Parvin was elected Chairman of the Committee for the remainder of the Municipal Year 2014/15.

5. **ELECTION OF VICE CHAIRMAN**

The appointment of Vice-Chairman was deferred until the next meeting.

6. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

7. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

8. **EXEMPT ITEMS**

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

9. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

**RESOLVED:** That the following Members be appointed as Spokespersons for their respective Political Groups for the remainder of the Municipal Year 2014/15:-

Conservative – Councillor Parvin  
Independent – Councillor Newton  
Labour – Councillor McKay  
Liberal Democrat – Councillor Mrs Joy

10. REPORT OF THE DIRECTOR OF REGENERATION AND COMMUNITIES - LICENSING COMMITTEE DELEGATIONS

The Head of Housing and Community Services advised Members that following the decision of Council to form one Licensing Committee and delegate all permitted licensing functions to it, the new Committee would need to consider further delegations to sub-committees and officers.

**RESOLVED:** That the delegated authorities as set out in Appendix A to the report of the Director of Regeneration and Communities be approved.

11. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS - SPECIAL RESPONSIBILITY ALLOWANCE

Councillor Parvin considered that as he could gain financially as a result of the decision he would leave the meeting for this item. Councillor Mrs Parvin indicated that for the same reason she would not speak or vote on this item. Councillor Mrs Joy was elected Vice-Chairman for the duration of this item.

The Committee were asked to consider an appropriate remuneration for the Chairman of the new Licensing Committee which would be recommended to the Joint Independent Remuneration Panel.

**RESOLVED to RECOMMEND** to the Joint Independent Remuneration Panel that the special responsibility allowance for the Chairman of Licensing Committee be retained at £2,332 per annum and that consideration be given to a possible remuneration for Vice-Chairmen generally.

12. REPORT OF THE DIRECTOR OF REGENERATION AND COMMUNITIES - LICENSING COMMITTEE STREET TRADING POLICY

The Head of Housing and Community Services advised Members of proposed changes to the procedures for dealing with Street Trading applications. Under the current system if no objections to an application for a pitch outside the town centre are received, the Head of Housing and Community Services can grant the consent but if the application is for the town centre, it would be subject to consultation with the Chairman and Vice-Chairman of the Committee, who could refer it to the full Licensing Committee for determination. If there were any objections, there would

be a hearing before the full Committee.

Members were asked to consider a change being that the decisions on all applications that receive no representation are delegated to the Head of Housing and Community Services. It was noted that there was not a clear reason why streets outside of the town centre should be treated in a different way to the towns. The current system could be open to challenge.

Therefore under the proposal the new form of words within the 2010 Licensing Policy at paragraphs 6.4 and 6.12 would read:

"If no objections are received the Head of Housing and Community Services has delegated power to determine the application.

If objections are received the application will be determined by a licensing sub-committee of 3 members of Licensing Committee. A hearing will be held following the attached procedure".

However, Members did not feel that there were good reasons to change the current policy which provided safeguards for a relatively small number of applications and decided that any differentiation by area should be dealt with by all cases borough wide with no objection being subject to consultation with the Chairman and Vice-Chairman prior to any officer decision and therefore:-

**RESOLVED:** That the following changes be made to the Street Trading Policy document at paragraphs 6.4 and 6.12 respectively:-

If no objections to a Street Trading application are received the Head of Housing and Community Services be given delegated powers to grant consent, subject to consultation with the Chairman and Vice Chairman of the Licensing Committee who might ask for the application to be referred to a Sub-Committee consisting of three Members of the Licensing Committee for decision.

13. DURATION OF MEETING

6.30 p.m. to 7.30 p.m.

# Agenda Item 9

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING COMMITTEE**

**20 NOVEMBER 2014**

#### **REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES**

**Report prepared by Lorraine Neale**

#### **1. REVIEW OF TAXI RANK PROVISION**

##### **1.1 Issue for Decision**

- 1.1.1 To advise Members of the progress arising from the further consultations undertaken in respect of the current taxi rank provision.

##### **1.2 Recommendation of Head of Housing and Community Services**

- 1.2.1 That Members note the responses received to date and agree that the review of taxi ranks and their hours of operation, including the local and practical issues associated with their provision, be progressed through the establishment of a working group, made up of representatives of the trade and officers who will report back to Members.

##### **Reasons for Recommendation**

- 1.3.1 In 2012 the Council commissioned a survey to study the use and demand on the Hackney Carriage service provided in the Maidstone Borough area. The survey report which was received in 2013 also highlighted a number of recommendations relating to associated issues, one of which was the number of taxi ranks and their location in the Borough.
- 1.3.2 The Survey's results recommended that consideration be given to extending the bays available at the rank in the High Street as this was the suggestion for the location for a new rank made by members of the public and drivers at the time. The results of the survey are attached as appendix A.
- 1.3.3 On 14/11/13 Members resolved that a review would take place as a result of both the survey and difficulties with researching historic creation of ranks to respond to a question from a PHV operator. The Minutes of that meeting are attached as Appendix B minute No 54b.
- 1.3.4 During the course of the survey it became apparent that the taxi rank provision should be investigated thoroughly as the regeneration of the

town centre highlighted the fact that the historic rank provision was causing confusion with the trade and public. An ideal opportunity to look at the current needs for provision had been presented and it was felt that the first step to take would be to ask the trade the following questions as part of a consultation survey to determine a start point in assessing what the current requirement is and what it should be.

Where do you believe the current ranks in Maidstone are situated?
Are they in the correct place?
Do you think any should be removed?
Where do you think any new ranks should be sited?
Other comments

- 1.3.5 The consultation period for the Hackney carriage proprietors started on 25 April 2014 and finished on 16 May 2014 and the two suggestions that arose from the majority of the trade were.

1) Establishing permanent taxi rank bays in the lower High Street following the completion of the High Street redevelopment.

2) Swapping the current taxi rank outside of 'Lush' in the upper High Street/top of Gabriel's Hill with the disabled parking spaces outside of NatWest Bank on the opposite side of the road.

- 1.3.6 Further consultations were undertaken where the two suggestions were specifically put along with a request for any further suggestions.

Those consulted were:-

1) Disabled and Community Groups – Consultation Period 11 – 22/08/14. This was a comprehensive postal questionnaire which went to 122 organisations and wider as they also sent it on to their distribution lists. Our distribution list included Police, Community Wardens, Community Safety Groups, Schools, Churches and various Trusts to name a few. The responses are attached as Appendix C.

2) Transport Integration stakeholders – Consultation Period 26/09 – 17/10/14. In total 26 letters were sent . The responses are attached as Appendix D.

- 1.3.7 There were 13 responses in total to these consultations, the summary of the results are:-

	Yes	No	Maybe	Did not answer the question
Q1	6	2	1	4
Q2	5	4	1	3

- 1.3.8 Based on the responses received, the current provision of ranks is no longer considered suitable for the Towns needs and alternative provision needs to be investigated and actioned. The Traffic

Regulations in place for designated taxi spaces that still exist and are regulated by Maidstone Borough Council are as follows:

Road	Side of Road	Description	Spaces	Times
1. King Street	North	From a point 10 metres east of its junction with Wyke Manor Road in an easterly direction for a distance of 40 metres	7	24 hours R
2. High Street	South	From a point 10 metres east of its junction with Gabriels Hill, in an easterly direction for a distance of 13 metres	2	24 hours R
3. Barker Road	South	From a point 11 metres east of the municipal car park in an easterly direction for a distance of 12 metres	2	Mon-Sun 7pm- 7am BS
4. Barker Road	South	From a point 39 metres east of the municipal car park in an easterly direction for a distance of 20 metres	3	Mon-Sun 7pm- 7am BS
5. Pudding Lane	East	From a point 26 metres south-east of its junction with Earl Street in a south- easterly direction for a distance of 39 metres	7	Mon-Sun Midnight - 7am BS
6. St Faiths Street	South	From a point 122 metres east of the junction with Fairmeadow for a distance of 29 metres	5	Mon-Sun Midnight - 7am BS
7. Earl Street	North	From a point 119 metres east of its junction with Fairmeadow in an easterly direction for a distance of 10 metres in an easterly direction	2	24 hours R
8. Earl Street	South	From a point 18 metres east of its junction with Fairmeadow for a distance of 31 metres in an easterly direction	5	Mon-Sun Midnight - 7am BS
9. Earl Street	South	From a point 56.5 metres east of its junction with Fairmeadow for a distance of 16 metres in an easterly direction	3	Mon-Sun Midnight - 7am BS

In summary there are 48 hackney vehicles licensed by Maidstone Borough Council and the provision for them is as follows:-

3x 24 hour ranks which provide 11 spaces

2x bus stops providing 5 spaces between 7pm and 7am

4 x bus stops providing 20 spaces between midnight and 7am



There is also Taxi Rank provision at the following train stations

Maidstone East - spaces for 9/10 vehicles  
Maidstone West – understood to be 5 vehicles.

1.3.9 In relation to the current Taxi Rank provision the following has been observed by Officers:-

Road	Comment
1. King Street	During the day this is well used and often overcrowded. Drivers also park their vehicle on the opposite side of the road where the loading bays are.  During the night-time economy it is often not used at all. Drivers park behind the two spaces situated outside Lush, often nose to tail and as far back as the Chequers entrance.
2. High Street	Always occupied, overcrowded during the night-time economy (see 1)
3. Barker Road	This is a bus stop between 7am and 7 pm, taxis can use it as a rank from 7pm. Understood to be used, not aware of any problems.
4. Barker Road	This is a bus stop between 7am and 7 pm, taxis can use it as a rank from 7pm. Understood to be used, not aware of any problems.
5. Pudding Lane	This is a bus stop from 7am to midnight, taxis can use it as a rank from midnight but it's never used.
6. St Faiths Street	This is a bus stop from 7am to midnight, taxis can use it as a rank from midnight but it's never used.
7. Earl Street	This is a rank but is never used.
8. Earl Street	This is a bus stop from 7am to midnight. Taxis can use it as a rank from midnight but it's never used.
9. Earl Street	This is a bus stop from 7am to midnight. Taxis can use it as a rank from midnight but it's never used.
10. Maidstone East	These are used by Taxi drivers who have purchased permits from South East Railways to do so. In the evening the Taxi drivers seem to queue at the bus stop in Week Street outside the KCC building rather than in Station Road
11. Maidstone West	Used, no problems known. Again permits are required from South East railways.
12 Earl Street	This was a rank but was never utilized, it is now a loading bay.

1.3.10 Observations have made it clear that during the night time economy there are only 9 spaces available at the busiest spots for the 48 Hackneys licensed by Maidstone Borough Council. We could look at providing better publicity and signage for both drivers and the public informing them of where Taxis can be positioned/found for hire.

1.3.11 The consultation with the trade, disability & focus groups and transport integration stakeholders has enabled a starting position to be established. In order to complete the review of taxi ranks and recommend any changes, it is proposed that a working group made up of elected members, representatives of the trade and officers.

1.3.12 Section 63(1) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

"a District Council may from time to time appoint stands for hackney carriages for the whole or any part of the day on any highway maintainable at public expense and, with the consent of the owner, on any other land. From time to time, the Council may vary the number of hackney carriages permitted to be at each stand

1.3.13 These powers do not allow the Council to appoint stands:

- so as to unreasonably prevent access to premises;
- so as to impede the use of bus stops;
- on the highway without the consent of the highway authority

1.3.14 Before exercising its powers, the Council must give notice to the Police and publish the proposal in at least one local newspaper allowing 28 days for objections for representations to be made.

1.3.12 Once a Working Group is established proposed sites and any variations to current provision can be agreed and any consultations with others, including the Highways Authority and landowners at stations progressed, prior to publishing proposals and having regard to representations, appointing stands and putting traffic regulation orders and signing in place. The recommendations made by the working group will be presented to the Licensing Committee for consideration and approval.

#### 1.4 Alternative Action and why not Recommended

1.4.1 The council could choose to do nothing but this is not recommended as it would fail to ensure the most appropriate provision of service for the public or meet the needs of the trade.

#### 1.5 Impact on Corporate Objectives

1.5.1 A review of taxi rank provision in the Borough will have a positive impact on the economic vitality of the town by providing for efficient and effective sitings of ranks for the use of members of the public and provide clarity for the council and the trade.

#### 1.6 Risk Management

- 1.6.1 New creation of all ranks within the Borough will also reduce any risks associated with the need to evidence creation in any legal action related to them.

## 1.7 Other Implications

1.	Financial	X
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	

- 1.7.2 Financial – the cost of undertaking the review may have some financial implication in terms of consultation and any subsequent legal costs, publication of notices and other matters such as Traffic Regulation Orders and signage. These costs will be met from the existing licensing budget.

Legal – contained in body of report.

## 1.8 Relevant Documents

### 1.8.1 Appendices

- 1.8.2 Appendix A – Taxi driver survey results May 2014  
 Appendix B – Minutes of 14.11.2014 meeting  
 Appendix C - Disabled and Community Groups survey response  
 Appendix D - Transport Integration stakeholders survey response

### 1.8.3 Background Documents

previous report, consultation letters etc.

## Taxi rank survey May 2014

Where do you believe the current ranks in Maidstone are situated?	Full time; 2 outside Lush, 7 outside HOKH King Street, 2 Earl Street (not used, only place to stop for toilet breaks) Part time; 1 Pudding Lane 0000-0700, 2 bottom of High Street 0000-0700, 2 Lockmeadow- different ones day and night, St Faith's St, very badly placed Paid for BR parking
Are they in the correct place?	No but moving would add to confusion
Do you think any should be removed?	No
Where do you think any new ranks should be sited?	4 more needed. Should be in major footfall areas. Space outside Gateway should be reinstated. Outside Natwest.
Other comments	No more rank spaces should be allocated to disabled bays- already too many, some should be replaced by rank spaces. Enforcement at night is poor- ranks are taken by private hire and out of town Hackneys.

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Where do you believe the current ranks in Maidstone are situated?	Full time; 2 outside Lush, 7 outside HOKH King Street, 2 Earl Street Part time; 1 Pudding Lane, 2 bottom of High Street
Are they in the correct place?	King St rank is no use at night.
Do you think any should be removed?	No
Where do you think any new ranks should be sited?	Extend King St by a space each end. Add one to Lush. One outside Boots. Need more further down the High St at night. Could bus stops outside Royal Star be utilised at night after the buses have stopped?
Other comments	Ranks should be where there is demand. Earl St regeneration proposals currently contain no rank provision.

collated and sent on behalf of approximately 15 drivers

Where do you believe the current ranks in Maidstone are situated?	Full time; 2 outside Lush, 7 outside HOKH King Street, 2 Earl Street Night; Bottom of High Street, some bus stops become ranks. Train stations but with a high permit cost.
Are they in the correct place?	No
Do you think any should be removed?	No
Where do you think any new ranks should be sited?	4 car rank outside Natwest with current one at Lush becoming disabled

## APPENDIX A

	<p>parking.</p> <p>3 car rank by Hazlitt instead of the one by Fremlins.</p> <p>Bottom of High St should have a permanent rank on RHS. " car rank at bottom of Gabriels Hill.</p> <p>Both hospitals and new shopping village if built</p> <p>Expand King St by one car</p>
Other comments	Need to be in prominent position

Where do you believe the current ranks in Maidstone are situated?	<p>Full time; King St x 9, top of Gabriel's Hill x 2, Earl St x 2</p> <p>Evening; Pudding Lane bus stop after midnight, disabled rank in High St, outside Source provided no disabled badge holders want to use it.</p> <p>Private at stations.</p>
Are they in the correct place?	New rank at bottom of High St needs to be closer to Mill St
Do you think any should be removed?	Pudding Lane and St Faith's St are never used
Where do you think any new ranks should be sited?	<p>Jubilee Square would be best but hard to make this work now High St has been narrowed.</p> <p>4-5 car rank at bottom of High St, 2 car bay at bottom of Gabriel's Hill</p>
Other comments	<p>People in Maidstone don't hail taxis so need ranks close to centre of town or drivers won't get any work.</p> <p>Not enough enforcement on private hire</p>

Where do you believe the current ranks in Maidstone are situated?	<p>No. 1 The taxi ranks are situated in King St ( 7 spaces ) outside Lush ( 2 spaces ) Earl St ( 2 spaces ) Hart St (4 spaces 2 daytime 2 nighttime ) 1 pudding lane ( 1 space ( nighttime only ) 2 bottom high st ( after 11.30 pm )</p>
Are they in the correct place?	No
Do you think any should be removed?	Not removed, some changed
Where do you think any new ranks should be sited?	<p>Do away with lush rank move it to outside Nat West Bank 4 spaces ( put disabled bays from Nat west to outside lush ) 3 spaces bottom of High St by cannon day and night rank 2 spaces outside Gala Bingo day and night 2 spaces outside Hazlitt theatre ) making with King St 18 rank spaces therefore</p>

## APPENDIX A

	hopefully stopping ranking on loading bays in King St these are the places where I think it would most beneficial to taxi drivers
Other comments	People in Maidstone don't hail taxis so need ranks close to centre of town or drivers won't get any work. Not enough enforcement on private hire

**MAIDSTONE BOROUGH COUNCIL**

**LICENSING COMMITTEE**

**MINUTES OF THE MEETING HELD ON 14 NOVEMBER 2013**

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

44. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs Gibson.

45. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Black was substituting for Councillor Mrs Gibson.

46. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

47. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

48. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

49. EXEMPT ITEMS

**RESOLVED:** That the Items on the Agenda be taken in public as proposed.

50. MINUTES OF THE MEETING HELD ON 7 OCTOBER 2013

**RESOLVED:** That the Minutes of the Meeting held on 7 October 2013 and the Minutes (Part II) of the meeting held on 24 June 2013 be approved as a correct record and signed.

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

There were no issues to be discussed.

52. HACKNEY CARRIAGE FARE INCREASE

The Committee considered the report of the Head of Housing and Community Services regarding a request from the Maidstone Taxi Proprietor Association for a fare increase.

**RESOLVED:**

- a) That the table of fares, as set out in Appendix C to the report of the Head of Housing and Community Services, be agreed; and
- b) That the Head of Housing and Community Services be given delegated authority to give public notice of the Council's intention to fix this table of fares for hackney Carriage vehicles in accordance with Section 65(2) of the Local Government (Miscellaneous Provisions) Act 1976 to take effect from 7 December 2013.

53. SCRAP METAL ADDITIONAL FEE SETTING

The Committee considered the report of the Head of Housing and Community Services regarding setting the remaining fee levels in respect of Scrap Metal Licensing.

**RESOLVED:** That the additional fees for Scrap Metal Licensing, as set out below, be agreed:-

Variations – Collector to Site Licence (3 years)	£225.00
Site to Collectors Licence (3 years)	£130.00
Change of Site Manager	£175.00
Minor Administrative change	£ 31.00

54. UNMET DEMAND SURVEY A2Z LICENSING LETTER 29.8.13

The Committee considered the report of the Head of Housing and Community Services regarding the content of a letter received from A2Z Licensing on 29 August 2013 in respect of the Hackney Carriage rank at Maidstone East Station.

**RESOLVED:**

- a) That the report be noted;
- b) That a review of the current Hackney Carriage rank provisions within the Borough be initiated; and
- c) That the report on the Hackney Carriage Unmet Demand Survey be considered at this meeting.

55. HACKNEY CARRIAGE LICENCE - UNMET DEMAND SURVEY

The Committee considered the report of the Director of Regeneration and Communities regarding the results of the Unmet Demand Survey carried out by Amey in respect of the number of Hackney Carriage licences in Maidstone.



The Committee were satisfied from the evidence in the report that there is no significant unmet demand for Hackney Carriages in Maidstone. It was considered that there is no compelling reason to change the current number of hackney carriage proprietors' licences in Maidstone.

**RESOLVED:**

- a) That maintaining the current level of Hackney Carriage licences on the basis that there is no significant unmet demand for hackney Carriages locally be agreed; and
- b) That Officers report back to the next meeting of the Committee on the other recommendations within the survey.

56. DURATION OF MEETING

6.45 p.m. to 7.13 p.m.

**Taxi Rank Provision in Maidstone – Consultation 11 August – 22 August 2014**

Maidstone Borough Council is currently reviewing the taxi rank provision within the town centre and we invited the views of various Community and Voluntary Organisations on the current and future provision of ranks. We asked if it was felt there were enough and are they in the right place?

We are also considering two specific proposals for;

- 1) Establishing permanent taxi rank bays in the lower High Street following the completion of the High Street redevelopment.
- 2) Swapping the current taxi rank outside of 'Lush' in the upper High Street/top of Gabriel's Hill with the disabled parking spaces outside of Natwest Bank on the opposite side of the road.

**How you can respond**

Specific templates are not provided, however a response to the following question would be useful:

☐ Do you agree with the proposals outlined above? If not, what alternatives would you suggest and why?

We welcome your response to these questions as part of our consultation period. The deadline for receiving responses is no later than 4.30pm on Friday 22 August 2014.

**Please return your responses than 4.30pm on Friday 22 August 2014 to:**

**'Taxi Rank Provision in Maidstone – Consultation'**

Licensing Team

Maidstone Borough Council

Maidstone House

King Street, Maidstone, Kent ME15 6JQ

Alternatively, responses can be submitted by email to; [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk) **Taxi Rank Provision in Maidstone – Consultation 11 August – 22 August 2014**

The steps following the end of the consultation will be to:

- ☐ Gather responses to the consultation
- ☐ Moderate responses and produce a report of recommendations
- ☐ Make recommendations to the Head of Housing and Community Services
- ☐ Seek approval from Cabinet by December 2014

Thank you for your considered response to this consultation.

Yours faithfully

Lorraine Neale

Senior Licensing Officer



Town centre PCSO	<p>I think the proposed site is a better position as the current site opposite the bus stops sometimes causes congestion.</p> <p>It would stop any car from them coming up the High Street.</p> <p>My only concern would be where would the Blue badge holders then go, as the parking at the top of Earl Street in the pedestrian area is an issue some days, but further disabled bays in Earl Street down from the Pedestrian area would help.</p>
Voluntary Action Maidstone	<p>1) Establishing permanent taxi rank bays in the lower High Street following the completion of the High Street redevelopment.</p> <p>Response: Suitable for the night time economy, however in the day time it will prevent the space being used for its designed purpose. Will the curbs be raised to allow ramped access into the taxis?</p> <p>2) Swapping the current taxi rank outside of 'Lush' in the upper High Street/top of Gabriel's Hill with the disabled parking spaces outside of Natwest Bank on the opposite side of the road.</p> <p>Response: Who will be paying for the alteration to the curb height? The taxi parking has been designed so the ramp from the taxi meets the 160mm curb. If located outside NatWest, the curb will need to be raised as it only has a 60mm curb, thus creating an accessible taxi in-accessible. Parking outside NatWest, wouldn't this impact upon activities in Jubilee Square? Would this be a like for like swop i.e. the Blue Badge parking transferring to the Lush side of the High Street? If not, this would be a major step backwards for disable people.</p>

	<p>Will the number of Blue Badge parking spaces be retained in the town? Blue Badge parking is becoming more and more limited within the town.</p> <p>Has an Equality Impact Assessment been carried out on the number of parking spaces available to disabled drivers?</p>
Community Engagement Officer for Maidstone	<p>For your information, I have received feedback from a visually-impaired resident, who uses assistive technology, that the <i>Taxi Rank Provision Consultation August 2014</i> (pdf) document:</p> <p style="padding-left: 40px;">“was a good, 100% readable PDF, I can extract the text and put it into an email...to circulate.”</p> <p>I just wanted to let you know this because it’s nice to be able to report/compliment something that works well and is accessible.</p>
Member of the Public	<p>1) Establishing permanent taxi rank bays in the lower High Street following the completion of the High Street redevelopment.</p> <p>As regards to item 1 above we are against this proposal as this will cause a log jamming of vehicles in this location same as we have in King Street at present time why oh why spread this chaos to other parts of the town centre.</p> <p>We strongly suggest that MBC reduce the amount of Taxi Licences issued to rein back the over capacity at present which is the main root cause of the congestion in the town centre specifically King Street.</p> <p>2) Swapping the current taxi rank outside of ‘Lush’ in the upper High Street/top of Gabriel’s Hill with the disabled parking spaces outside of Natwest</p> <p>Bank on the opposite side of the road.</p> <p>As to Item 2 above</p>

## APPENDIX C

	<p>We suggest to leave the parking bays outside Nat/West bank as they are well used by the Disabled Persons &amp; the Bank's delivery/collection service. (taxi's will be an eyesore in what is the towns Central Square).</p> <p>As to the Taxi stand outside Lush's at the top of Gabriels Hill This in our opinion be made available for the Police &amp; Emergency Vehicle as at present they park there vehicles all over the central concourse which was originally meant for the general public to use (in passing at a very great expense to the tax payers of Maidstone).</p>
Chief Inspector	OPTION 2 Please
Guide Dogs Mobility Team Maidstone	I have no specific comment regarding the proposed changes to the taxi ranks, other than a presence in the lower High Street would seem beneficial, particularly to those with limited mobility.
Member of the Public	<p>As a disabled driver, 99% of the time I come into the town centre I am unable to get parked close to where I need to be.</p> <p>Three spaces in Earl Street and four outside Natwest (but only if others park sensibly - all too often only three get parked there), the last ten occasions I've tried to shop in town the only spaces available were mill street or the narrow road opposite the mall main entrance. If I want to go to Earl street or week street, those are too far away, as I cannot do the hills.</p> <p>When you demolished the multi storey where somerfield used to be we lost yet more disabled spaces. If you want Maidstone to be disabled friendly then the taxi rank by lush AND the spaces at Natwest should be disabled spaces. Taxi ranks can be at the bottom of the high street and in king street, with a call point button system by queens monument.</p> <p>All too often I shop elsewhere - in places where I can get parked close enough to where I want to shop. Canterbury has whole car parks dedicated to disabled parking only, this encourages able bodied people to use public transport and allows the disabled population the ability to shop where we want rather than where we can park.</p>

Member of the Public	<p>re: the relocation of the taxi rank</p> <p>It makes sense for the taxi rank to be in as central a location as possible – outside The Mall seems ideal. Moving to the edge of the town centre doesn't seem to improve its availability?</p> <p>Mind you, perhaps moving it to the lower High Street will stop the ambulances parking in disabled parking bays there. There are at least two parked in these bays at the lower High Street every morning from 10:30am as the crew eat in the Riviera café, quite unbelievable this is allowed to continue. I suspect this is for another department, perhaps you would forward this on for me.</p>
Town Centre Manager	<p>In response to the two specific proposals as outlined in your consultation document.</p> <ol style="list-style-type: none"> <li>1. The plan to establish a permanent taxi rank in lower High street is supported by MTCM, albeit we feel it will take some time to become established. This forward thinking by MBC is commended.</li> <li>2. Sadly we cannot support the proposal to move the main “Lush” taxi rank to the Natwest Bank disabled bays, and feel somewhat bemused at the reasoning behind the proposal. The current situation appears to be working well and we fail to see any benefit from the proposed move.</li> </ol> <p>Our main concerns are two-fold. Firstly we imagine taxis would have to leave the “holding” area in King Street, drive down High Street past the proposed new site before executing a U-turn in High Street to return Up High Street to the proposed bay, and this manoeuvre could potentially have safety implications.</p> <p>Secondly we are concerned at the potential congestion in the Natwest Bank area on Saturday nights. This area is very close to Rose Yard (Source Bar) and Muggleton Inn, both of which are high pedestrian venues, and for this reason we feel that the managing of the late night taxi rank will be fraught with problems.</p> <p>I do hope these views can be included in your recommendations to the Head of Housing and Community Services.</p>

Hackney Driver	At last someone is listening to the drivers only they know what's best move them now
Twitter comments about taxis	 

Dear Sir/Madam

**Taxi Rank Provision in Maidstone – Consultation 26 September – 17 October 2014**

Maidstone Borough Council is currently reviewing taxi rank provision within its town centre and we would like to hear your views on the current and future provision of ranks. For example; are there enough, are they in the right place? We are also considering two specific proposals for;

- 1) Establishing permanent taxi rank bays in the lower High Street following the completion of the High Street redevelopment.

- 2) Swapping the current taxi rank outside of 'Lush' in the upper High Street/top of Gabriel's Hill with the disabled parking spaces outside of Natwest Bank on the opposite side of the road.

**How you can respond**

Specific templates are not provided, however a response to the following question would be useful:

- Do you agree with the proposals outlined above? If not, what alternatives would you suggest and why?

We welcome your response to these questions as part of our consultation period. The deadline for receiving responses is no later than 4.30pm on Friday 17 October 2014.

**Please return your responses no later than 4.30pm on Friday 22 August 2014 to:**

**'Taxi Rank Provision in Maidstone – Consultation'**

Licensing Team

Maidstone Borough Council

Maidstone House

King Street, Maidstone, Kent ME15 6JQ

Alternatively, responses can be submitted by email to;  
licensing@maidstone.gov.uk



**From:** Traffic Management Coldharbour Kent  
**Sent:** 09 October 2014 08:02  
**To:** Licensing (MBC)  
**Subject:** FW: Re: Consultation on taxi rank provision in Maidstone  
**Attachments:** 86352161 - 177.MI.14714.14 Consultation on taxi rank provision in Maidstone.pdf; ATT00001.txt

Good morning,

Attached is our response any queries please contact me.

Regards

Kent Police  
Traffic Management Unit

This email and any other accompanying document(s) contain information from Kent Police and/or Essex Police, which is confidential or privileged. The information is intended to be for the exclusive use of the individual(s) or bodies to whom it is addressed. The content, including any subsequent replies, could be disclosable if relating to a criminal investigation or civil proceedings. If you are not the intended recipient, be aware that any disclosure, copying, distribution or other use of the contents of this information is prohibited. If you have received this email in error, please notify us immediately by contacting the sender or telephoning Kent Police on 01622 690690 or Essex Police on 01245 491491, as appropriate.



**Kent  
Police**

**Protecting and serving** the people of Kent

**Traffic Management Unit, Tactical Operations, London Road, Aylesford, Kent ME20 7SL  
Telephone: (01622) 798543 Fax: 01622 798549**

The Licencing Team  
Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent ME15 6JQ

Your Ref: -  
Our Ref: 177/MI/14714/14  
Date: 9<sup>th</sup> October 2014

**Taxi Rank Provision in Maidstone – Consultation 26 September – 17  
October 2014.**

Dear Licencing Team,

Thank you for your letter regarding the above subject. Having studied this proposal, Kent Police have the following observations:

All signs and road markings should comply with the Traffic Signs Regulations and General Directions 2002.

**Lower High Street**

There were no details in your correspondence of where the new permanent taxi rank bays will be located in the lower High Street.

Kent Police are concerned that existing parking spaces may be lost, in particular the limited waiting and disabled bays. Kent Police would not support the loss of either of these bays and would like the opportunity to view detailed plans of this proposal in order to provide an informed response.



# Kent Police

Protecting and **serving** the people of Kent

## Upper High Street

Your proposal is to swap the taxi rank outside of Lush with the disabled bays outside of NatWest Bank and there are two taxi bays and four disabled bays here.

Kent Police are concerned that instead of a straight swop two-for-two, the disabled bays will be moved to outside of Lush and be reduced to two bays and the taxi bays moved to outside NatWest Bank and increased to four bays. Kent Police would not support this proposal if this is the case.

I hope that these views are of assistance to you.

Yours Sincerely

  
Police Constable   
Traffic Management Section

**From:** [REDACTED]@networkrail.co.uk]  
**Sent:** 01 October 2014 10:56  
**To:** Lorraine Neale  
**Cc:** [REDACTED]  
**Subject:** RE: Maidstone Taxi Rank consultation

Dear Lorraine,

Thank you for your email.

At present no one in Southeastern has any concerns relating to the Taxi Rank as it will have no impact on the station.

Regards,

---

**From:** Lorraine Neale [mailto:LorraineNeale@maidstone.gov.uk]  
**Sent:** 26 September 2014 15:15  
**To:** [REDACTED]  
**Subject:** FW: Maidstone Taxi Rank consultation

Dear [REDACTED]

Please see e-mail below, I understand [REDACTED] is on Maternity leave and you are dealing with her e-mails.

Your comments would be appreciated on the attached.

Kind Regards

**Lorraine Neale**  
**Senior Licensing Officer**  
Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ  
t 01622 602028 e [lorraineneale@maidstone.gov.uk](mailto:lorraineneale@maidstone.gov.uk) w [www.digitalmaidstone.gov.uk](http://www.digitalmaidstone.gov.uk)

---

**From:** Lorraine Neale  
**Sent:** 26 September 2014 15:10  
**To:** [REDACTED]@networkrail.co.uk  
**Subject:** Maidstone Taxi Rank consultation

Good afternoon [REDACTED]

Your contact details were given to me by my colleague at Tunbridge Wells, here at Maidstone we are currently looking at the town's taxi rank provision and are consulting all those who are part of transport integration. Please see the attached and feel free to comment.

Kind Regards

**Lorraine Neale**

**Senior Licensing Officer**

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ  
t 01622 602028 e [lorraineneale@maidstone.gov.uk](mailto:lorraineneale@maidstone.gov.uk) w [www.digitalmaidstone.gov.uk](http://www.digitalmaidstone.gov.uk)

## **IMPORTANT CHANGES**

On 1 January 2010 Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council formed the Licensing Partnership to process and issue licensing applications.

The Licensing Partnership has a central administration based at Sevenoaks, with Licensing Officers located at each local licensing authority, together with admin support to deal with people visiting the Gateways.

**Please send all licensing applications to:**



Licensing Partnership  
P.O. Box 182  
Sevenoaks  
Kent TN13 1GP

**email:** [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)



**tel:** 01732 227004

**£** For all licensing applications please make cheques payable to: "Sevenoaks District Council". Alternatively card payments may be made over the telephone.

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\*\*\*\*\*  
\*\*\*\*\*

# Agenda Item 10

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING COMMITTEE**

**29 JANUARY 2015**

#### **REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES**

**Report prepared by Claire Perry**

#### **1. LICENSING PARTNERSHIP UPDATE**

##### **1.1 Issue for Decision**

- 1.1.1 To receive an annual report on the performance of the Licensing Partnership and an update on future projects.

##### **1.2 Recommendation**

- 1.2.1 That the Licensing Committee notes the attached report.

##### **1.3 Reasons for Recommendation**

- 1.3.1 The Council is a member of a partnership with Tunbridge Wells and Sevenoaks Councils which provides line management to their respective licensing compliance teams and an administration team at Sevenoaks to carry out the processing of licence applications and representations.
- 1.3.2 This arrangement provides each council with sovereignty over its policies and decision making processes whilst operating within a partnership that provides service resilience and capacity to deal with the fluctuating demands on the service through the year. This report is to update the Licensing Committee on the progress during the last full financial year.
- 1.3.3 Background and information
- 1.3.4 In 2009 it was agreed that both the line management and administration of the Council's licensing processes would be undertaken in partnership with Sevenoaks District Council (SDC) and Tunbridge Wells Borough Council (TWBC). It was agreed that the administrative team processing licensing applications would be based at the offices of SDC with Licensing Officers continuing to be based at each council.

- 1.3.5 Each council retained responsibility for setting its licensing policies, compliance strategies, fees and decision making at Sub and Full Licensing Committees. Claire Perry, the shared Licensing Partnership Manager, has line management responsibility for the operation of the administration team and the licensing teams of the three councils.
- 1.3.6 In January 2010 the new Licensing Partnership took effect and the back office functions started to be transferred to the administration hub based at SDC. This month the Licensing Partnership celebrates 5 years of a successful partnership.
- 1.3.7 The administration team uses a single database to maintain the licensing records for the three authorities. The database structure enables reporting to be carried out on an individual authority basis and allows for the variances that still exist in the policies and procedures of the three authorities.
- 1.3.8 The Partnership is governed by a legal agreement and an IT Software and Data Sharing Agreement made between the three councils. The Heads of Service/Chief Officer responsible for licensing at their respective authorities meet regularly as a Licensing Partnership Board to oversee performance and the direction of the Partnership. John Littlemore, Head of Housing and Community Services is the Chair of the Licensing Partnership Board for 2015. Gary Stevenson, Head of Environment and Street Scene for Tunbridge Wells was the Chair in 2014. The last meeting was on 1st December 2014.
- 1.3.9 First 9 months of 2014/2015 Performance Outturn
- 1.3.10 Of the eleven performance indicators for the service nine are being achieved. The Licensing Partnership's performance indicators for the first 9 months of 2014/15 are as follows:-

- a. Number of licensed premises compliance visits to date (risk assessed) – **105**

Target for the first nine months was **135**.

Licensing Officers have carried out a risk assessment of the premises following a compliance visit. This sets a frequency for the next visit being due based on the type of premises, activities carried out at the premises, an assessment of the management of the premises and whether the premises has been the subject of recent complaints. Due to a staff vacancy between March and July we are slightly behind on our target but there is a plan in place to rectify this before the end of the financial year.

- b. Number of taxi checks carried out to date – **154**

Target for the first nine months is **135**.

Licensing Officers have carried out vehicle checks at the Council Offices and out at ranks around the Borough to ensure compliance with the Council's Policy. Despite the staff vacancy we are 19 checks ahead of target which has been in response to requests from the trade to carry out more compliance checks.

c. Percentage of valid personal licence applications to be processed within two weeks – **100% (86 out of 86 applications)**  
**Target is 95%.**

d. Percentage of temporary event notices processed within 72 hours – **100% (257 out of 257 notices)**  
**Target is 90%.**

e. The number of Hackney Carriage Vehicle licences issued within 5 working days – **98.08% (51 out of 52 applications)**  
**Target is 90%. This has been increased from last year's target of 75%.**

f. The number of Private Hire Vehicle licences issued within 5 working days – **94.92% (187 out of 197 applications)**  
**Target is 90%. This has been increased from last year's target of 75%.**

g. The number of Hackney Carriage and Dual Driver licences issued within 10 working days (reduction from last year by 20 working days) – **100% (23 out of 23 applications)**  
**Target is 90%. This has been increased from last year's target of 75%.**

h. The number of Private Hire Driver licences issued within 10 working days (reduction from last year by 20 working days) – **98.51% (66 out of 67)**  
**Target is 90%. This has been increased from last year's target of 75%.**

i. The number of Private Hire Operator licences issued within 10 working days (reduction from last year by 20 working days) – **86.32% (82 out of 95 applications)**  
**Target is 90%. This has been increased from last year's target of 75%.**

There was an administrative error in calculating the number of days to process the applications in June which was immediately rectified. Other misses in the target were due to workload.

j. Length of time to process an application from date of validation to issue date for new and variation of premises (not DPS)



applications for Licensing Act 2003 – **100% (29 out of 29 applications)**  
**Target for the year is 95%.**

k. Percentage of applications outstanding for more than one month  
– 3.06% **(12 out of 392 applications processed.)**  
**Target for the year <10%**

1.3.11 As highlighted above, as a result of the excellent performance of the team last year the targets for this year are far more stretching. All those that were 75% have been increased to 90% for 2014 / 2015 and with the exception of one of these indicators we are meeting this increased target.

1.3.12 In addition to this the processing target time for drivers and operator licences has been reduced from 30 working days to 10 working days to motivate a swifter delivery of the service to the customer.

1.3.13 The service is committed to improving service delivery and the performance set out above confirms this being achieved.

1.3.14 Key activities in the last six months and innovation for the future

1.3.15 In the first 9 months of 2014/15 in excess of 2,500 licences have been processed and issued under the various licensing regimes and over 4,800 tasks in the administration team have been completed. The Licensing Officers continue to carry out compliance actions and present reports to Licensing and Licensing Sub Committees. Officers across the Licensing Partnership have also:

1.3.16 Implemented the ability for customers to use the bespoke online forms for submitting Temporary Event Notices, as demonstrated in the table below.

Month	Total TENS received in month	Number of online TENS received	% of those online
April	106	59	55.7%
May	171	109	63.7%
June	160	110	68.8%
July	116	78	67.2%
August	85	57	67.1%
2 vehicle applications and 1 personal application were received			
September	96	66	68.8%
October	116	85	73.3%
1 vehicle application and 2 personal application were received			
November	142	102	71.8%
3 out of 18 Personal licence applications and 1 vehicle applications was			

received			
December	58	40	69%
1 personal licence, 22 change of details for a personal licence and 4 vehicle applications were received			

1.3.17

1.3.18 Continuing with the actions identified in the Customer Insight toolkit action plan (developed with the assistance of the Business Delivery Unit at Tunbridge Wells Borough Council) further online forms are in the process of being implemented within the next few months. This will enable our customers to make applications to the Licensing Authority 24 hours a day, 7 days a week. Personal Licences, including the new renewal form issued on 15<sup>th</sup> December 2014, Taxi Vehicle, Taxi Driver and Taxi Private Hire Operator application forms are now available online. The scrap metal dealer forms, change of details for premises licences and Designated Premises Supervisor variation application forms are also available.

1.3.19 The forms have been designed to input the information provided by the applicant directly into the back office database system which is used to process applications. Under the current online form system, operated by Central Government, the Licensing Authority is sent a pdf form via email and the Administrative Officers still have to input this information onto the database system. Therefore, the need to double key the information provided is being reduced making the whole process streamlined.

1.3.20 It is anticipated that over the next 4 months at least a further 15 application forms will be introduced to enable customers to make an online application. Each one of these forms will require extensive testing and the web page for each of the application will need to be amended. A transfer of a premises licence and a new premises licence application form should be available within the next month. Testing is currently being carried out on animal establishment forms and development is taking place for the Lottery Registration forms.

1.3.21 Every year around 1,500 invoices are issued for payments due to the Licensing Partnership. A large project has been undertaken to recover outstanding annual fees and suspension notices for those payments that have not been paid have been issued. This is an ongoing piece of work and the service is now more up to date than has ever been the case with the lowest amount of debt outstanding. This work demonstrates the genuine partnership between the Administration Team Officers and the Licensing Officers with additional support to the whole partnership being provided by one of the Licensing Officers at Sevenoaks.

- 1.3.22 A Document Retention Policy for the Licensing Partnership has been introduced to assist in moving towards a 'paper-less' office environment and the service is working towards ensuring that older hard copy records, where appropriate, are scanned on and held as electronic documents.
- 1.3.23 Member training continues to be provided keeping Members up to date with the continuous change in legislation.
- 1.3.24 The service continues to provide 4 weeks of valuable work experience at the Hub for ten people through the Job Centre placement scheme and now have a licensing administration apprentice in place who is completing a NVQ course whilst being trained in office administration.
- 1.3.25 Licensing Officers at Sevenoaks and the Licensing Partnership Manager have provided cover and support for the long term absence of a Tunbridge Wells Licensing Officer between the end of July 2014 and November 2014 so that the service to the customer has not been affected. The Sevenoaks Officers also covered the vacancy for the Maidstone Licensing Officer between March 2014 and the beginning of July 2014. This shows the additional resilience the partnership now has. The cover was provided at no extra cost to Tunbridge Wells or Maidstone.
- 1.3.26 Progress is continuing to be made on a large project which combines the introduction of the online forms with reducing costs as well as paper. Licensees whose licences are due to expire are currently notified as a matter of courtesy by letters sent by post. The Licensing Partnership issues approximately 50 letters per week and each letter is accompanied by forms and information.
- 1.3.27 As a result of the Customer Insight Project it was identified that the taxi trade relies extensively on the use of Smartphone devices. It is therefore proposed to notify customers of action they need to take via either email or text messaging. In the emails there will be a link to the online forms. This will encourage those customers that want to use the online forms to do so. They can also make their payment at the same time as submitting the form reducing back office reconciliation checks. Those who still wish to submit their forms by paper are able to do so via the same link to the web page where all of the necessary documents are available to download.
- 1.3.28 The Partnership's Service Plan for 2014/15 had the following eight service objectives. The Service Plan is agreed by the Licensing Partnership Board which comprises John Littlemore (MBC), Gary Stevenson (TWBC) and Richard Wilson (SDC). Claire Perry also

attends the Licensing Partnership Board meetings. The current position on each of these is set out below:-

- 1.3.29 1. To manage the Licensing Partnership to deliver efficiency savings and achieve performance targets
- 1.3.30 The budget for 2014/15 has realized £30,000 savings in the cost of the Licensing Partnership. Every year since the start of the partnership there has been a surplus in the budget due to increased income and savings on expenditure. This surplus has either been returned to each council in the ratio of the percentage paid to the partnership or it has been invested in improvements to the partnership. For example bulk buying the external vehicle plates, purchasing laptops for the Administration Officers so that there is business continuity in the event of officers not being able to access the building and moving over to online DVLA checks of driving licences.
- 1.3.31 2. Investigate further undertaking of licensing functions for other local authorities.
- 1.3.32 Discussions are taking place with Tandridge District Council and Swale Borough Council.
- 1.3.33 3. Utilise customer insight and bench marking information to inform service improvements as appropriate
- 1.3.34 This is an ongoing process. There are a number of projects that are in progress such as the online forms as well as changes that are being developed for the notification of renewals for our taxis licensees mentioned earlier.
- 1.3.35 4. Ensure on line forms are implemented and in use by customers
- 1.3.36 The online forms are in the process of being introduced.
- 1.3.37 5. Undertake a program of training for Members and officers, especially in light of the legislative changes
- 1.3.38 A program of training is in place and carried out at the three authorities.
- 1.3.39 6. Transfer remaining licences that are being processed by MBC and TWBC so that they can be managed on FRED Uniform e.g. street trading, special treatments
- 1.3.40 No action has been taken with regard to this objective as other objectives have taken priority. However, work is planned to start on this objective in February and March 2015.

- 1.3.41 7. Officers and Licensing Committees to consider opportunities for greater harmonization of policies
- 1.3.42 The three Portfolio Holders of the three Licensing Authorities met in October 2014. As an outcome of that meeting a decision was made to celebrate the successes of the Licensing Partnership with a tri-authority meeting to enable Members to meet one another and to have the opportunity to see the Licensing Partnership Administration team in operation.
- 1.3.43 To date it has not been possible to introduce greater harmonization with the policies that are in existence.
- 1.3.44 8. Officers and Licensing Committees to ensure that the locally set fees are consistent across the Licensing Partnership and that the methodology used is the same for each partner.
- 1.3.45 Progress has not been possible with this objective as there has not been any legislative progress in allowing Licensing Authorities to set their own fees for the Licensing Act 2003.
- 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 respect of the Licensing Partnership 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

x
x

5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement – may need to put forms contract and right to challenge here
9. Asset Management


1.7.1 The financial and staff implications are set out in the body of the report.

## 1.8 Relevant Documents

### 1.8.1 Appendices

1.8.2 None.

### 1.8.3 Background Documents

1.8.4 None.

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING COMMITTEE**

**29 JANUARY 2015**

#### **REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES**

**Report prepared by Lorraine Neale**

1. Draft Hackney and Private Hire Policy

1.1 Issue for Decision

- 1.1.1 The council has a number of separate policies, guidance notes and conditions relating to hackney carriage and private hire licensed vehicles, drivers and operators but there is no single document that can be referred to as the 'taxi licensing policy'. Such a policy would act as a consolidating document to bring the existing policies, guidance notes and conditions together taking into account updates in legislation and national policy.

1.2 Recommendation of Head of Housing and Community Services

- 1.2.1 That the Licensing Committee approves the draft Taxi Licensing Policy for consultation and the Head of Housing and Community Services reports the responses back to the Licensing Committee in 2015 together with the final draft policy.

1.3 Background

- 1.3.1 Maidstone Borough Council has responsibility for the licensing of hackney carriages and private hire vehicles, drivers and operators. The aim of licensing the hackney carriage and private hire vehicle trades is primarily to protect the public, providing confidence that vehicles advertising as taxi or private hire are properly checked and fit for purpose; and the drivers have been vetted in accordance with national good practice.
- 1.3.2 The Council currently has a number of documents that combine to make up a suit of policies based on decisions that have been made by Licensing Committee over the years. It has been the intention to consolidate these decisions in to one policy but this had been delayed as the Law Commission had been asked by government to provide advice on a comprehensive review of taxi and private hire legislation.

1.3.3 The Law Commission had revealed that it was intending to make significant changes to the current statutory framework and it was felt prudent to wait until this had been developed before proposing changes to our own policy that would later need amending. In the event the Law Commission has not recommended as wide ranging changes as originally indicated. In addition the government has not set aside time to bring about legislative changes. In this vacuum there is no benefit from delaying the Maidstone policy further. However, the draft Maidstone policy does reflect the Law Commission's direction of travel and should therefore remain relevant should a new government post May 2015 want to implement the Law Commission's recommendations.

1.3.4 A brief outline of some of the Law Commission's proposals is set out below:-

- Taxi and private hire licensing will remain a local authority (and TfL in London) function, referred to as the licensing authority. There will be an initial internal appeal process against refusals etc, followed by appeals to the Magistrates' Court. There will also be a "Judicial Review Lite" mechanism to challenge policy in the County Court. In addition there will be new powers for licensing authorities to create and modify taxi zones.
- The 2 tier system (to be called taxis and private hire vehicles, PHVs ) will be retained with taxis able to take "there and then" hiring and PHVs will be prohibited from anything other than carrying pre booked fares.
- PHV dispatchers (those who send the vehicle and driver) will be required to be licensed but those who advertise and accept the bookings will not.
- Private hire drivers and vehicles licensed by any local authority will be able to work for any private hire dispatcher.
- There will be a national minimum standard for PHVs and taxis (to be achieved through regulations) with the possibility of higher or additional standards for taxis to be set locally. In addition there will be basic national standards for drivers and dispatchers.
- Quantity restrictions (a limit decided by the local authorities for the number of Hackney Plates issued) will remain possible based on the public interest test (as opposed to unmet demand) but the sale of plates will be allowed in existing limited areas.
- There will be a duty to "stop when hailed" placed upon taxi drivers if this requirement is applied by the licensing authority.



- Licensing authority offices will have the power to stop and inspect vehicles and issue fixed penalty notices, irrespective of which local authority the vehicle is licensed with.

1.3.4 A comprehensive taxi licensing policy will inform the taxi trade and service users in understanding the key provision of the service and how the policy will be enforced. It would also act as guidance for staff both within the council and across the Licensing Partnership in order to assist with processing applications and other administration matters. Having a consolidated policy will also make the process of making future updates more straightforward, as only one document would require amending.

1.3.5 It is proposed to have a 12 week period for consultation on the draft new policy, which will be undertaken in accordance with HM Governments' Code of Practice on consultation. This will be undertaken through a variety of means including letters/questionnaires to representative bodies of the trade and service users; other stakeholders e.g. statutory bodies; through the Taxi Association Representative and on our website.

1.3.6 Once the consultation process is completed, then a summary of the representations and comments received will be reported to a future Licensing Committee meeting together with a finalized draft Taxi and Private Hire Policy which will be presented for adoption by the Licensing Committee. This is anticipated to be completed by the early summer of 2015.

#### 1.3.7 Summary of changes

<b>Relevant section</b>	<b>Proposed change</b>	<b>Current policy</b>	<b>Reason</b>
Paragraph 3.13 Duration of Driver's Licence	Disclosure and Barring Service (DBS) and medical checks every 3 years	DBS checks every 4 years	This requirement brings DBS and medical checks to coincide with licence renewals
Paragraph 3.4 Medical Fitness	Permit GPs to submit medical evidence on bespoke form	Maidstone prescribed form used for medical submissions	The current requirement is unduly restrictive
Paragraph 3.4 Medical Fitness	Proof of medical accepted on production of Group 2 medical certificate of not less than 6 months old	Medicals are required at ages 45, 50, 55, 60, 65 and annually thereafter	Brings MBC policy in line with Passenger Service Vehicle and Heavy Goods licence requirements
Paragraph 3.4 Medical	Drivers with insulin dependant diabetes to be licensed at C1	Barring on grounds of insulin dependant diabetes	As above

Fitness	standard		
Paragraph 3.6 Knowledge Test	Drivers reapplying for a licence are not required to undertake a knowledge test if Maidstone test passed within the last 3 years	Returning drivers currently have to complete the knowledge test again	It is recognised that the knowledge test is likely to remain relevant within a 3 year period
Paragraph 4.2 Insurance	Continuous proof of relevant motor insurance required to coincide with the licence period	Insurance is submitted at initial/renewal application and may not cover full term of licence.	Provides continuous cover history for all licensed vehicles.
Paragraph 4.3 Testing of Vehicles	Vehicles of more than 3 years old can be licensed on first application	First time licenses refused on vehicles older than 3 years	Removes an unduly onerous requirement
Paragraph 4.3 Testing of Vehicles	Vehicles of more than 6 years of age permitted with bi-annual tests	Vehicles over 6 years of age not permitted	Vehicle safety and longevity has greatly improved and this change reflects the improvements made by the car industry
Section 38 Page 48	First Aid Kits to be available in the vehicle	No similar requirement	This will enable the driver or passengers to self-treat minor injuries to themselves
Section 14 Page 41	Vehicle fire extinguishers to have inedible markings to that specific vehicle	No similar requirement	This requirement is to prevent extinguishers from being swapped between vehicles at inspections
Paragraph 3.5 Criminal Record	The DBS certificate for operators to be no older than one calendar month at the time of application	No similar requirement	To ensure DBS certificate is current
Paragraph 5.7 Insurance	The operating premises has the appropriate public liability insurance	No similar requirement	Ensure the safety of members of the public and brings MBC in line with Licensing partners
Paragraph 5.3	Operators' licenses to last for 5 years		Recommended by the Law

Licence Duration			Commission
Paragraph 6 Penalty Points Scheme	Introduction of a penalty point system to deal with breaches of licence conditions	No current penalty system	Provides a transparent and easily understood method for enforcing breaches

#### 1.4 Alternative Action and why not Recommended

- 1.4.1 The council could choose to retain its current policies but to do so would be to keep aging and incomplete policies that would quickly become open to challenge. Best practice suggests that having an up to date policy provides the most appropriate framework for ensuring a safe and effective service. Therefore keeping the existing system is not a course of action that is recommended.

#### 1.5 Impact on Corporate Objectives

- 1.5.1 A comprehensive Taxi policy will improve the consistency in delivering the service and will better inform applicants and operators of the licensing process in an open and transparent way. This will contribute towards providing a better customer service.

#### 1.6 Risk Management

- 1.6.1 A clear and up to date Taxi policy will help to minimise the risk of challenges to the council from drivers and operators.

#### 1.7 Other Implications

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


1.8 Relevant Documents

1.8.1 Appendices

1.8.2 Appendix A - Draft Taxi Licensing Policy (Working Discussion Document)

1.8.3 Background Documents

N/A

## The Role of Licensing: Policy Justification

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

For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver is "fit and proper" and that the vehicle is safe. 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.

Maidstone Council, therefore, wants to be sure that every licensing requirement is in proportion to the risk it aims to address; or to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety.

This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to say that Maidstone Council does look carefully at the costs – financial and otherwise – imposed by all of its licensing policies.

**CONTENT:-**

The Role of Licensing – Policy Justification

1. Introduction
2. Review of Policy and Procedures
3. Hackney Carriage and or Private Hire Driver Licences
4. Hackney Carriage and Private Hire Vehicle Licences
5. Private Hire Operator Licence
6. Penalty Points
7. Taxi Ranks
8. Plying for Hire
9. Taxi/ Private Hire Meetings
10. Departure from the Policy
11. Amendments to the Policy

Appendix 1 Map of Maidstone Borough

Appendix 2 Licensing Enforcement Policy

Appendix 3 Statement of Policy about Relevant Convictions

Appendix 4 Assessing applicants and existing drivers for a taxi/PHV driver licence in accordance with C1 standard.

Appendix 5 Dress Code for licensed drivers

Appendix 6 Licence Conditions

A) Hackney Carriage Vehicle Specifications

B) Hackney Carriage Vehicle Licence Conditions

C) Private Hire Vehicle Specifications

D) Private Hire Vehicle Licence Conditions

Appendix 7 Special Events Vehicle Specifications

Appendix 8 Private Hire Operators Conditions

Appendix 9 Hackney Carriage Byelaws

Appendix 10 Private Hire Drivers Licence Conditions

Appendix 11 Penalty Points Scheme

## 1.Introduction

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

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

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

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

- . Up to three yearly licensing of drivers including medical checks, criminal record clearance, an appropriate level of driving ability and a sound knowledge of the area.
- . DVLA checks of all drivers licences at first application and at renewal.
- . 5 year licensing of private hire operators with regular checks made on record keeping
- . Annual licensing of vehicles, with routine inspections by council officers, checks of documentation such as insurance certificates and strict mechanical testing;
- . Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council's enforcement policy statement (Appendix 2).
- . Ongoing training, development and monitoring of the Council's Licensing staff.
- . Provision of information to the private hire and hackney trades and members of the public through press releases and publications, the Council website and attendance at relevant forums.

## **2. Review of Policy and Procedures**

### **2.1 Legislation**

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

- The Council's Statement of Policy re convictions (Appendix )
- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Regulators Code
- Law Commission

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

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

### **2.3 Consultation**

The Council is keen to hear the views of those who may be affected by this policy and has identified people and organisations that may be interested in commenting on this document. The Council has consulted widely and invited comments from any interested party in particular those listed below.

Maidstone's licensed hackney & private hire drivers

Representatives and trade groups of Maidstone's taxi proprietors and private hire vehicle licence holders.

Maidstone's private hire operators and their representatives.

Maidstone's Councillors

Maidstone's Parish Councils

MPs and MEPs



MBC - Internal transport strategy representatives  
 Neighbouring Authorities  
 Maidstone's Town Centre Partnership  
 Maidstone's Community Safety Department  
 Local businesses and residents  
 The Primary Care Trust  
 Chamber of Commerce  
 Kent Police  
 Kent County Council Traffic & Road Safety  
 Kent County Council (School Contracts)  
 Maidstone's Disability Action Group  
 Maidstone Activity and Skills Group  
 Maidstone Mencap  
 Maidstone Mind  
 Scope  
 Citizens Advice Bureau  
 Age UK  
 Age Concern  
 Saga Charitable Foundation  
 Volunteer Action Maidstone  
 The National Private Hire Association  
 The National Taxi Association  
 Members of the Public through the Council Website  
 Maidstone Women's Centre  
 Passenger Transport Executive  
 Sheltered Schemes for the elderly  
 Residential homes for the elderly.

The Policy and associated documentation are available for inspection on the Council's website at [<http://www.maidstone.gov.uk/business/licensing-and-permits/taxis-and-private-hire>] and a hard copy can be viewed at the Gateway, King Street, Maidstone, ME15 6JU by contacting [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk) or by telephoning the licensing department on 01622 602028.

## **2.4 Implementation**

Following the consultation, the final policy will be applicable following adoption by the Licensing Committee. The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change.

Upon implementation of this policy, the Authority expects licence-holders to comply with its terms immediately. However, even with the implementation of the Policy it is an accepted legal principle that there may be cases or circumstances that were not envisaged by the Policy and will be considered on the merits of the case individually.

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

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

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

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

All applicants are strongly advised to read the Council's Statement of Policy about Relevant Convictions, (see Appendix 2), before considering whether to apply for a Hackney Carriage or Private Hire Vehicle driver's licence.

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

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

1. Correct application form provided by the Council at [\[http://www.maidstone.gov.uk/business/licensing-and-permits/taxis-and-private-hire\]](http://www.maidstone.gov.uk/business/licensing-and-permits/taxis-and-private-hire) completed in its entirety and signed by the applicant.
2. The appropriate fee. The current fees are available from the licensing department or online at [\[http://www.maidstone.gov.uk/business/licensing-and-permits/taxis-and-private-hire\]](http://www.maidstone.gov.uk/business/licensing-and-permits/taxis-and-private-hire)
3. The applicant's original DVLA driving licence.  
Both parts of the photo-card licences must be produced (ID card and paper counterpart) This will continue to be a requirement until the legislation changes. Applicants must have held a full DVLA or EU licence for at least 1 year. (para.3.2) for a new application.
4. A completed medical certificate (para.3.4).
5. DSA practical taxi test and wheelchair test (where applicable) or the KCC transport test.
6. Evidence of having passed the relevant Maidstone knowledge test (new applicants only).
7. One recently taken, colour, passport sized photograph of the applicant (no headwear, unless worn for religious reasons, or sunglasses)

8. DVLA mandate completed and signed by the applicant

9. Application for an Enhanced Disclosure and Barring certificate completed by the applicant with accompanying identification or a current valid disclosure certificate completed within 1 month and obtained via an approved body which will allow an update service check to be performed (para.3.5)

10. For all applicants who have lived in the United Kingdom for less than 5 years continuously, a certificate of good conduct from the appropriate embassy is required(new applications only) (para.3.5)

11. For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate Embassy/ Authority. In some instances Home Office checks will need to be made also.

12 Documents such as utility bills, bank statements etc confirming the applicant's address.

### **3.1 Fee**

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

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

### **3.2 Driving Standards**

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

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

In order to establish that an applicant has reached an acceptable driving standard, new applicants will also be required to have successfully undertaken the Driving Standards Agency's practical taxi test or KCC transport test. Existing drivers may also be required to undertake this test where concerns are raised about the standard of their driving.

All new applications for a driver's licence will be required to successfully undertake a DSA or KCC practical taxi test without exception.

Any applicant who has a valid DSA or KCC pass certificate which is less than five years old will not be required to take the test again if applying for a new licence.

Applicants for a Hackney Carriage or Joint driver's licence must have undertaken the enhanced DSA practical taxi test which includes the wheelchair exercise.

Driver assessments can be taken at your local Driving Standards Agency (DSA) test centre or KCC Transport. You can find your nearest DSA test centre on the DSA website.

### 3.3 Age

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

### 3.4 Medical Fitness

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

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

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

A Group 2 medical standards certificate signed by a doctor registered or practising in the United Kingdom or in any other EU/EEA country will be required from all applicants. Holders of current Passenger Service Vehicle (PSV) and/or Heavy goods Vehicle Licences (HGV), where the holder is able to produce proof of a current medical examination, less than 3 months old will not be required to undergo a further medical.

Once licensed, a new medical will be required to be undertaken at renewal (every 3 years).

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

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

### 3.5 Criminal Record

Prior to consideration of any application, the Council will obtain from the applicant a Disclosure & Barring Service Enhanced Certificate in respect of the applicant, to be assessed in accordance with the Council's statement of policy about relevant convictions. (appendix 2)

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

Existing Drivers will be required to submit an Enhanced Certificate every 4 years. The licence holder will be responsible for paying the relevant fee. Existing Drivers will be required to submit an Enhanced Certificate every 3 years at renewal or to have signed up to the online service.

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

A licence will generally not be granted to any applicant who does not comply with the minimum requirements as set out in the Council's Statement of Policy about Relevant Convictions (see Appendix 2). Where several minor offences have been committed the Council will take into consideration any pattern of offending. The Council may also take into consideration spent convictions and cautions when determining an application for a driver's licence.

A licence may be suspended immediately pending the outcome of any investigation or trial where an existing driver is found to be awaiting trial or has been charged with a serious crime relating to;

- . Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- . An offence related to the supply of prohibited drugs
- . Indecent exposure, indecent assault or any of the more serious sexual offences or,
- . Grievous bodily harm, wounding or assault or,
- . Dishonesty

A licence may also be suspended or revoked where information received raises serious doubts as to the fitness of a driver, regardless of whether criminal charges are brought.

Any application from a new applicant charged with a serious offence as outlined above will not be determined until the outcome of that matter has been determined.

Where an existing driver commits an offence and/or breaches the licence conditions/byelaws, the nature and number of incidents will be taken into consideration when considering if the driver continues to be considered “fit and proper”. Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt,

although where a further warning is issued during this period, the original warning will be kept on file from the date of the most recent warning. Where a licence is revoked for persistent breach of licence conditions a period of 3 to 5 years should generally elapse before a further application is favourably considered

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

### **3.6 Knowledge test**

First time applicants are expected to have passed the Maidstone Council written knowledge test within 6 months of a submission of a driver's licence application. They will be allowed 4 attempts at passing it and if a driver fails to attend any test date without a reasonable explanation then that test will count as a failed test.

First time applicants will be tested on their knowledge of:

- Local Streets and Routes
- Hackney Byelaws (applicable to HC Drivers only)

Relevant testing criteria are provided with the application packs.

Where an application for a driver's licence is received from an applicant who has previously held an equivalent licence in Maidstone the applicant will not be required to sit a knowledge test unless their previous licence expired more than 3 years prior to the date of the new application.

### **3.8 Renewal of Licences**

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

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

Any licence that is not renewed within 1 month following expiry will not be renewed and a new application in full will be required. Any licence that is renewed within the 1 month grace period will be subject to a late fee. No Driver may continue to work once a licence has expired.

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

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

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

At each renewal a current correct driving licence, DSA check, Medical and DVLA Mandate will be required.

### **3.9 Change of Type of Licence**

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

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

### **3.10 Surrender/Suspension/Revocation of Licence or Failure to Complete Application**

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

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

### **3.11 Drivers Dress Code**

Maidstone Council is committed to encouraging the professional image of the hackney carriage and private hire trade, and considers that drivers of licensed vehicles are vocational drivers. The Council considers, therefore, that drivers should conform to a minimum standard of dress, as set out in Appendix 5, in order to raise and maintain the profile of the licensed trade. The Authority does not impose such standards by way of conditions to any licence but does expect its drivers to sign up to the code and that those standards will be maintained at all times.

### **3.12 Right of appeal**

Where refusal, suspension or revocation of an application/licence has

been advised by an Officer, the applicant/driver will be entitled to request within 21 days that the matter be referred to the Licensing Committee to discuss the concerns, unless the driver has been disqualified from driving in which case revocation will be automatic. During this meeting the applicant/driver will be given every opportunity to state their case in relation to the issue(s) of concern. The Committee on hearing all the facts will decide whether to grant any licence or not.

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

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

### **3.13 Duration of Drivers' Licences**

All new drivers are given the option of a 1 or 3 year licences.

On renewal, all licence holders must apply for a 3 year licence. However drivers over retirement age or those drivers that need medical assessment on a regular basis may be licensed annually at their own request.



#### 4. Hackney Carriage / Private Hire Vehicle Licences

Section 47(2) of the LG(MP)A 1976 permits a Borough Council to require that a hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

##### Numbers Limit

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

Maidstone Borough Council currently has a policy of limiting Hackney Carriage Vehicle numbers and that number currently stands at 48. Demand Surveys are undertaken at intervals in the region of three years as appropriate to reassess the situation and the results of the survey recommends the increase and the issuing of further Hackney Carriage Vehicle licences, if there is any unmet demand found. The last Demand Survey was completed in 2013 and no unmet demand was found. The Council will keep its policy under review in relation to demand.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall not grant a private hire vehicle licence unless the Council is satisfied that the vehicle is

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

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

With regard to hackney carriages, it is the policy of Maidstone Council to only licence purpose built hackney carriages. These vehicles meet the conditions of fitness as set by Transport for London (TfL). These are wheelchair accessible and

fitted with a partition between the driver and passenger compartments. These vehicles include the TX4 and Mercedes Benz Vito Taxi.

All applicants for the initial grant of a licence are advised to apply at least 15 working days before the licence is required to allow time for the vehicle to be tested and the licence to be processed.

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

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

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

#### **4.1 Licence Fee**

All applications must be accompanied by the appropriate fee as prescribed by the Council; the current scale of fees is available from the Council or at [www.Maidstone.gov.uk/licensing](http://www.Maidstone.gov.uk/licensing).

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

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

#### **4.2 Insurance**

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

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

will result in the vehicle licence being suspended. It is preferable that the original paper documents are provided to the Licensing Department but it is understood that the majority of drivers now receive their policies electronically. In these instances the Council will accept them also and preferably directly from the applicant's insurance company.

### 4.3 Testing of vehicles

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

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

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

#### Hackney Carriage Age of Vehicle

#### Test Frequency

Less than 10 years

Annually

Over 10 years but less than 15 years

6 Monthly

#### Private Hire Age of Vehicle

#### Test Frequency

Less than 6 years  
Over 6 years?

Annually  
6 Monthly

#### Special Events Vehicle Age of Vehicle

#### Test Frequency

Each vehicle is assessed on its own merit

6 Monthly

Where concerns arise during the period of the licence regarding the mechanical fitness of a licensed vehicle the Council may request a further test to be undertaken and a further certificate to be produced at the Licensee's expense. However, the Licensing Authority cannot require a vehicle to have more than 3 set tests per year. However random checks are also possible under s68 of the Local Government (Miscellaneous Provisions) Act 1976

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

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

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

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

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

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

#### **4.4 Type of vehicle**

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

In order to be considered suitable to be licensed as a Hackney Carriage the vehicle must comply with the basic specification set out in Appendices 6A and comply with the conditions listed in Appendix 6B and pass the Council's vehicle inspection test.

Any Private Hire vehicle complying with the basic specification set out in Appendix 6C and the conditions listed in 6D and pass the Council's vehicle inspection test will be considered suitable to be licensed as a Private Hire Vehicle .

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

In exceptional circumstances the Council's basic requirements for vehicles may be waived to facilitate the licensing of Novelty Vehicles although confirmation should be sought from the Licensing Office prior to any application being made. All applications for Novelty Vehicles will be considered on their own merits. In addition to meeting the relevant vehicle specifications all Private Hire Vehicles, including Novelty Vehicles, will have to comply with the private hire vehicle conditions. (Appendix 6D). In the case of novelty vehicles further specific conditions may be applied to the licence also.

#### **4.5 Seating Capacity**

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

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

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

#### **4.6 Accessibility**

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

All Hackney Carriage Vehicles licensed by Maidstone Council are required to be wheelchair accessible .

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

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

Signage is to be affixed to the outside of all private hire vehicles if the vehicle has been designed or adapted to carry a wheelchair.

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

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

#### **5. Private Hire Operators Licence**

The objective of licensing Private Hire Vehicle Operators is, again, the safety of the public, who will be using operators. premises, vehicles and drivers arranged through them. The Council will not grant a private hire operator licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence

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

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

All applicants for initial grant of a licence should allow at least four weeks before the licence is required to enable the local authority to undertake the necessary vetting procedures as detailed in this document. Planning consent may be required for premises and all applicants should ensure that they obtain all the correct and necessary permissions before trading.

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

Applications will only be acceptable if they include the following:

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

2. Basic criminal conviction certificate for the applicant in order to confirm that the applicant is a fit and proper person to hold a licence. , this can be obtained from the DBS or Disclosure Scotland the date of issue shall be no earlier than one calendar month before the submission of the application.

3. The appropriate fee

### **5.1 Criminal Records Checks**

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

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

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

### **5.2 Record Keeping**

It is a requirement (s56 LG(MP)A 1976)for operators to keep comprehensive records of each booking as follows:-

- (a) The time and date of the booking.
- (b) The name of the passenger/hirer.

- (c) How the booking was made (e.g. by telephone, personal call etc.)
- (d) The time of pick-up.
- (e) The location of pick-up.
- (f) The destination.
- (g) Any fare quoted at time of booking.
- (h) The name of the driver.
- (i) The registration number of the vehicle allocated for the booking, and the private hire vehicle plate number.
- (j) The time at which the driver was allocated to the booking.
- (k) Remarks (including details of any sub-contract).

### 5.3 Licence Duration

The Department of Transport considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable.

The Council will, therefore, issue a successful applicant for a Private Hire Operator's Licence with a five-year licence from the date of grant; subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances.

### 5.4 Fees

The fee payable for an operators licence is based on a sliding scale on the number of private hire vehicles to be operated. On receipt of the appropriate fee, the permitted number of vehicles can be increased at any time during the period of the licence.

### 5.5 Operation

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

All three of the following licences must be issued by the same Licensing Authority:

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

### 5.6 Conditions

The Council has power to impose such conditions on a private hire operator's licence as it considers reasonably, necessary. The Council consider the conditions detailed in Appendix 7 to be reasonably, necessary and proportionate. All private hire operators licences will be issued with these conditions attached.

### 5.7 Insurance

It is considered appropriate for a Licensing Authority to check that suitable public liability insurance is in place for premises that are open to the public.

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

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

### **5.8 Address from which an Operator may operate**

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

### **5.9 Gaming Machines**

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



## 6. PENALTY POINTS

### Penalty Points Scheme

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

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

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

A number of licensing authorities have found that an effective means of applying the conditions at a local level is through the adoption of a penalty points scheme. This acts as a first stage mechanism in ensuring compliance with the provisions of the Policy, and serves as an "early warning" system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions. Points are accumulated on a sliding scale dependent upon the type of offence or breach of licence conditions.

These penalty points then remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling 24 months period are taken into account. If a driver, proprietor or operator accumulates twelve or more points within a period of two years from the date they are imposed, he/she would then be brought before the Council's Licensing sub committee who would have a range of sanctions available to them that will include suspension or revocation of the licence, where appropriate. If the Committee did not feel that the matter warranted suspension or revocation of the licence then other options include extending the period for which the points are to remain "live" or issue a written warning to the driver as to his future conduct.

It is believed that the introduction of a penalty point's scheme will assist the trade in maintaining its high standards. A system will be introduced from XXXXX date.

The details of the scheme proposed are set out in Appendix 10. Adoption of the Penalty Points System will not however compromise the Council's ability to enforce breaches of statute or local conditions in the Courts should an offence warrant such action.

Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a Private Hire Driver, Private Hire Operator or Hackney Carriage Driver, "Licence Holder" will be assessed in terms of the "fit and proper" person test. The points system is predominately an internal management tool for ensuring that licence holders who repeatedly contravene

regulation and/or this Policy are assessed. The licence holder's penalty offences will be re-considered in light of any mitigating circumstances the licence holder wishes to be considered.

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

- 6.1 Points issued to a licence holder will be confirmed in writing within ten working days from the discovery of the contravention or the conclusion of an investigation into a complaint.
- 6.2 When issued, the penalty points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four months period will be taken into account.
- 6.3 If a licence holder accumulates twelve or more points within a period of two years from the date they are imposed, he will be required to attend a Sub Committee hearing where the appropriate action to be taken in accordance with this Policy will be decided.
- 6.4 Where a licence holder is brought before the Sub Committee their available options will include suspension or revocation of the drivers/operator's licence, where appropriate.
- 6.5 Periods of suspension of a licence will be dependant on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.
- 6.6 More than one accumulation of penalty points in excess of the twelve point threshold in any **three** year period will normally result in the Committee revoking a licence where they believe the person not to be a „fit and proper" person.
- 6.7 Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended the points will be removed at the end of that time. If a written warning is given, however, the points will remain "live" for the normal two-year period.
- 6.8 If, as a licence holder, you receive a Penalty Points Notice which you feel was not warranted, you may appeal. For example, you may feel that you had a reasonable excuse why the infringement took place, you may disagree that it took place at all or you may not be the person involved. In such a case, write to the Senior Licensing Officer (SLO) within 21 days of the date of receipt of the points stating why you consider the points are not appropriate and the matter will be reviewed by them. If the matter still remains in dispute after the review by the SLO it will then be put to the Licensing Sub Committee for decision. The Sub Committee are at liberty to impose more penalty points than stipulated in the Policy as they see fit. This could be a greater number than the officer allocated but no more than the policy maximum

- 6.9 A licence holder may be represented at any meeting either legally or otherwise, and present any information or mitigating circumstances he feels necessary.
- 6.10. Licensees retain the normal rights of appeal to the appropriate Court when a licence is suspended or revoked.
- 6.11. Following a revocation (due to the accumulation of penalty points), a new licence application will not normally be entertained by the Council for a minimum period of six months.
- 6.12. The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this Policy.

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## **7. TAXI RANKS**

### **7.1. Appointed Stands**

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

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

### **7.2 Waiting on Stands**

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

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

## **8. Plying for Hire**

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

## **9. Taxi/ Private Hire Meetings**

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

## **10. Departure from the Policy**

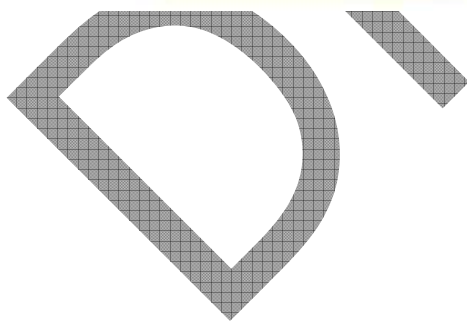
There may be instances whereby the Council need to consider applications outside the policy. Where it necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing Committee.

## **11. Amendments to the Policy**

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

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Appendix 1: Map of Maidstone Borough



## **APPENDIX 2**

### **LICENSING ENFORCEMENT POLICY**

#### **MISSION STATEMENT**

It is the approach of Maidstone Borough Council to fairly, firmly and equitably enforce the law in a consistent transparent way, proportionate to risk, to assist and protect the residents, visitors and businesses within the borough.

#### **THE MAIDSTONE APPROACH**

1. Maidstone Borough Council has adopted the policies procedures and practices of the Enforcement Concordat and has developed published Service Standards for Licensing.
2. Maidstone Borough Council has delegated its statutory obligations regarding Licensing to the Director of Regeneration and Communities who in turn has authorised the Head of Housing and Community Services to deal with all Licensing Matters.
3. Health and Safety at Work is subject to its own separate policy owing to its unique enforcement status.
4. Licensing Staff will be responsible for the investigation and reporting of statutory matters.
5. The Council endorses the Audit Commission view that Members determine the general policy attitude to enforcement whilst action in individual cases is left to the officers responsible based on available evidence and professional judgement.
6. The Head of Corporate Law or Head of Legal Services has the authority to institute legal proceedings on behalf of the Council based on the reports and evidence authorised by the Head of Housing and Community Services Manager.

#### **ENFORCEMENT PRINCIPLES**

1. The Licensing section undertakes the regulatory function in accordance with recognised Government and other professional guidance such that resources are focused on those activities or business practices that give rise to the

greatest risk and those best placed to control it.

2. The Licensing Section has in place internal systems to ensure a consistent approach to enforcement. The section also has liaison arrangements with other local authorities and enforcement bodies.
3. The Licensing Section will help duty holders (those who have a duty to comply with the law) to understand what it is and is not expected from them and distinguish clearly between statutory requirements and good practice advice.
4. When enforcement action is necessary officers will take appropriate proportionate action dependent upon the seriousness of the legal breaches.

#### ENFORCING THE LAW

1. Most initial contact between officers and duty holders will be informal with the provision of information advice and support.
2. Enforcement action will take the following progressive approach to achieve compliance:
  - a) Verbal advice
  - b) Written advice
  - c) Verbal warning
  - d) Written Warning
  - e) Statutory Notices
  - f) Formal caution
  - g) Prosecution.
3. The majority of the statutory provisions administered by the Licensing section provide sanctions that may be pursued through the criminal courts in appropriate cases. In many instances justice will require this to be done. All actions will be considered against the Human Rights Act 2000 requirements.
4. Where the circumstances of the case require it officers will take appropriate formal action including prosecution.
5. In considering whether prosecution is appropriate, officers will have regard to the Code of Practice issued under section 10 of the Prosecution of Offences Act 1985 by the Crown Prosecution Service.
6. Consideration will also be given to the following:



- (a) Is there a risk or danger to the public or personal safety?
  - (b) Is gross negligence, blatant disregard for the law or an otherwise "guilty mind" involved?
  - (c) Is there a failure in following our advice concerning legal requirements?
  - (d) Are there persistent breaches following warnings from the Licensing Section?
  - (e) The gravity of the offence and the history of the offender.
7. Officers will also have due regard to any guidance and advice given by Government Departments, Local Authority Associations, and other Professional or Technical bodies.

### **PROSECUTING INDIVIDUALS**

The laws the Licensing section administer place responsibilities on all sectors of society and it is necessary on occasions to take action against business employees and private individuals. Subject to the above criteria officers investigating offences and recommending prosecution should not be influenced by their status where prosecution is warranted and evidence supports the case.

### **APPEALS AGAINST ENFORCEMENT ACTION**

1. In many cases the law provides for persons who disagree with enforcement action to seek a review of the decision in a court of law.
2. The Licensing section has in place procedures which allow duty holders to request a review of the action intended by reference to the Head of Housing and Community Services
3. The Council also has a published complaint procedure.

## Appendix 3

### VEHICLE AND DRIVER LICENCES - STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

When submitting an application for a licence to drive a hackney carriage or private hire vehicle you are required to declare any motoring convictions and any non motoring convictions or cautions/pending charges you may have in addition to completing a Disclosure & Barring Service check. The information received will be treated in confidence.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless the Authority considers that the conviction(s) renders you unsuitable. In making this decision the authority will consider the nature of the offence/s, how long ago and what age you were when it was committed and any other factors which may be relevant. To facilitate a consistent approach the licensing authority has devised guidelines relating to the relevance of convictions and cautions. Any applicant refused a driver's licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to Magistrates' Court.

If you would like to discuss what effect a conviction might have on your application you may telephone the Licensing Department, in confidence, on 01622 602028 for advice.

#### General

Notwithstanding the existence of this Policy, each application will be determined on its own merits. Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons will be given for doing so. The purpose of this appendix is to formulate guidelines, consistent with national guidance, which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for hackney carriage and private vehicle, driver and operator licences.

If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

For the purpose of this Policy, the acceptance of a fixed penalty notice will be treated as a conviction depending on the individual merits and mitigating circumstances of each case.

The legislation clearly states that the Council may grant a licence only if it is satisfied that the applicant is a "fit and proper" person.

**The onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not.**

"Fit and proper" person

In the absence of a judicially approved definition of “fit and proper”, the Council use the test of:

*Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?*

In order to further assist in understanding the interpretation of this definition, the Council will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving record, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public or otherwise behave in an unsuitable manner.

It should be borne in mind that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol, lone women and foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:

#### § Honesty and trustworthiness

Drivers often have knowledge that a customer is leaving a property empty; they have opportunities to defraud drunken, vulnerable or foreign person; or they have opportunities to abuse their position of trust. For example, all passengers would expect to be charged the correct fare for the journey and be given the correct change; they would expect any lost property to be handed over to the police; and they would expect confidentiality to be maintained between themselves and the driver.

#### § Professionalism

Drivers are often subject to unpleasant, abusive or dishonest behaviour, albeit from a small minority of passengers. Although this is clearly unacceptable behaviour by passengers it does not excuse in any way aggressive or abusive conduct by drivers. Confrontation should be avoided and all disputes should be resolved through the formal legal channels. Under no circumstances must drivers take the law into their own hands.

#### § Good and safe driving ability

Passengers are paying for a service whereby they expect to reach their chosen destination promptly and safely. Drivers must be fully conversant with all road traffic legislation and this Policy and drive in a professional, lawful and safe manner at all times.

### **Protecting the Public**

The over-riding consideration for the Council in its determination of applications is the promotion of the licensing aims detailed within this policy, in particular the protection of public safety.

## **History**

The Council may take into account an applicant's history as a licence holder with this, or any other, Council. In considering whether or not a person is "fit and proper" the Council may consider such matters as the applicant's complaint history, their compliance with this Policy, their co-operation with Licensing Officer's requests, and any other reasonable matters.

## **Driving Offences**

Hackney carriage and private hire drivers should provide a professional service to the public and must be aware of the safety of passengers and other road users at all times. Any traffic offence shows a lack of responsibility whilst driving either in terms of vehicle maintenance or the level of driving standards.

Convictions or cautions for traffic offences will not automatically preclude any applicant from obtaining a licence, however, the number, nature and frequency of such offences will be considered. In some circumstances it may be appropriate to issue a licence together with a written warning as to future driving standards detailing the likely effect of further offences. Where there is a significant history of driving offences, an application is likely to be refused.

In cases of six penalty points or less on an applicant's DVLA driving licence, an application will be granted.

A licence granted under these circumstances is likely to be issued together with a verbal warning as to future driving standards detailing the likely effect of further offences.

**Seven or more penalty points on a current DVLA driving licence**

In cases of seven penalty points or more on an applicant's DVLA driving licence, an application will be rejected and the applicant may ask for the matter to be referred to the Licensing Sub Committee to consider. Really?

**Major traffic offences**

For the purposes of this section, major traffic offences includes, but is not limited to, dangerous driving, driving whilst disqualified, failure to stop after an accident, driving with no/valid insurance, careless driving, and driving a vehicle with mechanical defects (such as brakes, steering, tyres, etc.)

The driving offences of causing death by dangerous or careless driving, due to their nature, will be considered by the Council to be violent offences and should be considered in conjunction with the section of this appendix relating to violent offences.

If the applicant has been convicted of more than one major traffic offence then a licence application will normally be refused until the applicant has completed a

period of at least two years free from conviction. Where the combination of offences are considered to be of increased risk to the public, a period longer than two years may be substituted by the Council dependant on the extent of the risk to the public.

“Totting Up” under section 35 of the Road Traffic Offenders Act 1988  
Where an applicant has been disqualified from driving by the courts under the “totting up” procedure, the Council will normally refuse an application until there has been a period of twelve months free of relevant convictions.

If the applicant has demonstrated to the court “exceptional hardship” and avoided a driving disqualification, applications will still normally be refused until there has been a period of twelve months free of relevant convictions. The Council believe that the risk to the public is sufficient to maintain this consistent stance.

### Motor Insurance Offences

An isolated motor insurance offence will not automatically preclude an application form being granted, however the Council deem such offences to be serious given the risk to the public.

More than one conviction for motor insurance offences will be considered to raise serious doubts as to an applicant’s suitability to hold a hackney carriage/private hire driver’s licence. Ordinarily in these circumstances, an application be refused until such time as a period of three years has elapsed since the restoration of the applicant’s DVLA driving licence.

### Failure to Declare Motoring Offences

Where an applicant fails to disclose motoring offences on their application form, even if they have been declared on previous applications or are spent, the Council will normally deal with this by way of issuing of penalty points.

If, however, the Council determines that there was a premeditated intention to deceive, the matter will be considered as an offence of dishonesty and dealt with in accordance with that section of this Policy.

### **Drunkenness**

Separate consideration will be given to convictions for drunkenness whilst in charge of a vehicle as opposed to drunkenness whilst not in charge of a vehicle due to the differing risk to the public.

### In Charge of a Motor Vehicle

The Council considers driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence causing a high element of risk to the public.

A single conviction for any alcohol-related driving offence will normally preclude an application from being granted for a period of five years from the restoration of the DVLA driving licence.

If there is a suggestion that the applicant is an alcoholic, a special medical examination is likely to be required before the application is considered. If the applicant is confirmed as an alcoholic, a period of three years must elapse after treatment is complete before an application can be considered.

More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will normally be refused.

#### Not in Charge of a Motor Vehicle

An isolated conviction for drunkenness not associated with driving or being in charge of a motor vehicle will not automatically preclude an application.

Where there is an isolated conviction for disorder and/or drunkenness, a licence will normally be granted together with a verbal warning detailing the likely effect of further offences.

More than two convictions for disorder and/or drunkenness will normally lead to refusal of an application until such time as a period of three years free of convictions has elapsed.

#### Drug Offences

The Council considers all offences related to controlled substances as a serious risk to the public.

An applicant with a conviction for any Class A or Class B drug related offence, including supplying or trafficking, will be required to show a period of five to ten years free of convictions before an application is considered. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

An applicant with a conviction for any Class C drug related offence will be required to show a period of at least three years free of conviction

In all cases, where an applicant has been medically classed as an addict, an application will be precluded until such time as a period of five years has elapsed since the completion of a recognised detoxification programme.

#### Sexual or Indecency Offences

As hackney carriage and private hire drivers often carry unaccompanied and/or vulnerable people, any applicant with a conviction or caution for any sexual or indecency offence will normally be refused a licence until such time as they have been free of convictions for a period of seven to twelve years. The length of period over and above the minimum seven years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

Existing licence holders should be aware that if the Council receives notification from the police that the driver is being investigated for a sexual or indecency offence, their licence will be suspended with immediate effect pending the outcome of the investigation.

Major Sexual or Indecency Offences

For the purpose of the Policy, the following offences will be considered as major sexual or indecency offences with the highest of risk to the public.

- rape;
- indecent assault;
- gross indecency;
- possession of child pornography;
- buggery; or
- indecent assault of a child

Any applicant with a conviction for a major sexual or indecency offence will be considered an unacceptable risk to the public and any application will be refused, save for exceptional circumstances

### **Violent Offences**

The Council considers all violence related offences as a serious risk to the public.

An application will normally be refused where the applicant has been convicted of murder, manslaughter or causing death by careless or dangerous driving.

An application will normally be refused where the applicant has a conviction for a violent offence, other than those listed above unless there has been a period of five to ten years free of convictions. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

Offences of criminal damage and public order will be treated as violent offences for the purposes of this Policy.

Whilst an isolated conviction for a violent offence, other than those listed above will not normally permanently preclude an application, the Council will have grave concern for public safety if an applicant has committed multiple violent offences.

### **Multiple Offences**

In all cases where an applicant has more than two convictions for violent offences, as application will normally be refused. In the case of an existing driver, their licence will normally be revoked.

### **Possession of a Weapon**

If an applicant has been convicted of an offence involving the possession of a weapon, or any other weapon-related offence, the Council considers this to be an unacceptable risk to members of the public and the application will normally be refused. In the case of an existing driver, their licence will normally be revoked.

### **Dishonesty**

Hackney carriage and private hire drivers are expected to be persons of trust. It is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors

can be confused by the change in currency and become vulnerable to an unscrupulous driver. Equally, any customers can be defrauded by a driver taking them by any other than the shortest route or by them retaining lost property left in the vehicle.

As members of the public entrust themselves to the care of licensed drivers, the council consider offences involving dishonesty as a serious risk to public safety.

An applicant that has been convicted of an offence related to dishonesty will normally be refused a licence until such time as they have been free of convictions for a period of five to ten years. The length of period over and above the minimum five years will be dependent of factors such as the nature and severity of the offence, and the length of any custodial sentence.

### **Other Offences**

If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, the application may be referred to the Licensing Sub Committee for determination in line with the Policy Objectives.

Receipt of any of the following may result in the licence holder being required to provide annual DBS disclosures until a period of five years has expired.

- criminal conviction;
- final warning letter from the Council;
- period of suspension of an existing licence.

### **Summary**

Except in the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently precluded from obtaining a hackney carriage/private hire driver's licence.

The Council believe that a person convicted of an offence, who is required to wait for the expiry of a rehabilitation period prior to their application being considered, is more likely to value their licence and ensure that future convictions are avoided.

The Council consider that there are, however, certain offences that are so serious in nature or frequency that an applicant should be precluded from obtaining or retaining a licence. The Council's over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed drivers are safe, competent, and are able to maintain their vehicles to an acceptable standard.

By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of hackney carriage and private hire drivers, proprietors and operators within Maidstone .

### **Existing Licence Holders**

Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of



convictions. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.

#### Principles of the Rehabilitation of Offenders Act 1974 ("the 1974 Act")

Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation, and the length of time before the rehabilitation occurs, depends on the sentence imposed and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty months, the convictions can never be spent.

Despite the above general principles, the Act does not apply to applicants for hackney carriage and private hire driver's licences. This is because the driving of these vehicles is listed as a "regulated occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

Although the 1974 Act does not prevent any judicial authority, including the Council acting as the licensing authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a "fit and proper" person to hold a licence.

## Appendix 4:

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

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

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

**APPENDIX 5:****DRIVERS VOLUNTARY DRESS CODE**

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

**Acceptable Standards Of Dress**

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

**Unacceptable Standard Of Dress**

The following are deemed unacceptable:

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

**Appendix 6: A****MAIDSTONE BOROUGH COUNCIL****SPECIFICATION RELATING TO HACKNEY CARRIAGE VEHICLES**

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

**GENERAL****1.**

- (i) All hackney carriages must have a minimum of four wheels and must have at least four doors, excluding the tailgate.
- (ii) All Hackney vehicles must be right hand drive
- (iii) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example vehicles that are known in the trade as "cut & shut" will not be licensed.**

**NOTES:**

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

**GENERAL CONSTRUCTION**

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

**STEERING**

- 3.** (i) The steering wheel must be on the offside of the vehicle.

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

## **BRAKE AND STEERING CONNECTIONS**

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

## **TURNING CIRCLE**

- 5. (i) The vehicle must be capable of being turned on either lock as to proceed in the opposite direction without reversing between two vertical parallel plans not more than 8.535 metres apart. (28.19 feet)
- (ii) The wheel turning circle kerb to kerb on either lock must not be less than 7.62 metres in diameter. (25 feet)

## **TYRES**

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

## **BRAKES**

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

## **SUSPENSION**

- 8. (i) Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.
- (ii) Every vehicle must be so constructed or adapted that a failure of a spring, torsion bar or other similar component of the suspension system is not likely to cause the driver to lose directional control of the vehicle.
- (iii) When the vehicle is complete and fully equipped for service and loaded with weights placed in the correct relative positions to represent the driver and a full complement of passengers and

luggage and is placed on a plane surface it must not overturn when the plane is tilted to either side to an angle of 4 degrees from the horizontal.

**NOTE:**

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

**TRANSMISSION**

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

**BOLTS AND NUTS**

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

**FUEL TANKS**

- 11.
  - (i) Fuel tanks must not be placed under the bonnet and must be adequately protected from damage by collision.
  - (ii) All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking from there can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
  - (iii) The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
  - (iv) A device must be provided by means of which the supply of fuel to the engine may be immediately cut off. Its location together with the means of operation and "off" position must be clearly marked on the outside of the vehicle. In the case of an engine powered by LPG or petrol the device must be visible and readily accessible at all times from outside the vehicle.

**INTERIOR LIGHTING**

- 12. Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passenger and driver must be provided. In the case of the passengers

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

### **ELECTRICAL EQUIPMENT**

- 13.**
- (i) All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
  - (ii) All electrical circuits must be protected by suitable fuses.
  - (iii) Batteries must be so placed and protected that they cannot be a source of danger.

### **FIRE EXTINGUISHER**

**14.**

- (i) A fire extinguisher must be carried in such a position as to be readily available for use
- (ii) All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. The extinguisher must be marked with the vehicle registration number.

### **EXHAUST PIPE**

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

### **BODY**

- 16.**
- (i) The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
  - (ii)
    - (a) **Outside dimensions**
      - (1) The overall width of the vehicle exclusive of driving mirrors must not exceed 778 metres.
      - (2) The overall length must not exceed 4.575 metres.
    - (b) **Inside dimensions of passenger' compartment.**

- (1) The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the roof immediately above the point must not be less than 96.5 centimetres
- (2) The width across the rear seat cushion must not be less than 1.7 metres.
- (iii) Any curvature of the floor of the passenger' compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and sills.
- (iv) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 centimetres. The minimum angle of the door when opened must be 9 degrees
- (v) The clear height of the doorway must not be less than 1.195 metres.
- (vi) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (vii) Where a boot lid is hinged at the bottom a restriction must be fitted to prevent the boot lid serving as a luggage platform.
- (viii) No roof rack shall be fitted.

## **STEPS**

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

## **WHEELCHAIR FACILITIES**

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

Restraints for a wheelchair and a person seated therein must be independent of each other. Anchorage must also be provided for the safe stowage of a wheelchair when not in use whether folded or otherwise if carried within the passenger compartment. All anchorage and restraints must be so designed that they do not cause a foreseeable danger to other passengers.



- (ii) A ramp or ramps for the loading of the wheelchair and occupants must be available at all times for use at the near side passengers' door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. The ramp/ramps must be capable of being stowed safely when not in use.

## **PAINTWORK AND BODY FINISH**

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

## **PASSENGERS' SEATS**

- 20.**
  - (i) The measurements from the upholstery at the back of the front edge of the back seat must be at least 4 centimetres and for each adult person carried a minimum of 4 centimetres must be available when measured along the front parallel edge of the seat cushion.
  - (ii) The width of each front seat must not be less than 4 centimetres and such seats must be at least 35.5 centimetres when measured from the back to the front of the upholstery.
  - (iii) The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35.5 centimetres.
  - (iv) Where seats are placed facing each other there must be a clear space of 48 centimetres between any part of the front of a seat and any part of any other seat, which faces it. The measurement may be reduced to 43.5 centimetres provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle there must be a clear space of at least 66 centimetres in front of every part of each seat squab.
  - (v) Front seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 centimetres apart. When not in use front seats must not obstruct doorways.
  - (vi) Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

## **DRIVER'S COMPARTMENT**

- 21.**
  - (i) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
  - (ii) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
  - (iii) The driver's seat must be designed to accommodate the driver only and be adjustable for height and reach.

- (iv) The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and the sun visor adjustable by the driver.
- (v) Direction indicators of an approved type must be fitted.
- (vi) Every cab must be provided with an approved means of communication between passenger and the driver. When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 1.5 centimetres.

## WINDOWS

- 22.**
- (i) Windows must be provided at the sides and at the rear.
  - (ii) Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.

## HEATING AND VENTILATION

- 23.**
- (i) An adequate heating and ventilation system must be fitted for the driver and passengers and means provided for independent control by the driver and passengers.
  - (ii) Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.
  - (iii) Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available for the comfort of the passenger.

## ADVERTISING/Signage

- 24.**
- (i) Advertisements may be displayed on the outside of the vehicle on the lower door panels only and prior to their placement must have been approved by the local authority.
  - (ii) No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
  - (iii) A sign shall be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.

## TINTED WINDOWS

25.

Not generally fitted in London type vehicles. However the Council currently has no clear Policy or Conditions that would prevent vehicles with dark tinted windows or privacy glass being licensed with the Council to carry passengers for Hire and Reward. To date Officers make a subjective inspection and assess the visibility inside the vehicle. As many vehicles are used for the carriage of children, and vulnerable persons it is now necessary to consider the introduction of a policy to specify a level of tint suitable for the trade but which also meets police, licensing officers and customer concerns.

It would assist Officers greatly if the following were to be adopted as Policy.

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

The Licensing Office would like to purchase some testing equipment called a Tint Testa Light Transmission Detector, this device can measure the light transmission through any type of glass in minutes, and provide a read out of the suitability of proposed vehicles for use as a licensed vehicles in the district. (It is unlikely that it will apply to Hackney vehicles)

If the Policy is agreed it is suggested that the following conditions be added to the vehicle licence.

- That the front windscreen of the vehicle must allow the transmission of at least 75% of light.
- That all other windows of the vehicle must allow the transmission of at least 70% of light.

## **DOOR FITTINGS**

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

- (ii) Double catches of approved type must be fitted to all doors.

## **INSURANCE CERTIFICATES AND INTERNAL PLATE**

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

On this will be displayed the plate number, registration number of the vehicle, number of passengers permitted to be carried, expiry date and a telephone contact number for complaints.

## **FLOOR COVERING**

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

## **LUGGAGE**

**29.**

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

## **HORN**

- 30.** A horn of approved pattern must be fitted.

## **TAXIMETER AND FARE CHART**

**31.**

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

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

## **TAXI SIGN**

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

## **RADIO APPARATUS**

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

## **FITTINGS**

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

## **MAINTENANCE**

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

## **36. VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)**

- (i) An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered Safe.
- (ii) If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.
- (iii) This does not apply to vehicles factory supplied to run on gas, only conversions.

### **37. SEAT BELTS**

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

### **38. FIRST AID KIT**

There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency for the drivers, it may also be made available to passengers or appropriate persons where required.

### **39 LICENCE PLATES AND STICKERS**

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

**40 CHANGES / TRANSFER** Notice in writing of any transfer of licence must be given within 14 days of the transfer to the Licensing Authority as per section 49 LGMPA 1976.

- (i) When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the new proprietor that it is their responsibility to notify the Council, in writing.

## **41 INSPECTION**

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

## **42 UNAUTHORISED USE**

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

## **43 ACCIDENT REPORTING**

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

## **44 MISCELLANEOUS**

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

#### **45 DISPENSATION/ VARIATION OF CONDITIONS**

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

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

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## Appendix 6: B

MAIDSTONE BOROUGH COUNCIL  
CURRENT HACKNEY CARRIAGE - VEHICLE LICENCE CONDITIONS

1. This licence is issued in respect of a vehicle which meets the Council's Specification and is capable of carrying disabled persons and cannot be transferred or renewed to any other type of vehicle.
2. The number of this licence must be displayed on a plate on a white background in figures not less than one inch high and affixed at the rear of the vehicle in the specific place provided.
3. The certificate of Insurance for the vehicle here licensed shall be displayed in a prominent position within the Hackney Carriage.
4. The vehicle shall have fitted externally to the roof of the vehicle in a position, of a size and of a type approved by the Council, an illuminated sign consisting of the word "TAXI" and the sign shall be maintained in such a position and in proper repair and condition throughout the duration of this licence.
5. Whilst carrying school children under contract with the Kent County Council, the proprietor of the vehicle shall cause to be displayed in the front window of the Hackney Carriage Vehicle, a "School Children" sign, such sign shall be removed immediately the school contract journey has ended.
6. During the hours of darkness as defined by the Road Traffic Act 1972 and any enactment replacing or amending the same, the sign shall be illuminated when the vehicle is in motion and is in use in any way as a Hackney Carriage.
7. The proprietor of the vehicle shall provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
8. This licence is not transferable and must be renewed on expiry. The holder must forthwith notify any change of address to the Borough Council, Maidstone House, King Street, Maidstone ME5 6JQ

**The conditions above are our current conditions I propose we replace them with the following.**

**Identification plates**

The identification plate shall remain the property of the Council at all times and shall be affixed to the exterior rear of the vehicle and shall be maintained and kept

in such condition that the information printed on the plate is clearly visible to the public at all times.

### **Maintenance of vehicle**

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

### **Alteration of vehicle**

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

### **Passengers**

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

### **Safety equipment**

#### **Fire extinguisher**

There shall be provided and maintained at all times when in use as a hackney carriage vehicle a suitable and efficient fire extinguisher (1. kg) to meet BSEN 31996 (BS 5423) which shall be securely fixed to the vehicle and to be readily visible and available for immediate use in an emergency.

### **Communications equipment**

#### **Two-way radios**

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

### **Mobile telephones**

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

### **Taximeters**

The proprietor shall ensure the vehicle is fitted with a taximeter approved by the Council, and that meter shall be maintained in a sound mechanical condition at all times. The taximeter shall be set for the current tariff agreed by the Council and

shall be sealed to prevent unauthorised adjustment of that meter. The proprietor shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences, and the taximeter brought into operation.

### **Fare tables**

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

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

### **Vehicle insurance**

At all times during the currency of the licence the proprietor shall keep in force in relation to the use of the vehicle as a hackney carriage a Policy of insurance Suitable for a vehicle used for hire and reward.

### **Convictions**

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

### **Change of address**

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

### **Display of terms and conditions**

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

## Appendix 6: C

**MAIDSTONE BOROUGH COUNCIL****SPECIFICATION RELATING TO PRIVATE HIRE VEHICLES**

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

**GENERAL**

- (i) All Private Hire vehicles must have a minimum of four wheels and must have at least four doors **excluding** the tailgate.
- (ii) All Private Hire vehicles must be right hand drive
- (iii) The engine capacity of all vehicles submitted to be tested for the first time shall not be less than **1550cc.**
- (iv) No Private Hire vehicle shall be accepted for testing for the first time if the vehicle is over three years old, (from the date of the vehicle registration, when new). Once the Private Hire vehicle is six years old (from the date of registration, when new) it shall not be retested for use as a Private Hire vehicle within the Maidstone Borough.
- (v) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example vehicles that are known in the trade as "cut & shut" will not be licensed

**NOTES:**

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

**GENERAL CONSTRUCTION**

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

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

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

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

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

## **STEERING**

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

## **BRAKE AND STEERING CONNECTIONS**

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

## **TYRES**

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

## **BRAKES**

6. All brakes must act directly on the wheels of the vehicle. The pedal operated braking system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally

opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.

## **SUSPENSION**

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

## **TRANSMISSION**

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

## **BOLTS AND NUTS**

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

## **FUEL TANKS**

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

situation, together with the means of operation and "**OFF**" position must be clearly marked on the outside of the vehicle.

## **ELECTRICAL EQUIPMENT**

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

## **FIRE EXTINGUISHER**

**12.** A fire extinguisher must be carried in such a position as to be readily available for use.

### **EXHAUST PIPE**

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

### **BODY**

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

(ii) All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. The extinguisher must be marked with the vehicle registration number.

### **VEHICLE INTERIOR**

**15.** (i) The driver's seat must be designed to accommodate the driver only and be adjustable for reach.

(ii) The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and with a sun visor adjustable by the driver.

(iii) Direction indicators of an approved type must be fitted.

(iv) Windows must be provided at the sides and at the rear and rear passenger door windows must be capable of being opened easily by passengers when seated.

(v) An adequate heating and ventilation system must be fitted for the driver and passengers.

(vi) The windscreen and all windows must be safety glass in accordance with the latest British Standard at the time of approval.

(vii) Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.

(viii) Approved central locking systems are permitted.

(ix) The floor of the vehicle must be suitably covered and in good repair.

(x) Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.

(xi) Estate type vehicles must have sufficient luggage space for the number of passengers the vehicle is licensed to carry without having

to fold any seat. When a large quantity of luggage is being conveyed a guard between the luggage and the passengers must be fitted.

- (xii) If it is intended to carry luggage on the roof, the carrier must be of an approved type fitted to the roof guttering. It must not be used to carry weight in excess of the manufacturer's recommendation.
- (xiii) A horn of an approved type must be fitted and maintained in working order.
- (xiv) A taximeter, if fitted, must be of an approved type and tested by the Council.
- (xv) Where apparatus for the operation of a two-way radio system is fitted no part of the apparatus may be fitted in the rear compartment if L.P.G. tanks or equipment are situated therein.
- (xvi) Any other radio receiver fitting must be of an approved type.

## **PAINTWORK AND BODY FINISH**

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

## **17.**

### **PASSENGERS' SEATS**

- 17. (i)** The width across the cushion must be not less than 5 inches.
- (ii) The depth from the upholstery at the back to the front edge of the seat must be not less than 18 inches; and
- (iii)** The vertical distance between the undeflected seat cushion and the roof lining immediately above must be not less than 34 inches.

## **ADVERTISEMENTS**

## **18.**

(iv) No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.

(v) A sign shall be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.

- (iii) Advertisements may be displayed on the outside of the vehicle on one lower door panel only on either side and may display the words **PRIVATE HIRE** and with either the company name or logo. Prior to the placement of any advertisement, approval must be given by the Council.

## **POLICY RE ALL OVER ADVERTS ON PRIVATE HIRE VEHICLES**

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



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

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

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

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

***Allow 1 days approval time be given***

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

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

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

***Advertisements for escort agencies, gambling establishments or massage parlours***

***Advertisements displaying nude or semi- nude figures***

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

***Advertisements likely to offend public taste.***

**Private hire operators will also be allowed to advertise their company name or logo where all over advertising is allowed in line with Hackney Carriage (approve6 March 1994), provided that the sign is approved by an officer of the Council.**

## **TINTED WINDOWS**

### **19.**

- Glass allowing a minimum of 75% light ingress on front windscreens and not less than 70% light ingress on all side and rear passenger windows, which does not inhibit the ability to see passengers or the driver from the outside of the vehicle, is required.
- That stretch limousines and high-class executive vehicles licensed for private hire to carry out executive work only, and not operated on a taxi or private hire circuit, will be exempt from these conditions, provided the tinted glass was fitted as standard by the manufacturer.
- All vehicles licensed must comply with the Road Vehicles (Construction & use) Regulations in relation to tinted windows.
- The vehicle is licensed only for Private Hire purposes.
- The vehicle is a stretched limousine or prestige type i.e. (Mercedes E Class) vehicle (see separate additional conditions for limousines at Appendix 7); and
- The vehicle will not be engaged at all in any contract for the carriage of school children or based around the carriage of children, or in the carriage of vulnerable adults;
- The Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.
- It is suggested that stretch limousines or high-class executive vehicles licensed for private hire for executive work may be exempted from the proposed new licensing condition, provided that the dark tinted windows are fitted as standard by the manufacturer and that the vehicle is used for executive work only, and not operated on a taxi or private hire circuit. These vehicles will, of course, still be required to comply with the Road Vehicles (Construction & use) Regulations.

## **INSURANCE CERTIFICATE AND INTERNAL PLATE**

- (i) **19.** A current insurance certificate and an internal plate showing the local authorities licence number for the vehicle. On this will be displayed the plate number, registration number of the vehicle, number of passengers permitted to be carried, expiry date and a telephone contact number for complaints.

and the number of passengers allowed to be carried must be displayed within the vehicle and be clearly visible in the passenger compartment.

## **MAINTENANCE**

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

### **21 VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)**

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

### **22. SEAT BELTS**

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

### **23. FIRST AID KIT**

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

## **24 LICENCE PLATES AND STICKERS**

- (iv) At all times while the vehicle is being used as a private hire vehicle there shall be securely fixed to the rear of the vehicle the appropriate vehicle licence plate supplied by the Council.
- (v) The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children (of any age) are counted as one person).
- (i) At all times while the vehicle is being used as a private hire vehicle there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the internal licence plate, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the plate number, registration number of the vehicle, number of passengers permitted to be carried, expiry date and a telephone contact number for complaints. Unless in certain circumstances where an exemption has been granted?

## **(ii) 25 CHANGES / TRANSFER**

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

## **26 INSPECTION**

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

## **27 UNAUTHORISED USE**

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

## **28 ACCIDENT REPORTING**

- (iv) If a licensed hackney carriage or private hire vehicle is involved in an accident, this must be reported to the Council within 72 hours of the occurrence.

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

## **29 MISCELLANEOUS**

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

## **30 DISPENSATION/ VARIATION OF CONDITIONS**

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

## **31 NOTICES OF EXEMPTION**

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

Certain private hire vehicles may be exempted from the requirement to display licence plates. In order to be granted an exemption certain criteria relating to the vehicle specification combined with the type of work must be met.

Vehicles will be expected to be of a top of the range model that is less than a year old and purchased from new.

These vehicles will be prohibited from doing normal 'day to day' private hire work ie; pick ups from shops, school runs and the carriage of vulnerable adults .

A private hire vehicle will only be granted an exemption if it is being used for corporate and chauffeur style work. The exemption must be formally applied for in writing at the time of application for the licence and the type of work must be declared. Only one type of work is permitted and any exempt vehicle found to be being used for non exempt work will lose the exemption and be required to display the corporate identity at all times and comply with all of the vehicle licence conditions.

It is recommend that you discuss any proposed vehicle that you may wish to use under an exemption with the Licensing Officers before committing to a purchase as it may be a costly mistake if the vehicle is not approved.

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

## **TRAILER'S ON PRIVATE HIRE VEHICLES**

### **Specification**

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

### **GENERAL CONSTRUCTION**

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

#### **BODY**

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

#### **CHASSIS**

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

### **DIMENSIONS**

The maximum size permissible shall be:

Body Length	62"	1575mm
Body Width	44"	112mm
Body Depth	2"	5mm
Lid Depth	8"	
2mm		
Gross Weight (when Towing)		5kg

### **TYRES AND WHEELS**

(a) Tyres and wheels for the trailer must comply with manufactures specification and current legislation relating to tyres;

- (b) a spare Wheel and Tyre to manufactures specification and current legislation must be fitted to the trailer; and.
- (c) a suitable tool kit must be carried to enable the wheel to be changed in the event of a puncture.

### **LIGHTS**

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

### **INSURANCE**

- (a) A current certificate of insurance must be produced which covers the use of the trailer and the Private Hire vehicle to be licensed to tow it; and
- (b) public liability insurance to the value £1, must be produced to cover any luggage carried in the trailer.

### **ADVERTISEMENTS**

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

### **LICENCE PLATE**

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

### **MARKING PLATES**

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

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

### **NUMBER PLATES**

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

### **INSPECTIONS**



- (a) The trailer and tow bar must be inspected by the garage responsible for carrying out the Council's vehicle inspections before the trailer can be used for carrying luggage and any relevant fee paid to the approved garage.
- (b) An annual inspection will be required at the same time as the vehicle compliance test with the relevant compliance fee plus the trailer test fee being paid.

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## APPENDIX 6: D

These are the current Private Hire Vehicle licence conditions are they still adequate

## CONDITIONS

1. The proprietor of the vehicle may display on the front or rear door of the Private Hire Vehicle, below window level a sign (the size and design of which shall be approved by the Council) stating "PRIVATE HIRE" and either the company logo or company name or telephone number. The words "CAB" or "TAXI" shall not be used.
2. Whilst carrying school children under contract with Kent County Council, the proprietor of the vehicle shall cause to be displayed in the front and rear window of the Private Hire Vehicle, "SCHOOL CHILDREN" signs, such signs shall be removed immediately after the school journey has ended.
3. No sign or advertising shall be displayed from, or on the roof, or from any window of any Private Hire Vehicle, the only sign to be displayed shall be in accordance with conditions 1 and 2 above.
4. The Certificate of Insurance for the vehicle shall be displayed in a prominent position within the Private Hire Vehicle.
5. (i) The proprietor of the vehicle shall cause the large Private Hire Vehicle plate issued by the Council in respect of the vehicle to be affixed to the rear of the vehicle and the small Private Hire Vehicle plate to be affixed to the interior of the vehicle.  
(ii) The proprietor of the vehicle shall:-  
(a) not wilfully or negligently cause or suffer any Private Hire plate to be concealed from public view while the vehicle is being used or operated as a Private Hire Vehicle  
(b) not cause or permit the vehicle to be used or operated as a Private Hire Vehicle with either of the said plates so defaced that any figure or material particular is illegible.
6. The proprietor of the vehicle shall provide an efficient fire extinguisher, which shall be fixed in such a position as to be readily available to the driver.
7. The proprietor of the vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
8. The proprietor of the vehicle shall not permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the plates affixed to the vehicle.
9. The use of trailers on this licensed Private Hire Vehicle is prohibited or the use of a trailer on this licensed vehicle will be subject to it meeting the Council's specifications for trailer's, passing on inspection at the Council's approved testing centre and payment of the inspection fee.

NOTE: This licence is not transferable and must be renewed on expiry. The holder must forthwith notify change of address to the Council's Licensing Office at Maidstone House, King Street, Maidstone, Kent, ME15 6JQ.

**The conditions above are our current conditions, many appear in the vehicle spec already. The following are proposed to replace them as conditions**

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

### 1. Maintenance of Vehicle

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

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

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

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

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

### 2. Alteration of Vehicle

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

### 3. Safety Equipment

#### 3.1 Fire Extinguisher

The fire extinguisher must be regularly maintained and annually inspected by a Company who are registered by the Government Approved British Approvals for Fire Equipment (BAFE). The fire extinguisher must be readily visible and available for immediate use in an emergency by the driver.

The fire extinguisher must be securely mounted in the cab of the vehicle and must be readily visible and available for immediate use in an emergency by the driver.

The fire extinguisher should be used only to aid the evacuation of passengers from the vehicle in the event of a fire.

The Registration Number of the vehicle shall be permanently and legibly marked on the extinguisher.

### 3. Licensed Vehicle Identification Plates

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

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

Under no circumstances, throughout the period of the licence, must the identification plates to be removed except where the written consent of the Council has been obtained.

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

### 5. Table of Fares

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

### 6. Taximeter

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

### 7. Damage to Vehicle

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

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

### 9. Insurance

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

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

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

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

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

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

#### 10. Private Hire Drivers' Licence

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

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

#### 11. Change of Address

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

#### 13. Luggage

Any passenger luggage must be carried under cover.

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

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

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

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

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

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

#### 15. CCTV

Any CCTV fitted to a licensed vehicle must comply with the requirements of the Information Commissioner's CCTV Code of Practice and the Motor Vehicle (Construction and Use) Regulations, 1986.

#### 16 Regulations

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

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## Appendix 7

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

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

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

- Stretched limousines;
- Decommissioned emergency service vehicles;
- Other non-standard type converted vehicles used for special events.
- Vintage and luxury vehicles (where the normal private hire vehicle age limits would exclude them)

#### Additional licensing standards for Special Event Vehicles

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

#### 1. Information and Documents to accompany application

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

#### 2. Type of Vehicle and Modifier

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

#### 3. Age of the vehicle

The maximum age of vehicles **at the date they are first licensed** for use as private hire cars is **usually 3 years from first registration, and the licence will not be renewed after** 6 years from first registration. This will not be a requirement for Special Event Vehicles. There will be no maximum age but the vehicle must remain in good condition and pass inspections. **Highlighted will not apply if lower age limit is removed for private hire** vehicles

#### 4. Vehicle Tests

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

## 5. Vehicle Standard

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

## Special Event Vehicle Conditions

### Vehicle Testing

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

### Vehicle Appearance

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

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

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

### Limitations of Use

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



### Licence Plate

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

### Communication Equipment

No vehicle will be fitted with a two way radio system

### Dress Code

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

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

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## Appendix 8

These are our current conditions same comment as before

### PRIVATE HIRE OPERATOR CONDITIONS

1. The Operator shall keep a record of every booking of a private hire vehicle invited or accepted by him (for a period of six months) and shall record the following particulars of every such booking before the commencement of the journey:-
  - a) the name of the hirer;
  - b) the registration number of the private hire vehicle;
  - c) the name of the driver;
  - d) the place of commencement of the journey and the destination;
  - e) whether the booking was accepted from the hirer or was undertaken at the request of another operator.
2. The Operator shall keep a record of the following particulars of every private hire vehicle operated by him:-
  - a) registration number;
  - b) make;
  - c) year;
  - d) model;
  - e) cubic capacity; and
  - f) colour.And shall keep a copy of the vehicle licence.
3. The Operator shall ensure that all vehicles operating under this licence are insured and have a current vehicle licence issued by the Council.
4. The Operator shall produce when required to do so by an officer of the Council a copy of any private hire vehicle driver's licence for any private hire driver for which he is the operator.
5. The Operator shall forthwith notify the Council's Licensing Office:-
  - a) of any convictions recorded against him/her during the period of his/her current licence; and
  - b) of any sentence that has been given in respect of such convictions as referred to in (a) above.
6. The Operator shall forthwith notify the Council's Licensing Office of any change of address.

NOTE: This licence is not transferable and must be renewed upon expiry.

**The conditions above are our current conditions however it's proposed we replace them with.**

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

**1. Record Keeping**

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

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

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

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

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

**2. Standard of Service**

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

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

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

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

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

### 3. Complaints

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

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

\*Immediately means the next working day.

### 4. Change of Address

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

### 5. Convictions

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

### 6. Insurance

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

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

#### 7. Display of Terms and Conditions

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

#### 8. Inspection of Licence

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

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## Appendix 9

### HACKNEY CARRIAGE BYELAWS

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

#### Interpretation

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

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

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

#### PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing no less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means of securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provided at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:

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

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

5. The driver of a hackney carriage provided with a taximeter shall:-
  - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device (so that the word "HIRED" is legible on the face of the taximeter) and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness this being the time between half-an-hour after sunset to half-an-hour before sunrise and also at any other time at the request of the hirer.
6. The proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired;
  - (a) proceed with reasonable speed to one of the stands fixed by the Council in that behalf

- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
  - (e) if such carriage occupies the first or second position on one of the stands fixed or deemed to be fixed by the Council pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 and any enactment amending or replacing the same remain with the carriage ready to be hired at once.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
  9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
  11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside and inside of the carriage.
  12. A proprietor of a Hackney Carriage shall not suffer or permit any sign to be displayed in or upon such carriage without the consent in writing of the Maidstone Borough Council, provided that this Byelaw shall not apply to any sign that is required by law to be displayed in or upon such carriage.
  13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.
  14. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage
    - (a) convey a reasonable quantity of luggage
    - (b) afford reasonable assistance in loading and unloading.
    - (c) Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person
  15. The proprietor or driver of a hackney carriage shall not demand a fare greater than that fixed by the Council pursuant to Section 65 of the Local Government



(Miscellaneous Provisions) Act 1976 and any enactment amending or replacing the same.

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

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

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

17. The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him
  - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the Officer in charge of the office on his giving a receipt for it
  - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds

### **PENALTIES**

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

### **REPEAL OF BYELAWS**

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

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

Appendix 10 **THESE ARE CURRENT CONDITIONS**

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

1. The driver shall not:-
  - (a) wilfully or negligently cause or suffer the number the licence issued by the Council and affixed to the inside and outside of the vehicle on plates issued by the Council to be concealed from public view.
  - (b) cause or permit the vehicle to operate with the plates so defaced that any figure or material particular is illegible.
2. The Driver shall cause the fittings and furniture of the vehicle generally to be kept in a clean condition and in every way fit for public service.
3. The Driver shall behave in a civil and orderly manner and should take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
4. The Driver having agreed or having been hired to be in attendance with the vehicle at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
5. The Driver when hired to drive to any particular destination shall, subject to any directions given by the hirer proceed to that destination by the shortest route.
6. The Driver shall not convey or permit to be conveyed in the vehicle any greater number of persons than the number of persons specified on the plates affixed to the vehicle.
7. The Driver shall when requested by any person hiring the vehicle:-
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of the building, or place at which he may take up or set down such person.
8. The Driver will wear the badge issued by the Council and showing his licence number in such a position and manner as to be plainly visible at all times when operating, pursuant to Section 54 (1) of the Local Government (Miscellaneous Provisions) Act 1976.
9. The Driver shall forthwith notify the Council's Licensing Office:-

- (a) of any convictions recorded against him/her during the period of his/her current licence; and
  - (b) of any sentence that has been given in respect of such convictions as referred to in (a) above.
10. The Driver shall forthwith notify the Council's Licensing Office of any change of address.
11. The Driver shall carry, free of charge, guide, hearing and other assistance dogs (as defined by Regulation 3(2) of the Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc) (England and Wales) Regulations 2000 accompanying a hirer unless a Notice of Exemption on medical grounds has been issued by this Council.

**The conditions above are our current conditions PHD conditions. It is proposed that we replace them with the the following.**

#### **Conduct of Driver**

The holder of a private hire driver's licence (hereafter known in this Appendix as the driver) shall comply with the following conditions.

The driver shall be respectably dressed, clean and tidy in appearance at all times whilst his vehicle is being made available for hire.

The drivers shall at all times, when acting in accordance with the drivers licence granted to him, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.

The driver shall not lend the badge to any other person or cause or permit any other person to wear it.

On termination or surrender of a drivers' licence, the driver shall return the badge to the Council immediately.

The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.

The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any figure or information illegible.

The driver who has agreed to, or has been hired to, be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

The driver, when hired to drive to a particular destination, shall proceed to that destination by either the shortest available route, or the believed cheapest route considering all known factors such as roadworks, delays, etc.

The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.

The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.

The driver must not solicit, by calling out or otherwise importune any person to hire or be carried for hire and must not accept an offer for the hire of the vehicle except where that is first communicated to the driver by telephone.

The vehicle shall be presented in a clean and tidy condition for each journey.

The private hire vehicle must only be driven with the consent of the proprietor of the vehicle.

The driver must comply with any hirer's request not to smoke, drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the business.

The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any person, whether inside or outside the vehicle.

The driver shall not operate the horn as a means of signalling that the vehicle has arrived.

The driver must not cause or permit the vehicle to stand on a public road, on a hackney carriage rank or bay, or in a public place so as to suggest that it is plying for, or available for hire.

Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.

### **Fitness of Driver**

The driver of a vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate issued by a Registered Medical Practitioner to the effect that he is, or continues to be, physically fit to be a driver.

Whether or not such a Certificate is produced, the driver must, if required by the Council at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council. This will be at the applicants own expense.

The driver must cease driving any private hire vehicle and contact the Council immediately if they know of any medical condition which may affect their:

- driving ability or
- the health and safety of themselves or any passengers.

### **Fares and Journeys**

The driver/operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.

If the private hire vehicle is fitted with a taxi-meter, then the driver of a private hire must:

- unless the hirer expresses at the commencement of the journey his desire to engage by time, bring the meter into operation at the commencement of the journey, and
- bring the machinery of the taxi-meter into action by moving the said key, flag or other device, so that the work „HIRED“ is legible on the face of the taxi-meter before beginning a journey and keep the machinery of the taxi-meter in action until the termination of the hiring.
- when standing, keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter.
- Cause the dial of the taxi-meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972, and also at any other time at the request of the hirer.
- not demand for any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the taxi-meter.

In the event of a journey commencing in but ending outside the District of Maidstone there may be charged, for the journey, such fare or rate (if any) as was agreed before the hiring was affected. If no such agreement was made then the fare to be charged should be no greater than that determined by the taxi-meter.

### **Duties of Licence Holder**

Any change affecting this licence must be notified to the Council, Notification should be as soon as reasonably practicable and in any event, no later than seven days after the change was effected.

The private hire driver's licence must be made available for inspection, on request, by any Authorised Officer of the Council or any Police Officer.

The driver must notify the Council, within seven days of starting or terminating employment, as to the name and address of the proprietor concerned and the date when the employment either started or ended.

The private hire driver's licence must be presented to the proprietor concerned at the beginning of an employment.

All licences, badges and plates remain the property of the Council at all times. They must be returned forthwith when employment as a licensed driver permanently ceases, the licence expires and is not renewed, or where the licence is suspended or revoked.

The driver must notify the Council within a period of seven days of:

- any conviction for an offence, or
- any receipt of a fixed penalty imposed on him whilst the licence is in force.

### **Lost Property**

The driver shall immediately after the termination of any hiring of a Private Hire vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.

If any property accidentally left in a Private Hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it, as soon as possible, and in any event within twenty-four hours if not already claimed by or on behalf of its owner, to a convenient Police Station or to the offices of the Licensing Department and leave it in the custody of the officer in charge

### **Accident Reporting**

In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a private hire vehicle causing damage materially affecting:

- the safety, performance or appearance of the vehicle, or
- the comfort or convenience of the passengers,

must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof.

### **The Carriage of Animals**

A driver must not carry in a private hire vehicle any animal whilst it is being used as a private hire vehicle, save for exemptions detailed in a) and b) below

a) Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.

b) A driver must carry assistance dogs when required. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs which assist disabled people with a physical impairment.

Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. On production of suitable medical evidence, a certificate of exemption will be issued which must be carried in the vehicle at all times. Unless the certificate of exemption is available in the vehicle, the exemption will not apply.

### **Written Receipts**

The Driver shall if requested by the hirer of the Private Hire vehicle, provide the Hirer with a written receipt for the fare paid.

### **Copy of Conditions**

The driver shall at all times when driving a Private Hire vehicle carry with him a copy of these conditions and the Private Hire Vehicle Licence Conditions and shall make them available for inspection by the hirer or any other passenger on request.

### **Deposit of Licence**

If the driver is permitted or employed to drive a Private Hire vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle.

### **Change of Address**

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

### **Notification of Convictions**

The driver shall within seven days disclose to the Council in writing details of any conviction, including Cautions, imposed on him during the period of the licence. A driver who is required to appear at a Licensing Panel following conviction for a driving offence may be subject to a referral to the Driving Standards Agency with a requirement to pass the Agencies Assessment test. Failure to complete and pass the test may result in the driver having their Private Hire drivers licence revoked.

### **10. Use of television receiving equipment**

No person shall use television receiving apparatus in a motor vehicle under circumstances or in a position where it might cause distraction to the driver of any other vehicle on the road.

### **11. Return of Driver's Badge**

The licence holder shall upon the expiry (without immediate renewal), revocation or suspension of this licence, forthwith return to the Council the driver's badge issued to him by the Council when granting this licence.

### **12. Medical Fitness**

Unless restricted to a shorter period for medical reasons, all drivers will be required to produce a Group 2 medical certificate at renewal every three years.

Failure to comply with this condition will result in the licence holder being required to surrender their licence.

### **DVLA Driving Licence Checks**

All licensed drivers will be subject to a DVLA check at every renewal. Where a licence holder refuses to sign the prescribed mandate form for checking a driving

record the licence holder will be required to surrender their licence and the licence will not be renewed.

### **Criminal Record Checks**

All continuously licensed drivers are required to submit an Enhanced Certificate issued by the Disclosure and Barring Service every 3 years or provide the information to undertake an online check.

DRAFT



APPENDIX 11  
PENALTY POINTS SYSTEM

**LIST OF OFFENCES/BREACH OF LICENCE CONDITIONS ETC. In line with T.Wells & S oaks**

<b>Town Police Clauses Act 1847</b>		
<b>Section</b>	<b>Offence</b>	<b>Penalty Points</b>
40	Giving false information on application for HC proprietor's licence.	12
44	Failure to notify change of address of HC proprietor.	2
45	Plying for hire without HC proprietor's licence.	8-12
47	Driving a HC without HC driver's licence.	8-12
47	Lending or parting with HC driver's licence.	4
47	HC proprietor employing unlicensed driver.	8-12
48	Failure by HC proprietor to hold HC driver's licence for person driving the vehicle.	6
48	Failure by HC proprietor to produce HC driver's licence.	3
52	Failure to display HC plate.	4
53	Refusal to take a fare without reasonable excuse	6-12
54	Charging more than the agreed fare.	6-12
55	Obtaining more than the legal fare. (Failure to refund)	6-12
56	Travelling less than the lawful distance for an agreed fare.	6-12
57	Failure to wait after a deposit to wait has been paid.	6-12
58	Charging more than the legal fare.	12
59	Carrying other person than the hirer without consent of hirer	8
60	Driving HC without proprietor's consent.	6-12
60	Allowing another to drive HC without proprietor's consent.	6-12
62	Driver leaving HC unattended.	2
64	HC driver obstructing other HC's.	3
<b>Local Government (Miscellaneous Provision) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
46(1)(a)	Using an unlicensed private hire vehicle	12
46(1)(b)	Driving a private hire vehicle without a private hire drivers' licence	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8-12
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	8-12
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire operator.	8-12
48(6)	Failure to display a private hire vehicle plate	4

49	Failure to notify the transfer of a HC proprietor's licence.	3
50 (1)	Failure to present a HC for inspection, as required.	6-12
50 (2)	Failure to inform the Authority where the HC is stored.	3
50 (3)	Failure to report an accident to the Authority within 72hours.	6
50 (4)	Failure to produce the HC proprietor's licence and insurance cert	4
53 (3)	Failure to produce HC driver's licence.	3-4
54(2)	Failure to wear a private hire driver's badge	3-4
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(4)	Failure of a private hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a HC driver's licence.	12
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting any vehicle other than a HC to wait on a HC stand.	6
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	6-12
67	Charging more than the meter fare when HC used as PH vehicle.	6-12
69	Unnecessarily prolonging a journey.	6-12
71	Interfering with a taximeter with intent to mislead.	12
73(1)(a)	Obstruction of an authorised Officer or Constable.	12
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	6-12
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6-12

#### Disability Discrimination Act 1995

Section	Offence	Points
37	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	4

37	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	12
37a	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	12
37a	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	12

**Transport Act 1980**

Section	Offence	Points
64(2)(a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64(2)(b)	Causes or permits a vehicle to have a sign above its roof which consists of or includes the word "taxi" or "cab" whether alone or part of another word	10

These points are dependant on adopting proposed conditions as per appendices

<b>Private Hire Driver's Licence Conditions – Appendix 9</b>		
Section	Offence	Points
	Not being respectably dressed and clean & tidy in appearance	2
	Failure to wear a badge.	4-6
	Failure to behave in a civil, polite and orderly manner.	3
	Failure to ensure the safety of passengers.	4
	Concealing or defacing a licence plate.	4
	Failure to attend on time for pre-arranged booking without sufficient cause.	3
	Conveying a greater number of passengers than permitted.	6
	Failure to give assistance with passenger's luggage.	3
	Soliciting for hire or accepting a fare that is not pre-booked.	6 -12
	Operating a vehicle that is not clean and tidy	2-6
	Driving without the consent of the proprietor.	5- 6
	Drinking or eating in the vehicle without permission of passenger.	2-3
	Causing excessive noise from any radio or sound-reproducing instrument, which annoys anyone in or outside the vehicle.	2
	Operating the horn as a means of signalling that the vehicle has arrived.	3
	Allowing the vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	6
	Using a non-hands free mobile phone whilst driving	8
	Failure to provide medical certificate or not notifying a medical condition	6-12
	Failure to provide a receipt when requested.	2
	Failure to operate the meter from commencement of the journey and charging more than the fixed charge for hire of Hackney Carriages.	4-12
	Failing to notify changes within 14 days.	3
	Failure to produce a copy of the licence.	4
	Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	3
	Failure to show the private hire driver's licence to the proprietor at the beginning of an employment.	2
	Failure to surrender a driver's licence, badge or plate on cessation of	6

	employment.	
	Failing to notify of change of address of any amendment to the details of a licence within 14 days	3
	Failing to disclose convictions within 7 days.	8 -12
	Failure to search vehicle after journey or failure to take found property to the Council Offices within 48 hours of finding.	3
	Failure to report an accident within 72 hours	3
	Carrying an animal other than one with passenger.	2
	Carrying an animal not safely restrained.	3
	Failure to carry assistance dog without an exemption certificate.	5-6
	Failure to comply with wheelchair carriage requirements.	5-6

### Vehicle Specifications & Conditions of Licence – Appendix 5D

Section	Offence	Points
	Operating a vehicle which does not comply with the Council's Vehicle Specification where such offence is not otherwise specified below	2 - 6
	Operating a vehicle, which is not maintained in a sound and roadworthy condition.	6
	Failure to carry an appropriate fire extinguisher	3
	Failure to carry an appropriate first aid kit	3
	Operating a vehicle, which is not maintained in a clean and safe condition inside and out.	3
	Modifying a vehicle without the consent of the Council	4
	Failure to display or maintain external licence plates which indicate the maximum number of passengers who may be conveyed.	4
	Failure to display inside the vehicle the windscreen licence disc in the correct position	4
	Hackney vehicle signage not in accordance with council requirements.	4
	Affixing or displaying on a private hire vehicle any roof sign.	6
	Displaying on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB or FOR HIRE	4
	Displaying a sign or advertisement that does not comply with Council requirements or is not authorised by the Council.	3
	Radio equipment not in accordance with council requirements	2
	Taximeter which does not comply with the Council's Vehicle Specification.	5
	Trailer which does not comply the Council's Vehicle Specification	3
	Operating a vehicle which does not comply with the Council's policy requirements	6
	Operating a vehicle, which does not comply the Council's Vehicle Specification in respect of window tint.	4
	No insurance or inappropriate insurance for the vehicle.	12
	Failing to notify vehicle change or transfer within 14 days.	3
	Failing to make the vehicle licence available for inspection.	3
	Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	8
	Failure to properly report an accident to the Authority.	3
	Permitting the vehicle to be used for any illegal or immoral purposes.	12

### PRIVATE HIRE OPERATORS

<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
56 (2)	Failing to keep proper records of all bookings or failing to produce them. (also breach of conditions see below)	6
56 (3)	Failure to keep records of PH vehicles or failing to produce them. (also breach of conditions see below)	6
56 (4)	Failing to produce PH Operator' licence on request. (also breach of conditions see below)	4
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	12
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	5
<b>Breach of Conditions attached to Operator's Licence – Appendix 7</b>		
	Failure to provide a prompt, efficient and reliable service at all reasonable times.	3
	Failure to ensure that office staff employed by operator act in a civil and orderly manner at all times.	3
	Failure to ensure that a vehicle attends punctually at the appointed time and place unless prevented by some sufficient cause.	4
	Failure to keep the premises clean, adequately heated, ventilated, lit, and in accordance with the requirements of licence conditions.	3
	Failure to properly keep or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced. (see LGMP s56(2) & (3) above)	6
	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer.	4
	Failure to notify the Council of any changes, including change of address from where the business operates within 14 days.	3
	Failure to disclose in writing within 7 days details of any conviction or police caution imposed on him to the licensing section.	12
	Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	6
	Failure to obtain appropriate public liability insurance for the premises or to produce the same.	4
	Failure to ensure that every driver has a private hire licence and badge.	4
	Failure to keep a copy of the conditions at the premises or to make the same available for inspection by passengers.	4
	Failure to make the Operator's licence available for inspection. (see LGMP s56 (4) above)	4