

AGENDA

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING



Date: Tuesday 8 December 2015

Time: 6.30 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors D Mortimer, Newton, Mrs Parvin,
Perry, Mrs Ring (Chairman),
Mrs Robertson, Webb, Webster and
J.A. Wilson

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

Continued Over/:

Issued on Monday 30 November 2015

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Caroline Matthews on 01622 602743**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Alison Broom

**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 17 November 2015 1 - 6
9. Presentation of Petitions (if any)
10. Questions and answer session for members of the public (if any)
11. Reference from Licensing Committee - Taxi Licensing Policy 7 - 96
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MAIDSTONE BOROUGH COUNCIL

Communities, Housing and Environment Committee

MINUTES OF THE MEETING HELD ON TUESDAY 17 NOVEMBER 2015

Present: Councillor Mrs Ring (Chairman), and
Councillors Hemsley, D Mortimer, Newton, Perry,
Mrs Robertson, Webb, Webster and J.A. Wilson

58. APOLOGIES FOR ABSENCE

It was noted that apologies for absence were received from Councillor Mrs Parvin.

59. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Hemsley substituted for Councillor Mrs Parvin.

60. NOTIFICATION OF VISITING MEMBERS

There were no visiting members.

61. URGENT ITEM

The Chairman stated that in her opinion the Committee should take the appointment of a Housing Member Champion as an Urgent Item because of impending meetings requiring representation to support the work of the Committee. This would be taken as the last item on the agenda.

62. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by members or officers.

63. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

64. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE
BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

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

65. MINUTES OF THE MEETING HELD ON 13 OCTOBER 2015.

RESOLVED: That the minutes of the meeting held on 13 October 2015 be approved as a correct record and signed.

66. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

67. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC (IF ANY)

There were no questions.

68. REPORT OF HEAD OF POLICY AND COMMUNICATIONS - KCC STREET LIGHTS CONSULTATION

Roger Adley, Communications Manager, introduced the Report of the Head of Policy and Communications – KCC Street Lights consultation. It was explained that Kent County Council (KCC) was switching to LED street lights and sought views on street lighting options across Kent.

The Committee considered comments received from Councillors and Heads of Service and the Council's response.

RESOLVED:

1. That the Committee supports Option 1, Part Night Lighting – 'what we have at the moment' - subject to:
 - Maintaining the current summer and winter hours of operation
 - Maintaining the current all night operation in:
 - busy main roads;
 - town centres;
 - places where the police say it may lead to more crimes;
 - places with sheltered housing and where vulnerable people live;
 - places with emergency services, hospitals and nursing homes;
 - pedestrian crossings, subways and alleyways that go to an all-night lit road;
 - where there are speed humps, roundabouts and traffic islands;
 - roads that have local authority or police CCTV cameras; and
 - footpaths that may have or might be unsafe next to roads.
 - All night lighting being extended to areas where there is high public demand for it, and in densely populated urban areas on the outskirts of Maidstone, and in rural areas where there are train stations or other transport or employment hubs.

For: 5

Against: 3

Abstentions: 1

2. That the Committee support the dimming of lights between Midnight and 5am to reduce light pollution and save energy. It does not support dimming lights at other times because of the needs of commuters and shift workers.

For: 5

Against: 1

Abstentions: 3

3. That the Committee requests that KCC undertakes ongoing monitoring of the statistical linkage between accidents and reduced/dimmed lighting – particularly in the pre-dawn period in winter months, and reviews lighting arrangements accordingly.

For: 9

Against: 0

Abstentions: 0

69. REPORT OF HEAD OF FINANCE AND RESOURCES - MEDIUM TERM FINANCIAL STRATEGY 2016-17 ONWARDS

Paul Riley, Head of Finance and Resources introduced the report on the Medium Term Financial Strategy (MTFS) 2016/17 onwards which set out the draft plans of the Policy and Resources Committee for consideration.

The Communities, Housing and Environment Committee had met on an informal basis to consider options for saving and growth pressures. The proposals for savings considered were set out at Appendix A to the report for the Committee to formally approve for inclusion on the MTFS.

RESOLVED:

1. That the Committee agrees to submit the proposals set out in Appendix A to the Policy & Resources Committee for inclusion in the savings proposals for the medium term financial strategy 2016/17 onwards.

For: 9

Against: 0

Abstentions: 0

2. That the Committee identifies the issues set out in paragraph 2.6 c) of the Report of the Head of Finance & Resources - Medium Term Financial Strategy as requiring additional consideration by officers.

For: 9

Against: 0

Abstentions: 0

70. REPORT OF HEAD OF FINANCE AND RESOURCES - SECOND QUARTER BUDGET MONITORING

Paul Riley, Head of Finance and Resources introduced the Second Quarter Budget Monitoring 2015/16 report. The information presented was specifically for the Communities, Housing and Environment Committee and the service areas within its areas of responsibility.

It was highlighted in the course of the discussion that the predicted outturn figures showed a likely adverse variance of £190,000 however this would be tempered by a number of smaller, positive variances.

RESOLVED: That the Committee notes the revenue budget position as at September 2015 and the predicted outturn to 31 March 2016.

71. REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES - PUBLIC SPACES PROTECTION ORDER FOR TOWN CENTRE

John Littlemore, Head of Housing and Community Services introduced the Public Spaces Protection Order for Town Centre report. A Public Spaces Protection Order (PSPO) was part of the new tools and powers introduced in the Anti-Social Behaviour Crime and Policing Act 2014. The purpose of the act was to give local authorities and other bodies more effective powers to tackle Anti-Social Behaviour (ASB). The report set out the Council's proposal to consult on the introduction of a PSPO.

The PSPO would give the Council greater powers in relation to dealing with ASB in public spaces within the town centre.

During the course of the discussion the following points were made:

- If challenged the PSPO needed to demonstrate an ongoing issue and meet the two conditions as set out at paragraph 2.8 of the report. A PSPO could be introduced to address specific issues in other areas of the borough where there was an evidential need;
- The consultation would be borough wide and a response could be made online via the Council's website;
- The PSPO, as proposed, would come back to the Committee for formal adoption in 2016; and
- The appropriate method for addressing the issue of retailer's selling high strength alcohol was through licencing and the Council's 'Reduce the Strength' campaign.

The Committee agreed that the third recommendation, as set out in the report, should be deleted as it simply stated the Committee's responsibilities going forward.

RESOLVED:

1. That, in principle, the Committee agrees to proceed with public consultation on the implementation of a Public Space Protection Order (PSPO). See Appendix 1 for proposed PSPO location map and boundaries, which incorporates the town centre (High Street ward), Whatman Park (Bridge) and Riverside (Fant, South and Tovil) areas.

For: 5

Against: 4

Abstentions: 0

2. That the Borough Council commences an 8 week public consultation from 30 November 2015 be agreed.

For: 8

Against: 0

Abstentions: 1

72. REFERENCE FROM HERITAGE, CULTURE AND LEISURE COMMITTEE - DESTINATION MANAGEMENT PLAN

The Committee considered the reference from the Heritage, Culture and Leisure Committee. The Destination Management Plan Task and Finish Group sought confirmation of the Committee's approved representatives to be co-opted onto any of the Task and Finish groups when required for specific tasks relating to Community, Housing and Environment Committee's remit or decisions. The Committee agreed that Councillor Newton and Councillor Perry should be the Committee's representatives. Councillor Perry's role as Member Champion for Parishes was noted in relation to this role.

RESOLVED: That Councillor Newton and Councillor Perry be the Committee's representatives for the Destination Management Plan Task and Finish Group.

73. REFERENCE FROM COUNCIL - OVERVIEW AND SCRUTINY ANNUAL REPORT 2014-15

The Committee considered the reference from Council which set out the recommendation from Council in relation to the Overview and Scrutiny Annual Report 2014-15.

The Committee had already considered the topics highlighted in the report as part of its Work Programming.

RESOLVED: That the report be noted.

74. REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES - INFORMATION REPORT: THE COST OF THE MAIDSTONE NIGHT TIME ECONOMY.

John Littlemore, Head of Housing and Community Services introduced the report on the Cost of the Maidstone Night Time Economy which was an updated version of the report received by the Committee at its previous meeting. It was highlighted that the CCTV figure provided was a weekly figure rather than a daily figure.

RESOLVED: That the report be noted.

75. URGENT ITEM - APPOINTMENT OF HOUSING MEMBER CHAMPION

The Committee considered the appointment of a Housing Member Champion because of impending meetings requiring a representative of the Committee. It was agreed that the role should be fulfilled by the Chairman and Vice-Chairman of the Committee.

RESOLVED: That the Chairman and Vice-Chairman of the Communities, Housing and Environment Committee be appointed as the Member Champion for Housing.

76. DURATION OF MEETING

8.00pm to 8.56pm

MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

8 DECEMBER 2015

REPORT OF THE LICENSING COMMITTEE

Draft Taxi Licensing Policy for adoption

Issue for Decision

Maidstone Borough Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the Borough of Maidstone. To date this responsibility has been exercised in accordance with a number of policies and procedures developed over the years. A comprehensive review of these policies and procedures has been undertaken, taking into account guidance issued by central Government for licensing authorities. This guidance sets out what is considered to be best practice in terms of Hackney Carriage and Private Hire licensing.

Recommendation Made

That Communities, Housing and Environment Committee adopt the attached draft Taxi and Private Hire Licensing Policy.

Reason for Recommendation

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

Alternatives Considered

The Committee 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.

The Committee could do nothing with the inherent risk that our policies may not be compliant with current regulation and case law, and it is noted that not policy decisions are presently contained across a range of reports and are not collated into one document.

Background Papers

None.

The Role of Licensing: Policy Justification

The aim of local authority licensing of 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. However, 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 streets late at night 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.

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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 aims to secure the following objectives:

- . 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.
- . 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.
- . Five yearly licensing of private hire operators from April 2016 with 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.
- . 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 for:

- 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
- Equalities Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Regulators Code

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, although 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 some consistency across the three authorities. The Licensing Partnership currently includes Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council.

2.3 Consultation

The Council is keen to hear the views of persons 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.

- ▶ Representatives of Maidstone's licensed hackney & private hire drivers
- ▶ Representatives and trade groups of Maidstone's taxi proprietors and private hire vehicle licence holders.
- ▶ Representatives of Maidstone's taxi and private hire operators
- ▶ Maidstone's Ward Councillors
- ▶ Maidstone's Town and Parish Councils
- ▶ MPs and MEPs
- ▶ MBC - Internal transport strategy representatives
- ▶ Neighbouring Authorities
- ▶ Maidstone's Town Centre Partnership
- ▶ Maidstone's Community Safety Department

- ▶ Local businesses and residents
- ▶ The Primary Care Trust
- ▶ Chamber of Commerce
- ▶ Kent Police
- ▶ Kent County Council Traffic & Road Safety
- ▶ Kent County Council (School Contracts)
- ▶ Maidstone's Disability Action Group
- ▶ Citizens Advice Bureau
- ▶ Age Concern
- ▶ The National Private Hire Association
- ▶ The National Taxi Association
- ▶ Members of the Public through the Council Website
- ▶ Maidstone Women's Centre
- ▶ Passenger Transport Executive / Transport providers

The Policy and associated documentation are available for inspection on the Council's website at www.Maidstone.gov.uk/taxipolicy tbc and a hard copy can be viewed at the Gateway, King Street, Maidstone, ME15 6JU by contacting licensing@maidstone.gov.uk or by telephoning the licensing department on 01622 602028.

2.4 Implementation

Following the consultation, the final policy will be phased in following adoption by Full Council. 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.

Online Forms

Maidstone Borough Council has introduced online forms to facilitate applications. The authority is committed to keeping the cost of providing the licensing service down and online forms assist with this aim.

All new applications that are made online will require an applicant to meet with an officer to complete the application process.

We are happy to accept scanned accompanying documents or photograph images with online applications. However, if the submitted images do not match with the electronic images that are held by the authority, this authority reserves the right to require the original documentation to be presented to the Licensing Authority.

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 driver's 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 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, completed in its entirety and signed by the applicant.
2. The appropriate fee. The current fees are available from the licensing department or at www.maidstone.gov.uk/licensing.tbc
3. The applicant's original DVLA driving licence.
The applicant's original DVLA driving licence. 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 /alternative suitability and knowledge test for all new drivers
7. One recently taken, colour, passport sized photograph of the applicant (no hats unless worn for religious reasons, or sunglasses)
8. DVLA mandate completed and signed by the applicant
9. Application for a Disclosure and Barring Service Enhanced Check completed by

the applicant with accompanying identification or a current valid disclosure certificate 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. items confirming the applicants 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.

Any outstanding application older than 12 months will be destroyed. Should the applicant wish to pursue the application after 12 months a new application will need to be submitted with a fee and a new DBS application will be required.

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 serious 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 practical taxi test without exception.

Applicants for a Hackney Carriage or Joint driver's licence must have undertaken the enhanced DSA practical taxi test which includes the wheelchair exercise. If a driver is licensed as a Private Hire Driver and converts to a Hackney Carriage Driver then they must undertake the element that 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.

A first time driver applicant must demonstrate by means of a test, an acceptable knowledge of places, road and routes within the Council's area. The Licensing Authority may also require the applicant to demonstrate knowledge of the Hackney Carriage byelaws, rules that apply to all drivers on the highway and conditions for the licence types.

3.3 Age

All applicants for HC/PHV driver 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, 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 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 12 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) this option would be more in keeping with a partnership policy and would ensure the authority has checked the medical fitness of a driver at the time of the renewal of the licence.

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 4 weeks of the request and 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.

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.

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

The licence holder will be responsible for paying the relevant fee. Existing Drivers will be required to submit an Enhanced DBS Certificate every 3 years at renewal (this assists with safeguarding of children and vulnerable adults). All applicants are strongly advised to sign up to the DBS online checking service as the cost every 3 years is less, the certificate is portable and may be taken to another Licensing Authority and applications for the renewal of their taxi driver's licence may be made more easily online without the need to make an appointment to see a Licensing Officer.

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 which includes whether an applicant is barred from working with children or adults.

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 can also take into consideration spent convictions and cautions when determining an application for a driver's licence.

A licence may be suspended 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
- . A drug related offence

- . 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 grave 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 or any subsequent test that has been introduced 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 Taxi Drivers only)

Relevant testing criteria is provided with the application packs.

Where an application for a drivers 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. However, any previously licenced applicant who reapplies will have to be retested if the testing criteria has changed significantly since they were last a licensed driver.

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.

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. The date of renewal of the licence will start from the day after the expiry of the previous licence

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, DBS 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 4 , 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. It is expected, however, that such 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 the matter be referred to the Licensing Committee to discuss the concerns, unless the driver has lost his driving licence 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 Driver's Licences

All new drivers are given the option of a 1 or 3 year licences (unless, for administrative reasons, a shorter period is appropriate)

On renewal, all licence holders must apply for a 3 year licence unless they are over 65 or there is a need for medical assessment on a regular basis.

4. Hackney Carriage / Private Hire Vehicle Licences

Section 47(2) of the Town Police Clauses Act 1847 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 taxi 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 has a policy of limiting Hackney Carriage Vehicle numbers and that number currently stands at 48. Unmet Demand Surveys are undertaken every three years to reassess the situation and the results of the survey decides the increase and the issuing of further Hackney Carriage Vehicle licenses, if there are to be any. The last Unmet Demand Survey was completed in 2013 and no demand was found.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided 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 currently the policy of Maidstone Council to only license purpose built hackney carriages and the Mercedes Vito which are wheelchair accessible and fitted with a partition between the driver and passenger compartments and which also follow the Conditions of Fitness set by the London Carriage Office.

However, it has been brought to our attention that the type of vehicle that we currently licence may not cater to some specific wheelchair users. In view of this information we are preparing to review our Conditions of Fitness in relation to Hackney vehicles by carrying out further research and consultations prior to making a decision.

All applications submitted for the initial grant of a licence are advised to apply at least 10 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.

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 comments 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.

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/s for compliance with the Council’s policy.

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

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.

Licensing a vehicle for the first time (Hackney Carriage and Private Hire)

The vehicle should not have more than 30,000 miles on the clock or be older than 3 years at first licensing.

<u>Hackney Carriage</u>	<u>Test Frequency</u>
<u>Age of Vehicle</u>	
Less than 10 years	Annually
Over 10 years but less than 15 years	6 Monthly

<u>Private Hire</u>	<u>Test Frequency</u>
<u>Age of Vehicle</u>	
Less than 6 years	Annually

<u>Special Events Vehicle</u>	<u>Test Frequency</u>
<u>Age of Vehicle</u>	
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 tests per year.

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 28 days 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 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 Appendix 5A and 5B, comply with the conditions listed in Appendix 5C and pass the Council's vehicle inspection test.

Any vehicle complying with the basic specification set out in Appendix 5A and 5D will be considered suitable to be licensed as a Private Hire Vehicle subject to it complying with the conditions listed in Appendix 5E and passing the Council's vehicle inspection test.

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 i.e. 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. Whilst all applications for Novelty Vehicles will be considered on their own merits the Council has produced model standards and conditions for Fire Engines and Horse Drawn vehicles as set out in Appendices 8 and 9 respectively.

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)

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 are required to be wheelchair accessible and in Maidstone 100% of vehicles are.

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 fixed to the outside of all private hire vehicles to convey to passengers that 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.

4.7 Quantity Restrictions of Vehicle Licences

Whilst the law prohibits the Council from setting a limit on the number of private hire vehicle licences it issues quantity restrictions can be set to regulate the number of licensed hackney carriages.

In 2013 the Council commissioned an independent survey of Hackney Carriage usage. The 2013 study identified that there is no evidence of significant unmet

demand for hackney carriages in Maidstone. On this basis the Council has discretion in its hackney carriage licensing policy and may either:

- . continue to allow market forces to dictate the number of hackney carriage licences;
- . issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
- . introduce a limit on the number of vehicles.

It is the policy of Maidstone Council to impose quantity restrictions on the number of Hackney Vehicles in the Borough and currently that figure stands at 48.

4.8 Environmental Considerations

The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the Borough by, in particular, reducing the levels of CO₂ emitted from petrol vehicles and the equivalent from diesel. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

Clearly, emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

In view of the above detail, unless more urgent measures are introduced by central government in the meantime, this Council will monitor any research published and Government guidelines with a view to specifying vehicle emissions standards and promoting cleaner vehicles.

To help consider the environmental impact, any petrol electric vehicle with an engine size under 1400cc will be considered to be licensed on a case by case basis. Maidstone Borough Council suggests that, in order to promote a greener environment, any vehicle that promotes cleaner fuel emissions may be entitled to pay a reduced fee at the time of having the vehicle tested by Maidstone Borough Council's appointed workshop.

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 grant a private hire operator licence provided the Council 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 obey all the 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 and all applicants must 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. Application for a Disclosure and Barring Service Basic Check, which can be obtained from DBS or Disclosure Scotland, completed by the applicant with accompanying identification or a current valid disclosure certificate and obtained via an approved body which will allow an update service check to be performed.
3. The appropriate fee; the current scale of fees is available from the Council or at www.Maidstone.gov.uk/licensing.

5.1 Criminal Records Checks

PHV operators are not exceptions to the Rehabilitation of Offenders Act 1974, However, 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 for operators to keep comprehensive records of each booking. All bookings will be kept for a period of 6 months.

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. This appears to be an amendments made to the Deregulation Bill on 13 March 2014 by the Law Commission we currently only issue 1 year licences.

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. (The issue of 5 year licences will not commence until April 2016.)

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 licences:

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

Must be issued by the same Licensing Authority.

5.6 Conditions

The Council has power to impose such conditions on a private hire operator's licence as it considers reasonable, necessary and proportionate.

The Council consider the conditions detailed in Appendix 7 to be reasonable, necessary and proportionate. All private hire operator's licences will be issued with these conditions attached.

5.7 Insurance

It is considered appropriate for a Licensing Authority to check that appropriate public liability insurance has been taken out 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 taken out appropriate public liability insurance 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.

5.10 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 to remain for 1 year),

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 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 point's scheme. This acts as a first step in ensuring compliance with the conditions, 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 Committee or a panel of the committee who would have a range of options 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 be 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. It is, therefore, proposed that such a system be introduced and an example of the scheme suggested is set out more fully 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 one year from the date they are imposed so that only points accumulated in a rolling twelve month period will be taken into account.

6.3 If a licence holder accumulates twelve or more points within a period of one year from the date they are imposed, he will be required to attend a Committee hearing where the appropriate action to be taken in accordance with this Policy.

6.4. Where a licence holder is brought before the Committee their options available to him will include suspension or revocation of the drivers licence, where appropriate. If the Committee does not feel that the matter warrants suspension or revocation of the licence, 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.

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 or a written warning given, however, the points will remain "live" for the normal one 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 within 21 days of the date of receipt of the points stating why you consider the points are not appropriate. The matter will then be put to the Licensing Committee for decision. The Committee are at liberty to impose more penalty points than stipulated in the Policy as they see fit.

6.9 A licence holder will retain the right to be represented at any meeting either legally or otherwise, and to state any mitigating circumstances he deems necessary.

6.10. Even though penalty points have been issued by an Authorised Officer of the Council, if it is subsequently found that the licence holder has previously been issued with penalty points, or has been formally cautioned, for similar offences,

the Council reserve the right to cancel the penalty points and deal with the matter in accordance with the Maidstone Borough Council Enforcement and Prosecution Policy.

6.11. Licensees retain the normal rights of appeal to the Courts when a licence is revoked.

6.12. Following a revocation (due to the accumulation of penalty points), a new licence application will not usually be entertained by the Council for a minimum period of six months.

6.13. 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.

7. TAXI RANKS

7.1. Appointed Stands

The Council will periodically review the provision of hackney carriage stands within the Borough and is being reviewed in 2015. In the event that there is evidence of the need to amend the existing provisions, a full consultation would 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 may 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

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 offences and any non motoring convictions or cautions 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, 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 drivers 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?

The wording of this test originates from Mr J T H Button BA, Solicitor, MIL, MClarb, a well known and respected solicitor widely acknowledged as an authority in licensing legislation, particularly that of hackney carriages and private hire.

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.

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:

- Honest 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 of 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 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 objectives 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 referred to the Licensing Committee for decision.

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/invalid insurance, careless driving, and driving a vehicle with mechanical defectives (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 five years free from conviction. Where the combination of offences are considered to be of increased risk to the public, a period longer than five years may be substituted by the Council dependant of 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 three years 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.

Drunkness

Separate consideration will be given to convictions for drunkness whilst in charge of a vehicle as opposed to drunkness 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.

An isolated incident will not automatically preclude an application from being granted. 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 as to future driving standards 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 of 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 of 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 at least 10 years. The length of period over and above the minimum ten 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 normally be revoked 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 (D7.2), 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 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.

DRAFT

Appendix 3:

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 4:

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).
- Baseball caps

Appendix 5: 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.

1. GENERAL

- (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) The engine capacity of all vehicles submitted to be tested for the first time shall not be less than 1400cc. However, in some instances vehicles may be assessed on a case by case basis.
- (iii) No hackney carriage shall be accepted for testing for the first time if the vehicle is over three years old or has mileage of more than 30,000 miles.
- (iv) 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 compliance tested, shall, at the expiry of that compliance period, if the vehicle falls outside of the age policy, not be re-licensed.
- 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 Department 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.

2. GENERAL CONSTRUCTION

- (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.

3. STEERING

- (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.

4. BRAKE AND STEERING CONNECTIONS

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.

5. TURNING CIRCLE

- (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)

6. TYRES

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

7. BRAKES

- (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.

8. SUSPENSION

- (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.

9. TRANSMISSION

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.

10. BOLTS AND NUTS

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

11. FUEL TANKS

- (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. It's 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.

12. INTERIOR LIGHTING

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.

13. ELECTRICAL EQUIPMENT

- (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.

14. EXHAUST PIPE

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.

15. BODY

- (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 1.778 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.

16. STEPS

- (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.

17. WHEELCHAIR FACILITIES

- (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.

18. PAINTWORK AND BODY FINISH

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

19. PASSENGERS' SEATS

- (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 40 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.

20. DRIVER'S COMPARTMENT

- (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.

21. WINDOWS

- (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 sealed. The control for opening a door window must be easily identified so as not to be mistaken for any other control.

22. HEATING AND VENTILATION

- (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.

23. ADVERTISING

- (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.

24. TINTED WINDOWS

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.

A Light Transmission Detector, which measures light transmission through any type of glass is used to test and determine visibility and provides a read out of the suitability of proposed vehicles for use as licensed private hire vehicles in the district. (It will not apply to Hackney vehicles)

25. DOOR FITTINGS

- (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.

26. INSURANCE CERTIFICATES AND INTERNAL PLATE

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.

27. FLOOR COVERING

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

28. LUGGAGE

- (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.

29. HORN

A horn of approved pattern must be fitted.

30. TAXIMETER AND FARE CHART

- (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 in accordance showing the current hackney tariff and be easily visible to passengers.
- (iii) The taximeter and all the fittings thereof shall be so 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.

31. TAXI SIGN

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

32. RADIO APPARATUS

- (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.

33. FITTINGS

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

34. MAINTENANCE

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.

35. 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.

36. 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.

37. 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.

38 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 either a private hire or hackney carriage vehicle. On this will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

39 CHANGES / TRANSFER

- (i) Notice in writing of any transfer of licence must be given notified within 14 days the Licensing Authority as per section 49 LGMPA 1976.
- (ii) 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.

40 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.

41 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.

42 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.

43 MISCELLANEOUS

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

44 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 5: B

MAIDSTONE BOROUGH COUNCIL- HACKNEY CARRIAGE - VEHICLE LICENCE CONDITIONS

General

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.

Roof Sign

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.

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.

Contracts

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.

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 if there is the provision any child below the age of 1 year. 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.

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 complying with the requirements of Part V1 of the Road Traffic Act 1984 which should be available inside the vehicle whilst it is licensed as a Hackney Carriage.

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.

Informative

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

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.

1. 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 1400cc. However, in some instances vehicles may be assessed on a case by case basis.
- (v) 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) or has mileage of more than 30,000 miles. 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.
- (iv) 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 and mileage specifications. Any vehicle currently compliance tested, shall, at the expiry of that compliance period, if the vehicle falls outside of the age policy, not be re-licensed.
- 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.

2. GENERAL CONSTRUCTION

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.

3. STEERING

- (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.

4. BRAKE AND STEERING CONNECTIONS

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.

5. TYRES

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

6. BRAKES

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.

7. SUSPENSION

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

8. TRANSMISSION

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.

9. BOLTS AND NUTS

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

10. FUEL TANKS

- (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.

11. ELECTRICAL EQUIPMENT

- (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.

12. EXHAUST PIPE

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.

13. BODY

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

14. VEHICLE INTERIOR

- (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 in saloon vehicles 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) All 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.

15. PAINTWORK AND BODY FINISH

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

16. PASSENGERS' SEATS

- (i) The width across the cushion must be not less than 50 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.

17. ADVERTISEMENTS

- (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.

18. 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 Private Hire

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, 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 (approve 6 March 1994), provided that the sign is approved by an officer of the Council.

19. TINTED WINDOWS

From an Officers point of view, tinted glass affects Public Safety and as many vehicles are used for the carriage of children, and vulnerable persons tinted windows which prevent clear vision into the vehicle should not be permitted.

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 use a device that 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 private hire vehicles in the district.

Any 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.

20. INSURANCE CERTIFICATE AND INTERNAL PLATE

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.

21. MAINTENANCE

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.

22. 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.
- (iii) 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.

23. 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.

24. 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.

25. LICENCE PLATES AND STICKERS

- (i) 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.
- (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 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 registration number of the vehicle and the number of passengers permitted to be carried.

26. CHANGES / TRANSFER

- (iii) Notice in writing of any transfer of licence must be given notified within 14 days the Licensing Authority as per section 49 LGMPA 1976.
- (iv) 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.

27. 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.

28. 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.

29. 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.

30. MISCELLANEOUS

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

31. 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.

32. 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.

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) Adequate public liability insurance 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 the fee £4 (reviewed annually) paid to the Licensing Section.

(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 5: D

Private Hire Vehicle licence 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/s. 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. 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. 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.

12. 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.

13. 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.

14. CCTV

Any CCTV fitted to a licensed vehicle must meet the specifications agreed by the Council and which must comply with the requirements of the Information Commissioner's CCTV Code of Practice. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

15. Regulations

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

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Appendix 6

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:

American 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 or not more than 30,000 on the clock, 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.

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 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 7

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 8

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) 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 therefore.

REPEAL OF BYELAWS

20. The bylaws relating to hackney carriages which were made by the Council of the Maidstone Borough on 27th day of July 1972 and which were confirmed by the Secretary of State on the 21st 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 9

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

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 effected. 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 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 or give their permission for checking a driving record online then 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.

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PENALTY POINTS SCHEME

APPENDIX 10

LIST OF OFFENCES/BREACH OF LICENCE CONDITIONS ETC.

Town Police Clauses Act 1847		
Section	Offence	Penalty Points
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
Local Government (Miscellaneous Provision) Act 1976		
Section	Offence	Points
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

Private Hire Driver's Licence Conditions – Appendix 9		
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 employment.	6
	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 Councils 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 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

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Points
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.	4

	(also breach of conditions see below)	
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
Breach of Conditions attached to Operator's Licence – Appendix 7		
	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

Communities, Housing and Environment Committee

8th December 2015

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

Yes

Increase Fixed Penalty Fine Level – Littering & Dog Offences

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	Andy Bell
Lead Officer and Report Author	Andy Bell/Michael Swoffer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

That the Committee notes the proposed increase in the penalties as detailed in paragraphs 1.1 and 1.2 of this report.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – the proposed increase in fine level will be a deterrent to littering and irresponsible dog ownership; assisting in further reducing litter and fouling within the borough and improving our parks and open spaces.

Timetable

Meeting	Date
Communities, Housing and Environment Committee	8 th December 2015

Increase Fixed Penalty Fine Level – Littering & Dog Offences

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 Under the Clean Neighbourhood and Environment Act 2005 Maidstone Borough Council have adopted two Dog Control Orders:

- The Fouling of Land by Dogs (Maidstone) Order 2013
- The Dog Exclusion(Maidstone) Order 2013

The current fine level is £75 and the proposed increase will be to £80, which is the maximum permissible level.

1.2 Under the Clean Neighbourhood and Environment Act 2005 litter is an offence. The current fine level is £75 and the proposed increase will be to £80, which is the maximum permissible level.

2. INTRODUCTION AND BACKGROUND

2.1 The Fouling of Land by Dogs (Maidstone) Order 2013. Increase fine from £75 to £80.

2.1.1 It is currently an offence to fail to remove faeces but the current fine is set at £75. The proposal will be to increase the fine to £80.

2.1.2 Environmental Enforcement has designed and implemented a campaign called "Dog Watch" to assist with the enforcement of dog fouling within the borough. The further use of the campaign and introduction of higher fines, we believe, will further deter those current offenders who form a small irresponsible minority of dog-owners in the borough.

2.1.3 Since the introduction of "Dog Watch" the issuing of fixed penalty fines for fouling has increased:

Year	No. of FPN's Issued
2012/13	3
2013/14	8
2014/15	12
2015 /to date	10

2.2 Dog Exclusion (Maidstone) Order 2013 (gated play areas). Increase fine from £75 to £80

- 2.2.1 There is currently a Dog Control Order in place that excludes dogs from gated play areas within the borough, however the current fine is £75 and we are proposing to raise the fine to £80 to be in line with the fouling offences.
- 2.2.2 The reason why the Dog Control Order was introduced was that a minority of dog owners were using gated play areas to exercise their dogs. This was considered a safety risk for children as not only are there risks of children being knocked over but also these dogs defecate and urinate in areas that are for the use of children. Since the introduction we have only had one report of a dog using a children's play area and this was due to the sign being removed.
- 2.2.3 New signs and added media coverage of a new fine level will continue to deter such irresponsible dog owners from using children's play parks.

2.3 Litter Enforcement. Increase fine from £75 to £80

- 2.3.1 A private company (Kingdom) has been contracted to enforce on litter offences within the Maidstone Borough. This arrangement has been in place since 2011 and has dramatically decreased the amount of litter on the streets. It has also changed people's behaviour with regards to using bins within the borough.
- 2.3.2 Since the introduction of the private litter enforcement company the following fixed penalty fines have been issued:

Year	No. of FPN's
2010/11	3297
2011/12	4425
2012/13	4147
2013/14	2923
2014/15	2607
2015/to date	971

- 2.3.3 The increase to £80 is the maximum permissible level but is also in line with our neighbouring MKIP partners (Swale and Tunbridge Wells) as they also set their littering FPN charge at £80.

3. AVAILABLE OPTIONS

- 3.1 This report is for information only for the committee and no decision is required.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 This report is for information only for the committee and no decision is required.
-

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The Policy and Resources Committee will determine the increases at their meeting in December 2015. If the proposed increases are agreed then these will be implemented from 1st April 2016.
-

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all; this slight rise in FPN charge levels will maintain the improvement in behaviours and levels of litter on our borough's streets.	Head of Environment and Street Scene
Risk Management	The management of fixed penalty fines will be subject to the current performance management arrangements within the service, with performance benchmarking as part of the process.	Head of Environment and Street Scene
Financial	It is anticipated that implementation will be resourced from within existing budgets.	Head of Finance & Resources
Staffing	Authorised officers will continue to need to have appropriate skills and/or completed appropriate training in order to be able to issue fixed penalties and deal with prosecutions.	Head of HR Shared Service
Legal	It is anticipated that implementation will be resourced from within existing	Head of Legal Partnership

	budgets and, especially given the declining amount of FPNs issued, there will be no additional impact on MKLS.	
Equality Impact Needs Assessment	Incidents of littering, dog fouling and dog exclusions will continue to be dealt with in line with our equalities framework.	Policy & Information Manager
Environmental/Sustainable Development	None	
Community Safety	The increase in fine levels will contribute to making Maidstone a safer place by promoting the message and enforcement of appropriate standard of conduct and behaviour.	Head of Environment and Street Scene
Human Rights Act	The council must ensure it complies with its duties under the Equality Act 2010.	Head of Environment and Street Scene
Procurement	Appropriate procurement methods will be used to procure publicity and signage.	Head of Finance & resources
Asset Management	None	

7. BACKGROUND PAPERS

Agenda Item 13

Communities, Housing and Environment	8th December 2015
Is the final decision on the recommendations in this report to be made at this meeting?	Yes

Maidstone's approach to the Syrian refugee crisis

Final Decision-Maker	Communities, Housing and Environment
Lead Head of Service	John Littlemore
Lead Officer and Report Author	Ellie Kershaw
Classification	Public
Wards affected	

This report makes the following recommendations to this Committee:

1. That Maidstone Borough Council commits to take part in the Syrian Vulnerable Persons Scheme.
2. That, as per 4.1, the council's offer is 6 single males over the five year period, to be reviewed periodically with an aim of increasing this through the lifetime of the scheme if viable.
3. That the council investigate options for the provision of housing including the purchase of property from capital funds.
4. That households should be accepted as soon as suitable housing is available.
5. That if the recommendation at 4.1 is agreed, a periodic review is undertaken, with a view to increasing the offer throughout the life of the scheme if it is running successfully and thought to be viable.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all

Timetable	
Meeting	Date
Communities, Housing and Environment	8 th December 2015

Maidstone's approach to the Syrian refugee crisis

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Purpose of the report is to seek the Committee's approval for Maidstone Borough Council to assist Syrian Refugees, as outlined by the Prime Minister in October 2015.
-

2. INTRODUCTION AND BACKGROUND

2.1 National Context

- 2.1.1 Due to the ongoing situation in Syria, the Government has expanded the existing Syrian Vulnerable Person Resettlement Scheme (VPR), and intends to resettle 20,000 Syrians in need of protection between now and 2020. It is expected that this will be at a rate of several hundred per month.
- 2.1.2 The scheme is based on need, prioritising those who cannot be effectively supported in their region of origin, such as women and girls at risk, people in severe need of medical care, survivors of torture and violence, those at risk due to their sexuality or gender identity and refugees with family links in the UK. Referrals will be made in the first instance to the Home Office, who will check that they meet the criteria, and carry out medical and security checks. Once verified, these will be passed to the Local Authority who will be asked to accept or reject the case. Once accepted, the Local Authority will take responsibility for all aspects of the resettlement, including housing, education, health and any other needs such as interpretation services.
- 2.1.3 Refugees will initially be given a five year leave to remain in the UK and will have full entitlement to benefits on arrival. Whilst it is expected that many will then wish to make the UK their permanent home, previous schemes have also shown that a number of people wish to return when their place of origin is safer to assist with rebuilding.
- 2.1.4 There are 12.2 million people in Syria in need of humanitarian assistance, and four in every five live in poverty. There are many human rights violations, attacks against densely populated areas and targeting of civilian infrastructure.
- 2.1.5 So far 266 Syrians have been relocated to the UK under the VPR scheme, in addition to almost 5,000 Syrians (including dependants) who have been granted protection under normal asylum rules since the crisis began in April 2011.

2.2 Kent context

2.2.1 Kent County Council has a responsibility for Unaccompanied Asylum Seeking Children (UASC). Kent has the highest population of UASC in the country by some way, and has started asking authorities in other areas to assist. Due to the high numbers of UASC, which has increased significantly in the last few months, and the demand that this places on services such as education, health and mental health, KCC has said that it would not be willing to take any families in Kent who have children with high support needs, or unaccompanied children. All district councils have agreed to this.

2.2.2 When UASC leave care, they require an appropriate form of housing. Initially this may be in supported lodgings or semi independent accommodation provided by KCC. However, at some point between the ages of 18 and 21, they will require support to access their own accommodation, which requires involvement from the district housing team. Care leavers are a priority need group, meaning that in the vast majority of cases they will be owed the main housing duty under the Homelessness legislation. This puts a requirement on the district to provide temporary accommodation if needed, and then assist the individual in finding a property in either the social or private sector. Maidstone has the fourth highest level of UASC in Kent and this also needs to be taken into account when agreeing the number of refugees the council can assist. A breakdown of distribution across Kent can be found at Appendix A.

2.2.3 One of the biggest concerns for Maidstone at the moment is the increase in homelessness and the lack of available, affordable property for household, particularly families, to move into. As of the end of Quarter 2, 313 homelessness decisions had been made, which is slightly higher than the same period last year. There are currently 95 households in some form of temporary accommodation, 57 of whom are owed the main housing duty. This number has been steadily rising and is due to the lack of available accommodation for households to move into.

2.2.4 Local Housing Allowance rates in Maidstone (the amount housing benefit will pay for a property per week) are shown below.

Size	LHA	Private rent *
Shared accommodation	£68.28	
1 bed	£123.58	£155
2 bed	£157.56	£200
3 bed	£180.45	£254
4 bed	£235.41	£316

*Home.co.uk Maidstone market rent summary

Single people under 35 are only entitled to the shared accommodation rate, regardless of whether they live in something larger.

2.2.5 This upward trend in terms of homelessness means that housing is a key consideration when deciding the make up and numbers of refugees which Maidstone Borough Council could assist under this scheme.

2.2.6 As each referral is received, a panel discussion to include health and education will be held to ensure that the needs of the household can be met before they are accepted.

2.3 Considerations

- 2.3.1 Each council has discretion to not only decide on the number of refugees they will assist, but also to set parameters as to the type of household (household make up, level of need etc). Once a household is accepted, there is a high level of work involved in settling them. This includes any interpretation and translation needs, registering with a GP, registering with the jobcentre and any other agencies that may be required. In material terms, accommodation must be found and furnished to a basic standard. The council plans to ask for support from the community and relevant local businesses in order to keep the costs of this down so that the funding can be utilised in ongoing support. The household must also be provided with a cash amount, and an initial shop.
- 2.3.2 This initial introduction will take approximately two weeks of officer time for each refugee. It is anticipated that this role will be met from existing resources within the Housing and Inclusion Team. This will have an impact on the day to day service of that team which will have to be considered, as this will effectively leave the team one member short for that period. A virtual Team Leader will also be appointed who will be responsible for the co-ordination of the work referred to at 2.3.1.
- 2.3.3 Each household will require a single point of contact, who will liaise with agencies on their behalf. Often they will have a mistrust of authority figures such as the Police, so it is important that they develop confidence with their point of contact. Support services could be accessed via the existing KCC contract with Rethink Sahayak, that already works with migrants. This contract currently runs until March 2017.
- 2.3.4 It is unlikely that information will be available about the skills refugees possess to enable them to seek employment. However, Maidstone has skills gaps across the board, so it should be possible to find suitable employment for anyone who is able to work.
- 2.3.5 At a recent seminar held by Centre on Migration- Policy and Society, it was suggested that use of mainstream services, with language support is the best way for refugees to integrate rather than commissioning separate services.
- 2.3.6 Integrating refugees will be hugely important to the success of the programme. The council will meet with parties who can offer advice, such as the Imam of Maidstone Mosque and representatives from the Gurkha community. The voluntary and community sector will form an important part of this integration. It would also be beneficial to look at a work experience/volunteering programme for those refugees who have the necessary language skills.

- 2.3.7 A welcome pack will be created for each household, the contents of which are to be determined, but could include small luxury items and pictorial information about Maidstone.
- 2.3.8 Members of the Housing and Communities Team are visiting other Authorities and agencies that have experience in this and similar schemes in order to learn lessons from them. A visit to Coventry led to them sending a large amount of useful information, including some which has been translated into Arabic.
- 2.3.9 There is some thinking that due to the funding levels (shown below) councils may be less incentivised to offer placements to single males. This could therefore be a real gap that Maidstone could fill.
- 2.3.10 When refugees arrive in the UK they have been through a two-stage vetting process to ensure it is known who is entering the country. Work is being done with the United Nations High Commissioner for Refugees (UNHCR) who has their own robust identification process in place. This includes the taking of biometrics, documentary evidence and interviews. When cases are submitted by the UNHCR for consideration they are screened and considered by the Home Office for suitability for entry to the UK. This includes the taking of further biometric data. The right is retained to reject individuals on security, war crimes or other grounds, including where there is insufficient information to undertake effective screening.

2.4 Funding

2.4.1 Home Office has indicated that the funding provided will be as below

UNIT COST FOR SYRIA VPR SCHEME					
	Adult Benefit Claimant	Other Adults	Children 5-18	Children 3-4	Children U-3
	£	£	£	£	£
Local Authority Costs	8,520	8,520	8,520	8,520	8,520
Education	0	0	4,500	2,250	0
Special Educational Needs	0	0	1,000	1,000	0
DWP Benefits	12,700	0	0	0	0
Primary medical care	200	200	200	200	200
Secondary medical care	2,000	2,000	2,000	2,000	2,000
TOTALS	23,420	10,720	16,220	13,970	10,720

2.4.2 There is a commitment from the Home Office to provide funding for the full five years. However, the level has not been agreed. It is likely to be less than in the first year as it is anticipated that the needs of the household will reduce with time.

2.4.3 Adults will enter the country as refugees, meaning they have recourse to public funds from the day they enter the UK. This will include housing benefit.

2.4.4 The scheme is to be run in such a way as to ensure that the impact on revenue funding is minimised.

3. AVAILABLE OPTIONS

3.1 The first option is to accept families with needs as described in section 2. The advantage of this is that the funding received would be higher, and could therefore allow for more support to be commissioned, or a member of staff employed to work with these families. The disadvantage to this option is that, as stated, homelessness in Maidstone is increasing, and there is a severe shortage of family accommodation, particularly at the LHA rate. It would therefore both be difficult to source appropriate housing, and to prioritise refugee families above families to whom the council already owes the main housing duty. For this reason, this option is not recommended.

3.2 Option two is to accept single males. This would allow the council to place within shared accommodation, for which there are two options that can be further explored; a property owned by a local Church has been offered to the council to use as accommodation, though it would need some work before it was suitable. Alternatively, the council could use capital funding to buy houses that would be suitable as shared accommodation. This could be used later for placing other homeless households. The advantage of this option is that it would allow the council to place people in the same house, giving them a small community for support and allowing the council to make good use of support as it would be targeted to one place. The disadvantage to this option is the potential for people who do not get on to be placed in once house; however, this could in some way be mitigated through the referral process. This is the preferred option. If this option is agreed, it is recommended that the council's initial offer is to take six males over the five year period.

3.3 Option three is to not assist any refugees under the VPR scheme. It is believed that for humanitarian reasons, this is not a viable option. Colleagues across Kent are committed to taking various numbers of households, and therefore within the limitations stated in this report, it is appropriate for Maidstone to share the challenge of assisting the refugees.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred option is that described in 3.2, that the council should make an offer of 6 single males over the five year period. With no previous experience in this area, it is felt that it would not be wise to make a higher offer at this point. As the scheme progresses and more is learned, it may be possible to increase this number.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The next step would be to make this offer, and to investigate suitable housing options.
- 5.2 Whilst this work is ongoing, contact will be made with community leaders and any agencies who may wish to be involved, to ensure that everyone is clear about their roles and responsibilities.
- 5.3 It is proposed that the council could start to accept referrals from April 2016- earlier if suitable housing can be identified more quickly.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Any work undertaken must take into account the wider community as well as the refugees. This will be assessed at each stage of planning.	[Head of Service or Manager]
Risk Management	Risks will be assessed throughout the programme, and managed by the Head of Housing and Community Services.	[Head of Service or Manager]
Financial	There will be financial implications. However, the full extent, is not known at this stage	[Section 151 Officer & Finance Team]
Staffing	The work will be undertaken within existing resources	[Head of Service]
Legal		[Legal Team]
Equality Impact Needs Assessment		[Policy & Information Manager]
Environmental/Sustainable Development		[Head of Service or Manager]
Community Safety	This will become clearer as referrals are made. The CSU will be included in planning.	[Head of Service or Manager]
Human Rights Act		[Head of Service or

		Manager]
Procurement		[Head of Service & Section 151 Officer]
Asset Management		[Head of Service & Manager]

7. REPORT APPENDICES

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

- Appendix A: Distribution of UASC through Kent
- Appendix B: Home Office fact sheet on the Syrian Vulnerable Persons Relocation Scheme.

District UASC placed in as at 30 September 2015

Children in care	Ashford	Canterbury	Dartford	Dover	Gravesham	Maidstone	Medway	OLA	Sevenoaks	Shepway	Swale	Thanet	Tonbridge and Malling	Tunbridge Wells	Grand Total
H5 - Residential accommodation	114	33			6		2			1	1	2	1	37	197
P2 - Independent living	12	48	1	5	33	25	81	65		31	6	8		11	326
R2 - NHS/Health Trust								1							1
R5 - Young Offender Institution or prison							1								1
U1 - Foster placement with relative or friend- long term						1		1							2
U3 - Foster placement with relative or friend- not long term or FFA								1							1
U4 - Placement with other foster carer- long term fostering	3	10		6	2	3	3	2		12	3	8			52
U6 - Placement with other carer - not long term or FFA	4	20	3	17	7	11	17	33	1	17	20	23	13	5	191
Grand Total	133	111	4	28	48	40	104	103	1	61	30	41	14	53	771

Care Leavers	Not known	Ashford	Canterbury	Dartford	Dover	Gravesham	Maidstone	Medway	OLA	Sevenoaks	Shepway	Swale	Thanet	Tonbridge and Malling	Tunbridge Wells	Grand Total
B - With parents or relatives	1		3						10							14
H - Deported	1															1
R - Residence not known	5				1											6
S - No fixed abode/homeless	1					1		1			1					4
D - Semi-independent, transitional accommodation	3	5	23	2	1	20	16	22	6		10	2		1	6	117
E - Supported lodgings		1	1		1	2	3		5		2	2	2	1	1	21
K - Ordinary lodgings		1	2			1					2		1			7
Not Recorded	5	17	23	0	0	8	3	2	14	0	8	0	1	0	0	81
U - Independent living	2	8	13	5		25	8	13	22		2		5		5	108
V - Emergency accommodation	1															1
X - In custody	1					1			1			1				4
Y - Other accommodation			4			1	1	2	4		1				1	14

Z - With Former foster carers			1					1		1			1				4
Grand Total	20	32	70	7	3	59	31	41	62	1	26	5	10	2	13	382	



Syrian Resettlement Programme

How many additional people will you resettle?

- The Government will expand the existing Syrian Vulnerable Person Scheme and intends to resettle 20,000 Syrians in need of protection during this Parliament.
- The UK is at the forefront of the response to the crisis in Syria and this expansion is part of our comprehensive approach designed as far as possible to help refugees in the region but recognising that for some vulnerable people the only solution is to bring them to countries like the UK.

How will the arrival of 20,000 be spread out?

- It will take several months to reach full capacity but when we do we would expect to bring in roughly several hundred refugees each month over the course of the Parliament, subject to continuing need and capacity.

How else is the Government supporting Syrians in need of protection?

- Our priorities are on continuing to provide humanitarian aid to those most in need in the region and actively seeking an end to the crisis. We believe this approach is the best way to ensure that the UK's help has the greatest impact for the majority of refugees who remain in the region and their host countries.
- As the brutal conflict continues in Syria, millions of people continue to be in need. Hundreds of thousands have been killed in the conflict between the Assad regime, extremist groups and moderate opposition groups. In response to the crisis, the UK has allocated over £1.1 billion since 2012 to meet the immediate needs of vulnerable people in Syria and of refugees in the region – more than any other country in the world except the United States. The UK is the only major country in the world that has kept its promise of spending 0.7% of our national income on aid and we should be proud of this. By the end of March 2015, UK support had delivered over 18 million food rations, each of which feeds one person for one month, provided access to clean water for 1.6 million people (peak month), and over 2.4 million medical consultations in Syria and the region.

How will the expansion of the programme operate?

- We already have significant experience of resettling vulnerable people and our existing domestic resettlement mechanisms provide a basis for a relatively quick increase in numbers. And we are already working with existing partners to ensure that we can begin to increase numbers as quickly as possible. Over the coming weeks and months, we will work with local authorities, the UNHCR and others to put in place the full structures to ensure we can scale up the current arrangements so that we can meet the aim of bringing up to 20,000 Syrians over the lifetime of this Parliament and deliver on the expansion that has been announced.

How long will the expansion take?

- Although we have simplified the process as much as we can the UNHCR must still assess each individual case before referring them to the Home Office. The Home Office must conduct visa checks and at the same time a place must be found in a local authority. We do all this already but it is important we get it right and scaling up a system like this in a way that protects the interests of all concerned, including local communities, will take a little bit of time.

How do you choose who comes to the UK?

- The Syrian VPR is based on need. It prioritises those who cannot be supported effectively in their region of origin: women and children at risk, people in severe need of medical care and survivors of torture and violence amongst others. We work closely with the UNHCR to identify cases that they deem in need of resettlement and we will continue this work to ensure we deliver our commitment to provide refuge to 20,000 Syrians.
- The UNHCR identifies people in need of resettlement based on the following criteria: women and girls at risk; survivors of violence and/or torture; refugees with legal and/or physical protection needs; refugees with medical needs or disabilities; children and adolescents at risk; persons at risk due to their sexual orientation or gender identity; and refugees with family links in resettlement countries.

How does the process work?

- UNHCR refer cases to the Home Office. We check they meet our eligibility criteria and carry out medical and security checks. We arrange exit visas from the host country and entry visas into the UK. At the same time, we pass the cases to a local authority who has asked to participate in the scheme. The Local Authority is asked to accept or reject cases. The referral forms give detail on family make up, age and specific needs. Further detail on any medical needs will follow shortly after via a full medical health assessment report. On accepting a case, local authorities then need to arrange housing, school places etc. In parallel we would agree an arrival date. We are working to make this process as quick as possible.

What if an area is new to resettlement?

- Local authorities will need to think carefully about whether they have the infrastructure and support networks needed to ensure the appropriate care and integration of these refugees. It would be worth speaking to existing resettlement areas to learn best practice. Regional Strategic Migration Partnerships can put you in touch.

How can local authorities find out more about the profiles and needs of the refugees they will be hosting?

- All cases will differ and it is very difficult to generalise. We do not have detail of the cases before UNHCR refer them to us. As soon as a local authority wants to participate, we will send these referrals that give detailed information on the individual cases. If authorities want a particular make up of cases, they should state this and we will do our best to match cases.

Will the 20,000 be on top of existing schemes?

- The Government will expand the existing Syrian VPR Scheme and we expect to resettle up to 20,000 Syrians in need of protection during this Parliament. This is in addition to those we resettle under Gateway and Mandate and the thousands who receive protection in the UK under normal asylum procedures.

How will these people be accommodated? Where will they go when they are here?

- The UK has been operating resettlement schemes for many years and we already have established and effective networks to accommodate and support resettled people. However, we recognise that the increase in numbers will require an expansion of current networks and the impact on local communities and infrastructure will need to be managed carefully. That is why we are working with a wide range of partners including local authorities and civil society organisations to ensure that people are integrated sensitively into local communities.
- Our existing dispersal policy is aimed at ensuring an equitable distribution of refugees across the country so that no individual local authority bears a disproportionate share of the burden. We are working closely with local authorities to ensure that this remains the case.

How will you ensure refugees are dispersed fairly and in a way that manages the impacts on local communities and services?

- We are determined to ensure that no local authority is asked to take more than the local structures are able to cope with. That is why we will be talking to local authorities and other partners over the coming weeks to ensure that capacity can be identified and the impact on those taking new cases can be managed in a fair and controlled way.

How will schools be supported to provide language support for refugee children?

- Financial support for English as an Additional Language (EAL) pupils is a matter for local discretion. The funding arrangements enable local authorities to allocate a proportion of their funding to schools on the basis of the number of pupils in each school who have EAL and who have been in the school system for a maximum of three years. The pupil rate for this is also decided locally and can therefore reflect specific challenges in the area. Schools can also use the additional money they receive through the pupil premium to raise the attainment of disadvantaged EAL pupils.
- Local authorities have the freedom to take account of high migration in their local funding formula, to address the additional costs of having a large number (over 10%) of pupils arriving at unusual times in the school year.
- Schools can access information about good practice in meeting the needs of EAL pupils - Ofsted has published some case studies showing good practice at schools with high proportions of pupils with EAL. Resources are also available from the National Association for Language Development in the Curriculum, an organisation that seeks to promote effective teaching and learning for EAL pupils in UK schools.

How will you ensure that there are enough schools places in areas where refugees are resettled?

- We have committed to investing £7bn on new school places over the next six years, and in the last Parliament funding for school places doubled to £5bn to create 445,000 additional places. Local Authority's are allocated funding for school places based on their own local data on school capacity and pupil forecasts, in which they take account of factors including rising birth rates, housing development, trends in internal migration and migration to England from elsewhere in the United Kingdom and from overseas. We continue to work with LAs to make sure that every child has a school place.

How can I become a foster carer for a refugee child?

- We are not expecting the refugees arriving in the first months of the scheme to include unaccompanied children, but if you are interested in finding out more about fostering, you might wish to contact your local authority. They can provide you with details about applying to foster for them. You can also find out more about fostering by contacting Fosterline, a government funded service providing independent advice and support for people considering becoming foster carers. In addition, you might wish to look at information about applying to foster that Fostering Network give on their website at: <http://www.couldyoufoster.org.uk/>.
- Further information for foster carers is also available on GOV.UK : <https://www.gov.uk/foster-carers>. This page sets out the process people should follow and explains how much financial support and training foster carers can get.

I am interested in adopting an unaccompanied refugee child?

- We are not expecting the refugees arriving in the first months of the scheme to include unaccompanied children. Even if we do support unaccompanied children in the future it is unlikely that adoption will be an appropriate option for these children. The United Nations and other humanitarian charities advise that no new adoption applications should be considered in the period after a disaster or from a war zone before the authorities in that State are in a position to apply the necessary safeguards. This is especially true when civil authority breaks down or temporarily ceases to function.
- It is not uncommon in an emergency or unsettled situation for children to be temporarily separated from their parents or other family members who may be looking for them. Moreover, parents may send their children out of the area for their safety. Premature and unregulated attempts to organise the adoption of such a child abroad should be avoided and resisted with efforts to reunite children with relatives or extended family being given priority. So whilst some lone refugee children may come to the UK for temporary care, we would wish to support them to be reunited with their parents or other relatives where this is possible.

How can people help now?

- People can already make donations to charities and volunteer to help local refugee support groups. We would encourage that to continue but we will also be consulting partners on options to do more - including ways to sponsor refugees alongside those supported by the government.
- People can also refer to the Government release on the GOV.UK website <https://www.gov.uk/government/news/syria-refugees-what-you-can-do-to-help--2>

The British Red Cross has created a Crisis Helpline on 0800 107 8727 to triage calls to appropriate organisations.

Key facts and statistics on resettlement

- The UK operates three resettlement routes, Gateway, Mandate and the Syrian Vulnerable Persons Relocation (VPR) Scheme, working closely with the UNHCR on each. The Gateway programme has run for 10 years and has resettled almost 6,400 people in that time, and aims to resettle around 750 people a year.
- On the VPR, we are working closely with the UN High Commissioner for Refugees to identify some of the most vulnerable displaced Syrians and bring them to the UK.
- The scheme is helping those in the greatest need who cannot be supported effectively in the region by giving them protection and support in the UK – the scheme prioritises people requiring urgent medical treatment, survivors of torture and violence, and women and children at risk. The current criteria for acceptance under the scheme will be expanded to ensure more of those in the greatest need are resettled in the UK.
- Since the first arrivals in March 2014 to the end of June 2015 (the last published figures), 216 people were relocated to the UK under the Syrian VPR scheme.
- Since the crisis began in 2011 we have granted asylum or other forms of leave to almost 5,000 Syrian nationals and dependants through normal asylum procedures.
- In response to the increase in asylum claims, the UK introduced a concession in October 2012 for Syrian nationals who are already legally present in the UK, allowing them to extend their leave or change immigration category without leaving the UK. This currently runs to 28 February 2016.

How does the current Syrian Vulnerable Persons Scheme work?

The UK sets the criteria and then UNHCR identifies and submits potential cases for our consideration. Cases are screened and considered on the papers and we retain the right to reject on security, war crimes or other grounds. Once the screening process has been completed a full medical assessment is conducted by the International Organisation for Migration (IOM) in the host country. Full details of the case and medical history are sent to the local authority for assessment of need, including whether suitable accommodation and care are available locally. The local authority then provides details of the estimated costs.

Eligibility is then confirmed and IOM start the visa application process. UK Visas and Immigration International issue UK visas (3 months Leave Outside of the Rules) and on arrival, arrangements are made for Biometric Residence Permits to be issued with 5 years' humanitarian protection.

Worldwide trends

How many refugees are there worldwide?

- The UNHCR reports that by the end of 2014, the number of forcibly displaced individuals worldwide stood at 59.5 million. There are 19.5 million refugees worldwide. 51% of refugees were under 18 years old.

Where do most refugees come from?

- Syria is the world's largest source country of both internally displaced people (7.6 million) and refugees (3.88 million at the end of 2014). Afghanistan (2.59 million) and Somalia (1.1 million) are the next biggest refugee source countries. This is followed by Sudan (648,900) and South Sudan (616,200).

What are the reasons for refugee flows?

- The humanitarian situation in **Syria** continues to deteriorate. The number of people in need of humanitarian assistance now stands at 12.2 million, and four in every five Syrians live in poverty. Flagrant human rights violations, indiscriminate attacks against densely populated areas and targeting of civilian infrastructure, in particular aerial bombardment by the Assad regime, continues in violation of international norms.
- **Afghanistan** remains one of the poorest countries in the world, with 1 in 3 people living below the poverty line and without access to basic services or opportunities to support their families. The ongoing insurgency across many parts of the country means people are facing violence as part of their daily lives and has given rise to a sharp increase in population displacement. As of December 2014, UNHCR listed over 2.5m Afghans as refugees and over 800,000 Afghans are internally displaced.
- **Somalis** are the third largest group, following Eritreans and Sudanese, arriving in Europe from the East African region. They make up 9% of migrants to Europe. The main causes of migration from Somalia are understood to be spikes in insecurity and humanitarian need (driven by conflict and Al-Shabaab activity). There are also likely to be a significant number of 'economic migrants' looking for better economic opportunity than exists in Somalia. Large diaspora communities in the UK (thought to be 3-500,000) and elsewhere in Europe create a pull factor.
- We believe that **Sudan** is primarily a country of transit, though there are refugees fleeing conflict in Darfur. Numbers of economic migrants from Sudan are unknown - if someone claims to be from Darfur it is difficult to prove otherwise. The security services have periodic clamp-downs on Eritreans in Sudan (usually in Khartoum) with some forcible returns for not having the correct paperwork.

General Asylum Statistics

- There were 25,771 asylum applications (main applicants) in the UK in the year ending June 2015. (Including dependants, there were 32,508).
- In recent quarters, we have seen fewer applications from some countries with traditionally higher refusal rates (Pakistan, Bangladesh and Nigeria), and more from countries with higher grant rates (Eritrea, Syria, Sudan).
- In the year ending June 2015, the highest numbers of applications came from Eritrean (3,568), Pakistani (2,302) and Syrian (2,204) nationals (main applicants only). Including dependants, the largest number of asylum applications came from Eritrea (3,624), Pakistan (3,276) and Iran (2,533).
- Compared to the year ending June 2014, the number of initial decisions on asylum applications (main applicants) increased by 107% in the year ending June 2015, to 28,538 from 13,795. (Including dependants, initial decisions increased by 117%, to 38,373 from 17,697).
- The total number of outstanding initial decisions has fallen in recent quarters (main applicants only – Q3 2014: 18,149, Q4 2014: 17,067; Q1 2015: 12,878, Q2 2015: 12,368; main applicants and dependants – Q3 2014: 24,369, Q4 2014: 22,898; Q1 2015: 16,879, Q2 2015: 16,163).
- We are certifying more cases, thus refusing clearly unfounded cases a right of appeal in the UK. In the year ending June 2015, 14% of all refusals for main applicants were certified, unchanged from the year ending June 2014. (Including dependants, 15% of refusals were certified, compared with 14% in the previous year).

Support

- We currently support a total of over 36,000 asylum seekers (main applicants and dependants; sections 95, 98 & 4). At the end of June 2015, 30,457 asylum seekers and their dependants were being supported under Section 95.
- There are over 26,000 asylum seekers in dispersed accommodation, in over 200 local authorities. Our dispersal policy ensures a reasonable spread amongst those local authorities.

UASCs

- There were 2,168 asylum applications from Unaccompanied Asylum-Seeking Children (UASCs) in the year ending June 2015, an increase of 46% from the year ending June 2014 (1,488). These applications represented 8% of all main applications for asylum.
- Despite the recent increase in UASC applications, they remain below the peak of 3,976 in 2008.

Resettlement

- In the year ending June 2015, 166 Syrians were relocated to the UK under the VPR scheme (216 since the scheme began in March 2014). This is in addition to almost 5,000 Syrians (including dependants) who have been granted protection under our normal asylum rules since the crisis began in April 2011.

- In the year ending June 2015, we resettled 640 refugees under the Gateway Resettlement Programme. Since 2004, we have resettled 6,380 refugees under the programme and we met our target in the last financial year (April 2014 to March 2015), resettling over 750 refugees.

Removals

- In the last two years (July 2013 to June 2015) there were over 8,500 enforced removals of people who had sought asylum at some stage (including dependants). In the same period there were over 5,500 voluntary departures of people who had sought asylum at some stage.

International comparisons

- The number of asylum applications to the EU in the year ending June 2015 was the highest it has been since 2002.
- There were an estimated 754,700 asylum applications by main applicants and dependants to the 28 EU countries in the year ending June 2015 (an increase of 65% on the previous year). Of these, the UK received 32,600 (4% of EU asylum intake) compared to 259,300 in Germany, 92,600 in Hungary and 78,400 in Sweden. In 2010, the EU received 241,100 applications for main applicants and dependants, and of this the UK received 22,600 (9% of EU asylum intake).
- The UK had the seventh highest number of asylum applications within the EU in the year ending June 2015 (fifth in year ending June 2014). In the year ending June 2015, Germany, Hungary, Sweden, Italy, France and Austria received more asylum applications than the UK.
- Asylum claims in Germany were eight times those in the UK (259,300 vs 32,600) in the year ending June 2015. Hungary had the second highest number of applications in the year ending June 2015 after being ranked ninth during the previous 12 months.
- When the relative size of resident populations of the 28 EU countries is taken into account, the UK ranked 16th in terms of asylum seekers per head of the population in the year ending June 2015 (it was also 16th in the previous year).

Agenda Item 14

Communities, Housing and Environment committee

08/12/2015

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

Yes

Public Health Improvement service for adults consultation

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	John Littlemore
Lead Officer and Report Author	Michael Mckeen
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. That the Committee endorses the consultation response set out in Appendix C.

This report relates to the following corporate priorities:

Securing a successful economy for Maidstone Borough

Timetable

Meeting	Date
Communities, Housing and Environment Committee	8 th December 2015

Public Health improvement service for adults consultation

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Kent County Council is consulting on their public health commissioning proposal for Kent adult's health improvement.
 - 1.2 The consultation closes on the 14th December and the Committee is invited to consider comments received by the Housing and Communities Manager.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 Public Health currently commission services that focus on individual behaviours and encouraging positive lifestyle changes such as; increased physical activity, healthier eating, and smoking cessation. Many of these services are universal and open to anyone who needs them whilst others are only accessible through referral from your GP or other health professional. These include: Healthy weight services, Stop smoking services, Health checks, Health trainers, Maintaining mental wellbeing and physical activity services.
 - 2.2 These services currently work independently from each other; a model which has been delivered for several years. Public Health now has the opportunity to move towards a more integrated service following the NHS 5 year forward view, which has highlighted the need for increased prevention to achieve health outcomes for the public.
-

3. AVAILABLE OPTIONS

- 3.1 Option 1, Leave services as they are, and simply re-commission

Advantages:

- This would allow for continuity of service

Disadvantages:

- Would continue to treat individual conditions rather than the whole person
- Would not address referral and access gaps present in the existing model
- Would not promote efficiencies

- 3.2 Option 2, develop an integrated model but restrict access to high risk groups only

Advantages:

- Similar structural and outcome advantages to the model being proposed with the additional benefit of ensuring targeted use of resources.

Disadvantages

- Would mean there is no Universal offer of support
- Could leave those currently engaged with services without support
- Presents commissioning challenges with existing providers

3.3. Option 3, preferred option, an integrated model open to the public as a whole:

Advantages:

- Provides a consistent point of access for people to get the support they need
- Treat the person rather than a single issue.
- Allows for efficiency of contract delivery, allowing extra resource to be released to supporting people.

Disadvantages:

- Potential loss of specific expertise.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

The proposed model would take a holistic approach to each person that comes into the service. This means that the service would support the individual to address a range of factors that might be affecting their lifestyle choices and barriers faced by them in changing their unhealthy behaviours.

The approach looks beyond individual behaviours, seeking to improve the overall health and wellbeing of the person. It would save the individual needing to visit a range of different services, as it is integrated, rather than individual services for a particular condition e.g. smoking or excess weight.

It is proposed that there would be simple access and referral pathways to support residents to access the most appropriate services quickly, reducing the need to visit multiple services.

Full background information including options can be found in Appendix A

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1** The Maidstone Health and Wellbeing board has been consulted on the Council's response in Appendix C and were in agreement with the feedback provided.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1** The committee's decision will be communicated to KCC as the council's formal response.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Securing a successful economy for Maidstone Borough – Improving the health prospects of Maidstone residents and ensuring the effective use of funding to support positive health outcomes.	Head of housing and communities
Risk Management	None	Head of Service or Manager
Financial	None	Section 151 Officer & Finance Team
Staffing	none	Head of Service
Legal	None identified at this stage	Team leader Corporate Governance
Equality Impact Needs Assessment	Appendix B is the completed impact assessment put together by KCC	Policy & Information Manager
Environmental/Sustainable Development	none	Head of Service or Manager
Community Safety	None	Head of Service or Manager
Human Rights Act	None	Head of Service or Manager
Procurement	None	Head of Service & Section 151 Officer
Asset Management	None	Head of Service & Manager

8. REPORT APPENDICES

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

- Appendix A: Health Improvement service consultation
 - Appendix B: Equality impact assessment
 - Appendix C: Health improvements questionnaire (Maidstone Borough Councils recommended response)
-

9. BACKGROUND PAPERS

Appendix A

The Commissioning of Kent Adults Health Improvement Service Consultation Document

kent.gov.uk/healthimprovement

This publication is available in alternative formats and can be explained in other languages. Please contact 03000 421533. For Text Relay, please use 18001 03000 421533. This number is goes to an answer machine which is monitored during office hours.

1. Purpose of this consultation

We want to hear your views on the proposed integrated model for Health Improvement Services.

- Your views will assist Council Members in the decision making process for agreeing the delivery of Health Improvement Services from October 2016.
- KCC wants to ensure that the new model meets the needs of Kent residents and will be accessible to all who need support.

The consultation will run for six weeks, from Monday 2 November to Monday 14 December 2015 (inclusive).

2. Introduction

Kent County Council has a vision to improve and protect the health and wellbeing of the people of Kent, enabling them to lead healthy lives, with a particular focus on the differences in outcomes within and between communities.

To achieve this we deliver and commission a range of services to improve people's health and reduce health inequalities so that people live healthier for longer. Public Health receives a grant from central government to achieve this. Health inequalities are preventable and unjust differences in health status experienced by certain population groups.

KCC undertook responsibility for Public Health in April 2013 and since this time has been carrying out a continuous review of the approach to delivering public health to residents of Kent. Public Health strives to deliver effective prevention and support services to improve health outcomes. Health Improvement Services form a key part of this work.

Public Health wants to ensure that all its services are based around the needs of the person, encourage personal responsibility and, wherever appropriate, delivered within integrated services. Most importantly, all service activity must contribute to reducing health inequalities.

3. Background

Public Health currently commission services that focus on individual behaviours and encouraging positive lifestyle changes such as; increased physical activity, healthier eating, and smoking cessation. Many of these services are universal and open to anyone who needs them whilst others are only accessible through referral from your GP or other health professional. These include:

Healthy Weight Services

These services support those wishing to lose weight to access the most appropriate weight management programme. These programmes are delivered through a range of settings including community settings, GP surgeries, and pharmacies.

Stop Smoking Service

These services support those wishing to quit smoking. This service is provided in a variety of settings, including community settings, GP surgeries and pharmacies.

Health Checks

The NHS Health Check programme aims to help prevent heart disease, stroke, diabetes, kidney disease and certain types of dementia. Everyone between the ages of 40 and 74, who have not already been diagnosed with one of these conditions or have certain risk factors, will be invited (once every five years) to have a health check. This will assess their risk of heart disease, stroke, kidney disease and diabetes and they will be given support and advice to help them reduce or manage that risk. Health checks are delivered in GP surgeries, pharmacies and community settings.

Health Trainers

Health Trainers provide one to one support for people that want to make a behavioural change across their general lifestyle, and can support that individual around a range of health topics, such as; physical activity, smoking or alcohol. They focus on motivating people and explaining how a healthy lifestyle can be beneficial. This might be done verbally or through providing information in a written format, or it might mean referring individuals to other agencies or organisations for further

support or resources. The exact role will depend upon the needs of the community and individual, tending to work in community settings.

Wellbeing services

These services help people to maintain mental wellbeing, help tackle stigma in communities and raise awareness of support services that are available.

Physical activity

Physical activity services support people, whose current level of activity puts their health at risk, to achieve a more physically active lifestyle that will improve their health outcomes in the long term.

4. Our current services

The way that Public Health currently commissions means that these services work independently and each have specific outcomes to achieve. For example; in the smoking services, success is measured by how many people have quit smoking. An individual may need to access a number of these services if they have more than one health behaviour that they wish to change. This model of service has been delivered for several years, however, Public health now has the opportunity to improve services and help more people access the support they need. Some services have already started to move towards more integrated services and early indications show improved outcomes and efficiencies.

5. Need for change

The NHS Five Year Forward View was published in 2014 and highlighted the need to radically increase the role of prevention to achieve improvements in health outcomes for the public, reducing health inequalities and promoting healthier lifestyles generally. Similarly, the Care Act, which became law in 2015 also emphasises the importance of prevention, in addition to, outlining key responsibilities for local authorities in addressing this.

Public Health is responsible for delivering effective prevention work via Health Improvement Services, and in April 2015 KCC began a review of the use of the public health grant and the programmes commissioned through the grant. The review has provided a thorough understanding of the potential and the limitations of the current services, in the context of new legislative obligations and guidelines. This has presented a clear case for change and has identified opportunities for a new, more integrated approach. Kent will join many other Local Authorities that are proposing improved service models that deliver a more integrated and holistic approach to health improvement services, with the aim of helping residents live healthier lives, with the appropriate support to make difficult lifestyle changes.

The proposed model would integrate the current separate healthy weight, smoking cessation, physical activity and Health Trainer services and include elements of health checks, alcohol and sexual health services, with mental and emotional wellbeing underpinning the whole service delivery.

6. Proposed model

The proposed model would take a holistic approach to each person that comes in to the service. This means that the service would support the individual to address a range of factors that might be affecting their lifestyle choices and barriers faced by them in changing their unhealthy behaviours. The approach looks beyond individual behaviours, seeking to improve the overall health and wellbeing of the person. It would save the individual needing to visit a range of different services, as it is integrated, rather than individual services for a particular condition e.g. smoking or excess weight. It is proposed that there would be simple access and referral pathways to support residents to access the most appropriate services quickly, reducing the need to visit multiple services.

The key advantages of the proposed model are that it will allow Public Health to deliver Health Improvement Services in a way that;

- Provides a consistent point of access for people to get the support they need
- Treats the person rather than a single issue

- Allows for efficiency of contract delivery, allowing extra resource to be released to supporting people

In addition to making access to Health Improvement Services simpler and more co-ordinated, the proposed model will result in improved signposting to other local services that provide support on topics such as mental wellbeing, housing or help getting work as a way to improve the chances and motivation of someone being successful in making lifestyle changes that will improve their long term health.

The proposed Health Improvement Service model will, pending the outcome of this consultation, be commissioned to start delivery in Autumn 2016.

An Equalities Impact Assessment has been completed and can be found in the accompanying documents for this consultation at kent.gov.uk/healthimprovement. The service would see greater investment in motivating people to change their behaviours. This would provide individuals with the skills to help themselves and help people sustain their change in behaviour. It would hope to better utilise web-based support e.g. apps to lose weight, signpost to local services and positive opportunities in the community. The approach would see the development of community champions.

The service will remain available to everyone and maintain a universal offer, whilst prioritising those with the greatest health needs. For example, the service will be promoted more in communities with higher health inequalities or particular risk factors.

Case study:

Adam is a 53 year old Lorry driver who undertakes a variety of unhealthy behaviours including; smoking, overeating and drinking, he is also physically inactive. Since the birth of his grandchildren, Adam has been trying to give up smoking and lose weight, however after some unsuccessful attempts he visits his GP for help.

Current Service

Adam visits his GP for support for support to quit smoking; Adam's GP refers him to the Stop Smoking Service, who contact Adam 2 days later.

Adam is made an appointment with the Stop Smoking Service who provide him with specialist support over 7 weeks with the aim to be smokefree for 4 weeks. Adam then discusses his issue with weight, activity levels and alcohol. The Stop Smoking Service advises Adam on increasing his activity and refers him to the Healthy Weight Team.

The Healthy Weight team make contact with Adam following the referral and book Adam to see a Healthy Weight Adviser at his local Pharmacy. Adam is then seen for 12 weeks for support for losing weight. Adam is advised again to increase his physical activity and is signposted to a local healthy walk activity in his area. He is also referred onto the drugs and alcohol recovery service for support on his alcohol consumption.

Proposed Integrated Model

Adam visits his GP who explains about the support available to aid him in becoming healthier. The GP gains consent from Adam and sends his details via email to the Health Improvement First Point of Contact Team.

2 days later Adam receives a phone call from Hannah, who speaks to Adam to gain an understanding of his lifestyle, how he would like support, what he has tried and what his personal outcomes were. Adam explains that he would like to be fitter and healthier and his main priority is to quit smoking. Hannah asks some basic questions to assess Adam's motivation and gains consent for an appointment to be made with her the following week at the local venue. Hannah explains that she will see Adam for 12 weeks with the intention that by week 7 he would have quit smoking. Hannah also explains that she will advise on healthy eating and drinking during these sessions and will then focus on eating more directly for the following 5 weeks, with the hope to achieve Adams fit and healthy outcome. During the weekly sessions

Hannah motivates Adam, providing advice on all his unhealthy behaviours, pharmacotherapy and support.

By week 12 Adam was able to quit smoking, reduce weight, increase his physical activity and cut down on drinking. Hannah then discharges him and offers Adam a 'Community Champion' to support him with continuing with his new behaviours.

7. Key outcomes to be achieved

The key outcomes that the new integrated service will aim to achieve are the same as those identified for the current individual services namely:

- Improve the wellbeing of the population
- Reduce levels of excess weight
- Increase levels of physical activity
- Reduce smoking prevalence in general population
- Reduce levels of smoking during pregnancy

8. Key principles

There are a number of key principles that underpin the service for the proposed model:

- **Integrated.** People will be able to access a range of different health improvement / healthy lifestyle support from one place
- **Targeted** towards those who need it most but available to all where necessary
- **Motivational and positive focus.** Motivating people to want to change their behaviours
- **Promote independence** helping people to develop the skills to lead healthier lifestyles and become less reliant on services.

- **Flexible and tailored** to meet changing local needs and priorities

9. Engagement and service development

The proposed model has been designed using detailed needs assessment research, Mosaic data, the Public Health Observatory and engagement with service users. Details of the needs assessment and linked research may be viewed in the background documentation available at kent.gov.uk/healthimprovement.

Feedback received via service user and community engagement was considered carefully while developing the model and is summarised below:

- Services should fit in with where you live
- Services should be in the community as far as possible, instead of health locations
- Services should be in places where everyone uses resources to get on with life
- You need a single contact for the service
- There should be good signposting to resources and services so that you can take personal responsibility for what support you want to receive
- Services should be accessible when you want them, avoiding waiting lists
- The service should empower service users
- The service should not be stigmatised

Market engagement has also taken place with both current and potential providers. This has indicated support for the approach and a market that could deliver this type of model.

Throughout September and October 2015 Public Health have presented to each of the Health and Wellbeing Boards to get their input on the proposed model. The main findings from this engagement work were;

- Services should be open to anyone who is motivated to make a change rather than being restricted to those people in the lowest socio-economic groups.

- There should be much stronger coordination of messages encouraging people to make a change in their lifestyle, and an increase in campaigns and marketing to promote healthier lifestyles.
- There was support for an integrated service that delivers holistic health improvement.
- It is important to localise services to meet the needs of different areas.

As part of this consultation, focus groups are being held with samples of key stakeholder groups to further explore the model and how best the services may be delivered within the proposed integrated approach.

10. Alternative service models

When designing the proposal we looked at two other ways to deliver the Health Improvement Service, before identifying the proposed model as our preferred option.

Alternative 1 – Leave services as they are, and simply re-commission

Advantages:

- This would allow for continuity of service

Disadvantages:

- Would continue to treat individual conditions rather than the whole person
- Would not address referral and access gaps present in the existing model
- Would not allow for efficiencies

Alternative 2 – Develop an integrated model but restrict access to high risk groups only

Advantages:

- Similar structural and outcome advantages to the model being proposed with the additional benefit of ensuring targeted use of resources.

Disadvantages

- Would mean there is no Universal offer of support
- Could leave those currently engaged with services without support
- Presents commissioning challenges with existing providers

11. Public Consultation – have your say

Public Health want to know whether you think that the proposed model for Health Improvement Services will meet the needs of Kent’s residents in an accessible and holistic way that will result in the desired outcomes. Your views will also help Public Health to maintain good services if you can comment on how you would like to access the service in terms of setting, online accessibility and information.

Please visit www.kent.gov.uk/healthimprovement to complete the online questionnaire. Alternatively, please complete the attached questionnaire and return to Freepost - KCC PUBLIC HEALTH CONSULTATIONS.

Public Health value all the feedback and views provided. By completing the questionnaire you will be assisting us to ensure we develop a model that meets the needs of Kent residents.

Glossary of Terms:

Outcomes

The good results Public Health are hoping to get from the proposed service.

Health inequalities

Differences in life-expectancy and health across communities that are preventable and unfair.

Brief advice

Short sessions with professionals who give simple tips and guidance on changing unhealthy lifestyles.

Community Champions

Volunteers that work in communities to encourage and support lifestyle changes to help people become healthier.

**Appendix B
KENT COUNTY COUNCIL
EQUALITY ANALYSIS / IMPACT ASSESSMENT (EqIA)**

**This document is available in other formats, Please email
alternativeformats@kent.gov.uk OR
telephone on 03000 421533.**

Directorate:

Social Care, Health and Wellbeing

Name of policy, procedure, project or service

Health Improvement Service

What is being assessed?

The Integrated Health Improvement Service

Responsible Owner/Senior Officer

Dr. Faiza Khan, Consultant in Public Health

Date of Initial Screening

26th Oct 2015

Date of Full EqIA : during contracting

Update each revised version below and in the saved document name.

Version	Author	Date	Comment
V1	Rachel Coyle, Wikum Jayatunga	27/10/15	
V2	Wayne Gough	28/10/15	Action plan updated
V3	Rachel Coyle	30/10/15	Screening grid and action plan updated
V4	Rachel Coyle	30/10/15	Revisions to action plan
V5	Rachel Coyle	02/11/15	Revisions to action plan
V6	Rachel Coyle	02/11/15	Revisions to action plan

Screening Grid

Characteristic	Could this policy, procedure, project or service, or any proposed changes to it, affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact HIGH/MEDIUM LOW/NONE UNKNOWN		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative	Internal action must be included in Action Plan	If yes you must provide detail
Age 137	<p>YES - The proposed Health Improvement Service (HIS) would be open to adults of all ages however we note some aspects of the model could be used preferentially by different age groups.</p> <p>Smoking prevalence is highest in young adults at (32%) in men aged 25-34 and women (29%) in the 20-24. It is noted that young people are low users of services such as smoking cessation. This discrepancy between service use and smoking prevalence indicates that the current stop smoking</p>	HIGH	MED	<p>Internal Action – not required</p> <p>Further assessment - Public consultation will be used to ensure services are delivered in a manner which is accessible and acceptable to a variety of age groups, e.g. medium of consultation, preferred location.</p> <p>Data on service use by age should be recorded and reported by providers, so that any underutilisation by age group can be recognised and acted on.</p> <p>With regards to underutilisation of stop smoking services by younger adults this will be addressed within the focus groups to shape the model.</p>	<p>YES – through shaping the proposed model through public consultation we have the opportunity to create a service which is more accessible. Therefore there should be a greater impact on the various health behaviours addressed in the model.</p> <p>For example we would explore using technology to promote novel ways of accessing the service, e.g. use of online services.</p> <p>Currently some services have a range of delivery methods, for example stop smoking services can be delivered through an online group, which improves accessibility for people unable to attend the services due to either time constraints or issues with mobility.</p>

<p>138</p>	<p>service is underutilised by younger adults.</p> <p>Obesity – local data indicates that older people (>40years) are higher users of weight management services. However this group is at higher risk of obesity related illness, and therefore could benefit disproportionately.</p> <p>NHS Health Checks, carried out once every 5 years, are targeted at individuals aged 40-75. Between 2013-2018 there will be an estimated 455,591 individuals eligible for a Health. Of these individuals 8.7% have been offered a health check in 2015/16, of whom 1 in 5 have accepted. If this trend was to continue we would expect that over the 5 year period until 2018 52.7% of eligible Kent residents would be offered a Health Check and only 19.1% would have had</p>			<p>Further action - Health checks will be offered as part of the proposed model. Data should be collected to monitor uptake of health checks relative to current uptake.</p>	<p>Through the Health Improvement Service we would aim to increase online accessibility to include some aspects of healthy weight, physical activity and mental health services. The Health Improvement Service also acts as a hub for referral to associated health improvement programmes targeted to need. Where these services are targeted at older people access for users with mobility issues has been incorporated into the programme. For example, if appropriate transport can be arranged to the Postural Stability Service, a service aims to reduce falls in older people.</p> <p>Chronic disease, such as heart disease and stroke, is more common in older people. Increasing the uptake of Health Checks in this group would facilitate early health interventions and help to prevent more serious illness.</p> <p>Health Trainers would play a key role in delivering the Health Improvement Service. Health Trainers are skilled in assessing new clients and ensuring that advice is tailored to suit each individual, e.g. age appropriate</p>
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	one. Increasing uptake in this group could have a positive impact on health.				physical activity recommendations.
139	<p>Disability – long term illness</p> <p>NO – the Health Improvement Service would be open to all adults, regardless of physical disability or learning difficulties. It is recognised that chronic illness is associated with a higher risk of mental health problems, and with a higher prevalence of risk factors for chronic illness such as smoking, overweight and physical inactivity. The integrated service would offer more opportunities to address a wide range of issues which are associated with ill health than separate services.</p>	HIGH		<p><u>Long-term illness</u> – No internal action required.</p> <p>Further action – Focus groups will be carried out to ensure that the views of a wide range of service users are represented. This will include users with chronic illness, physical disability, sensory impairment and mental health conditions. In addition, focus groups will include the providers of the current services which we propose to integrate, for example the physical activities services and the mental health and well-being services. It is recognised that current providers, including NHS providers, and voluntary organisations, have extensive experience in issues relating to access of their services by particular populations and it is important that this be considered during the consultation.</p>	<p>Yes – the integrated model offers greater opportunities for health improvement in people with long-term illness. Venues for face-to-face consultations will be accessible to people with disabilities.</p>
	<p>Disability – learning difficulties</p> <p>YES – 6490 of adults registered at a GP in Kent and Medway were documented as having a learning disability, equivalent to 0.46% of</p>		Unknown	<p><u>Learning disability –</u></p> <p>Internal action – Monitoring of service use by adults with learning difficulties will be needed to ensure uptake is as expected.</p>	<p>All documentation regarding the service will be available in Easy Read format.</p> <p>All service information will be produced in accordance with KCC</p>

<p>140</p>	<p>adults. However it is recognised that many adults with learning difficulties will not have been given this diagnosis, thus this figure is an underestimate. The evidence shows that eligible adults in Kent with learning difficulties are less likely to have an NHS Health Check than adults without learning difficulties – 33.2% compared to 40.2%, which is lower than the England average, 52.7%. This represents a missed opportunity for health promotion.</p>			<p>Further action - Public consultation should include getting input from people living with learning disabilities and carers to ensure that the service is appropriate and accessible. Focus groups may be used to ensure that representation of the views of adults living with learning disabilities are represented.</p>	<p>and UK government guidance on inclusive communication.</p>
<p>Gender</p>	<p>No – the Health Improvement Service would be open to all adults irrespective of gender. Practitioners within the services would assess each service user as an individual and tailor support and interventions to individual need. A key component of this is that practitioners have a broad range of knowledge</p>	<p>NONE</p>	<p>NONE</p>	<p>Internal action – monitoring of service uptake by gender will be necessary to evaluate the impact of the Health Improvement Service. This is necessary to detect any change in uptake, either positive or negative, from the current models of care delivery.</p>	<p>A key benefit of the Health Improvement Service would be that there is a central point of access to information about a range of health improvement services, and the potential to signpost appropriate resources to service users. Facilitating access may increase uptake, although this is likely to have an equal impact on men and women. Monitoring of uptake will be needed to evaluate this.</p>

	regarding health improvement in adults including gender specific health issues.				
141	<p>Gender identity</p> <p>Unknown – There is very little national health data relating to people who identify as transgender, and experiences of healthcare. Data collection is compromised by the fact transgender people may be reluctant to discuss or disclose gender identity due to experience of stigma. In addition, staff may not feel comfortable or qualified to discuss gender, or be concerned that this may impinge on their relationship with the client.</p>	UN-KNOWN	UN-KNOWN	<p>Internal action - All staff providing care should have completed equality and diversity training This must include training the issues which may be faced by service users in relation to gender identity.</p>	
Race	<p>Yes – Approximately 6.3% of Kent residents identify as belonging to a black or minority ethnic (BME) group, equivalent to approximately 95,600 individuals living in Kent. It is recognised that certain illnesses and health issues occur more or less commonly in different ethnic groups. For example</p>	HIGH	LOW	<p>Internal Action - there should be monitoring of the characteristics to service users, to ensure by a particular group is not lower than expected.</p> <p>Further action - Services should be appropriately tailored to reflect different needs of service users. Public consultation will facilitate this. In Kent Health Trainers from a range of backgrounds, including from the GRT community, have been used to help</p>	<p>Public consultation and focus groups will be used to identify any issues which may make the service less accessible to different ethnic groups.</p> <p>Services referral criteria should be evidenced based, i.e. they must take account of the different needs of service users from different ethnic backgrounds. For example national guidance (NICE 46 2013)</p>

<p style="text-align: center;">142</p>	<p>people from certain ethnic groups, including Black African/Caribbean/British and South Asian, have higher risk of developing Diabetes at a lower Body Mass Index (related to weight and height) than a person who is White European.</p> <p>The term gypsy, roma and traveller (GRT) encompasses a wide range of individuals with a diverse range of health issues. Utilisation of healthcare services is low in this group. There is a long tradition of GRT people living in Kent, in particular in East Kent. The prevalence of people who identify as GRT is 0.3%, or 4500 people. The health needs of this group should be a focus of any health improvement interventions.</p>			<p>increase access to and utilisation of healthcare by minority ethnic groups. This should continue in the proposed model.</p>	<p>recommends that service users from Black, Asian and minority ethnic groups should be referred to tier 2 weight management services using a lower Body Mass Index Criteria than White Europeans. This must be a criteria used when shaping the service to ensure that treatment is fair and appropriate.</p>
<p>Religion or belief</p>	<p>Yes – Healthy lifestyles may be influenced by religious beliefs and cultural practices. Initially, healthy lifestyle services or</p>	<p>MED-IUME</p>	<p>MED-IUM</p>	<p>Internal action – not required. Further action - Currently some healthy living services are delivered in faith centres, e.g. stop smoking and healthy weight services. We would anticipate this</p>	<p>Yes – location of some services within faith centres promotes access for clients using these centres, and would increase community engagement with the</p>

	interventions may feel inappropriate.			will continue in the proposed model.	Health Improvement Service.
Sexual orientation	Yes – it is recognised that some individuals may have experienced stigma within the context of healthcare utilisation, which could act as a barrier to use of services.	LOW	LOW	Staff providing care within the model should have completed equality and diversity training to include issues in relation to sexual orientation, in addition to the wider range of protected characteristics.	
Pregnancy and maternity 143	No – certain healthy living interventions are offered in pregnancy, e.g. smoking cessation services. These will not be affected by the proposed Health Improvement Service. In addition, a relationship between providers within the HIS with specialists such as midwives could improve the uptake of services in pregnant women.	MED-IUM	LOW	Further action - There should be consultation with providers of Tier 3 and 4 services (e.g. stop smoking services for pregnant women) to promote help develop good working relationships between providers in the proposed HIS and Tier 3/4 providers.	Yes – through increasing access to healthy living services through referrals to and from Tier 3 and 4 services, which are often multidisciplinary services used for more complex health interventions.
Marriage and Civil Partnerships	No – the HIS would be a universal service open to all adults irrespective of marital status or civil partnership status.	NONE	NONE	No further action required.	
Carer's responsibilities	Yes – carers provide unpaid support to family members or friends. In 2011 10.4% of Kent residents provided unpaid	HIGH	HIGH	Further action – consultation should include seeking input from the Kent Carers Collaborative. Data should be collected on the use of services by carers, to establish if this group	Yes – flexible times and mediums of access (e.g. extended opening, online consultations) could increase accessibility for carers with limited free time.

<p>144</p>	<p>care, this is likely to have. Carers may not have sufficient time to look after their own health or access healthcare for concerns. In addition, the role of a carer can be a particularly stressful one. Furthermore, carers are more likely than non-carers to report fair, bad or very bad health. Nationally 6.1% of carers (compared to 4.8% of non-carers) report their health to be bad or very bad, this would be equivalent to around 1000 carers with bad or very bad health in Kent.</p>			<p>is adequately represented in service users.</p>	<p>A relationship between providers and the Kent Carers Collaboration would facilitate knowledge of the Health Improvement Service among carers and increase access.</p>
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Part 1: INITIAL SCREENING

Proportionality - Based on the answers in the above screening grid what RISK weighting would you ascribe to this function – see Risk Matrix

Low	Medium	High
Low relevance or Insufficient information/evidence to make a judgement.	Medium relevance or Insufficient information/evidence to make a Judgement.	High relevance to equality, /likely to have adverse impact on protected groups

State rating & reasons:

Medium – evidence of potential positive impacts, in particular in relation to individuals with chronic illness. There is a lot of potential to shape the proposed model through the consultation process, to ensure that it is relevant and appropriate to the groups described above.

Context – What we do now and what we are planning to do

In April 2015, KCC Public Health began a process of transforming the way Health Improvement services are commissioned and delivered throughout the county. The NHS Five Year Forward View, published in 2014, highlighted the need to radically increase the role of prevention to achieve improvements in health outcomes for the public, reduce health inequalities and promote healthier lifestyles. Similarly, the Care Act of 2015 also emphasises the importance of prevention in addition to outlining key responsibilities for local authorities in addressing this. Delivering better prevention is the responsibility of local authority Public Health teams through the Health Improvement services commissioned.

Currently, KCC Public Health commissions services that focus on individual health and lifestyle behaviours. Some are open for all members of the public to ‘self-refer’ while others require referral from health professionals. The services will be:

- Stop smoking services
- Healthy Weight Services
- Physical activity programmes
- Mental Health services
- Health Checks

Currently, these services operate independently. This is in contrast to the fact that many users of these services suffer from multiple health problems, particularly those from lower socio-economic backgrounds. Navigating these multiple different services in a disjointed way is difficult for service users who would potentially benefit from a more integrated approach. As demonstrated in the model below, the Health Improvement Service would act as a central hub through which services users could access advice on a range of health

behaviours which are relevant to them, (smoking, healthy weight, mental well-being), in one location.

Kent is not alone in considering a more integrated approach to health improvement; many other Local Authorities, such as Dorset and Suffolk, are undertaking similar transformation programmes. Integration is also a key aspect of the NHS Five Year Forward View, which encourages integrated care as a means of facilitating coordinated patient care along the entire patient journey and collaborative working of service providers. Currently, examples of integration are in their early stages therefore there is limited evidence regarding their impact. Ongoing evaluation of the proposed models will be essential and would be built in to implementation.

Aims and Objectives

KCC are proposing a new integrated model for Health Improvement Services, based around a patient-centred approach to addressing the needs of the individual. It looks beyond individual unhealthy behaviours to consider the range of factors in their lives that contribute to these behaviours, with the aim being to improve their overall health and wellbeing. This would occur through a single point of access in to a 'Healthy Lifestyle Service' (either by self-referral via a website/phone or referral from health professionals). Once in the system, they can be assessed in a holistic way, and the most appropriate steps can be identified to address the range of factors affecting their health. This may involve referral to specialist services, but could simply involve brief advice and signposting to self-help apps or existing community groups, or advice about housing and employment, for example.

Beneficiaries

Benefits to service users:

- Single point of access, therefore the system is easier to navigate. This means that service users can access the full range of service needed by the individual at one point of access rather than, for example, attending separate smoking cessation, health weight and mental health and well-being services concurrently. This improves access across a range of protected characteristics including age, physical and learning disability and carer's responsibilities.
- Signposting can lead to a wider appreciation of the different forms of support that might be more appropriate than specialist services
- Being treated as an individual with multiple factors that can be supported; addressing the wider determinants of their health behaviour.

Benefits to KCC:

- More targeted and efficient use of specialist health improvement services via initial triaging process
- Better harnessing of existing community assets (community groups, voluntary sector and private sector) in realising population health improvement

July 2015

- Addressing health inequalities by providing more targeted and holistic support to those in need with multiple health problems

Benefits to Health and Social care providers

- Easier system for health and social care professionals to understand and refer patients in to
- More effective preventative health

Benefits to Community Partners

- Increased utilisation of community groups and services

Information and Data

The data has been pulled from existing KCC Joint Strategic Needs Assessments across the range of areas studied – e.g.

- Smoking and Tobacco JSNA
- Healthy weight JSNA
- Mental Health JSNA
- Adults with learning disabilities JSNA

Data from the JSNAs which is specific to each element of the Health Improvement Service includes:

Stop smoking services:

The prevalence of smoking in Kent is similar to England overall, however Dover and Thanet have a significantly higher prevalence of smoking than the national average, as demonstrated below. In Thanet this remains true when smoking is stratified by occupation. This is demonstrated in the table below.

	Smoking Prevalence 2013 (↑ increase ↓ decrease from 2012)	
	Smoking prevalence Whole Population 2013	Smoking prevalence among routine and manual workers
England	18.4 ↓	28.6 ↓
Kent	19.0 ↓	28.4 ↓
Ashford	21.1 ↑	34.7 ↑
Canterbury	19.0 ↓	31.8 ↓
Dartford	17.0 ↓	24.5 ↓
Dover	24.3 ↑	40.2 ↓
Gravesham	21.4 ↑	27.9 ↓
Maidstone	14.5 ↓	21.1 ↓
Sevenoaks	15.9 ↓	26.3 ↑
Shepway	22.0 ↓	17.2 ↓
Swale	20.4 ↓	21.4 ↓
Thanet	24.8 ↑	32.8 ↑
Tonbridge & Malling	13.5 ↓	27.6 ↓
Tunbridge Wells	15.6 ↓	36.9 ↑

Source: Public Health Outcomes Framework 2014

As discussed above there is variation in smoking prevalence by age, with younger people being more likely to smoke than older people. In Kent the highest prevalence of smoking is in young men aged 25-29 (32%) and young women aged 20-24 (29%).

Smoking cessation services are only used by approximately 5% of people who smoke in Kent, and this figure is even lower in younger people. Therefore younger people represent an important target group for smoking cessation. The integrated Health Improvement Service would aim improve awareness and accessibility of the service through offering greater opportunities for novel access, such as online.

Healthy Weight Services

The prevalence of obesity in Kent is similar to that seen in England. The mean age of service users in Kent is around 50 years. Although this means that younger individuals are less likely to access the service, it is recognised that older individuals have a higher rate of complications of obesity, (e.g. diabetes mellitus and hypertension), and so it could be that they benefit disproportionately from accessing Health Weight Services.

Obesity by Local Authority area

Local Authority:	2011 Children Year 6	2012 Children Year 6	2013 Children Year 6	Latest Available Adult Obesity Data 2006-2008
Ashford	20.5	18.6	18.7	27.0
Canterbury	16.4	14.5	15.2	23.4
Dartford	22.7	21.9	19.8	28.2
Dover	17.3	21.1	20.5	26.8
Gravesham	19.9	19.1	20.0	28.5
Maidstone	17.3	19.5	19.0	26.3
Sevenoaks	15.5	16.1	16.7	23.9
Shepway	20.4	19.5	19.1	25.9
Swale	18.1	18.0	18.0	30.2
Thanet	19.8	19.5	19.4	27.7
Tonbridge & Malling	15.2	16.8	16.6	26.1
Tunbridge Wells	16.3	16.0	15.0	22.9
Kent	18.2	18.4	18.3	26.3
England	18.7	19.0	19.2	24.2

Source: Health Profiles 2013 APHO and Department of Health

People from ethnic groups, particularly women from a black and Pakistani origin and those with disabilities, including learning disabilities, who are at greater risk of obesity, are not accessing services in proportion to need. There is evidence that providers take services to local sub-groups for example the Nepalese and Sikh populations, groups of people with learning disabilities and men in prisons but this needs to be more closely monitored. Most programmes provide services in urban and rural areas and areas of high deprivation. Providers of services have recently used the Health and Wellbeing Impact Assessment Tool (HIWIA) and this has identified to a

number of providers that programmes should be more targeted to address health inequalities within their healthy weight services. Applying the HIWIA to all aspects of the service should be a requirement for any Kent provider. A quota of participants from specific subgroups in performance indicators is suggested in recent commissioning guidance for Tier 2 Weight Management services.

Physical Activity Programmes

Physical activity levels in England were formally reviewed as part of the Health Survey for England 2012. The survey found that in 2012 67% of men and 55% of women aged 16 and over met current guidelines for recommended physical activity. In addition, physical activity levels are associated with deprivation, with the proportion of physically active men and women decreasing to 55% and 47% respectively in the lowest quintiles of deprivation.

The proportion of participants classed as inactive generally increased with age in both sexes; from 8% of men and 22% of women aged 16-24 to 74% and 76% respectively in those aged 85 and over.

There is limited data on physical activity in people from BME groups, the last formal survey of physical activity in BME groups was carried out in 2004, there are limitations in the usefulness of this data. In 2004 it was reported that regular participation in physical activity was similar to the general population level in individuals who are Black/Black British/Black African and Black Caribbean, while reported physical activity was lower in individuals of Asian ethnicity.

Locally there is very little information on physical activity in people with protected characteristics in Kent.

A key potential of the Health Improvement Service is the patient centred approach taken to tailoring behaviour change support. So, for example, a Health Improvement Service practitioner will have the skills to advise (or refer) an older adult to postural stability training to prevent falls, or a middle aged individual about suitable community resources for physical activity.

Mental Health Services

Older age is the single most important predictor for cognitive decline and dementia. Older adults are also particularly at risk of social isolation, as they withdraw from the labour market and become more susceptible to chronic disease. Since chronic physical illness is also a risk factor for depression, the higher prevalence of physical health conditions amongst older people further contributes to elevated rates of depression.

In addition, there are a number of groups which have a higher than average risk of developing a mental health problem. It is noted nationally that obtaining accurately information on mental health need in individuals from BME groups is difficult due to the broadness of the term which encompasses a wide variety of individuals from a variety of cultural and socio-economic backgrounds. The table below demonstrates the prevalence of mental health problems in various groups which have a protected characteristic.

	Proportion at risk of mental health problems	Estimated number of individuals effected in Kent
Gypsy, Roma, Traveller	35%	3500
People who are lesbian, gay, bisexual	39.40%	9450
People with a learning disability	25%	1125
Those with profound hearing loss	33.30%	3000
Marital Status - separated	23.3	7643
Marital Status - divorced	17.20%	30,600
Adult survivors of sexual abuse	12.40%	13290
Released prisoner	90%	4387
Carers	18%	25,000

The Kent Mental Health Strategy, Live It Well, sought the views of service users to shape its content. One recommendation from the strategy was that a mental health check be incorporated in to the Health Check for adults aged 40-75. This is an example of the sort of integration that would be possible under the Health Improvement Service.

Additionally, the Live It Well strategy recommended the use of health trainers to increase access to individuals from minority ethnic groups and individuals living in economically deprived areas. This is likely to be a key feature of the Health Improvement Service which will improve access.

Health Checks

As discussed above health checks are offered every three years to individuals aged 40-75 years. Uptake in Kent is around 52%. It is noted that number of eligible adults with a learning disability having a GP health check in Kent is

33.19%; performing significantly lower than the England average of 52.7% and lower than the regional average of 40.2%. This is particularly important because people with learning difficulties have a higher rate of chronic physical illness than the general population. Therefore increasing uptake of health checks in people with learning disabilities should be a target of the Health Improvement Service.

There is little available information on the uptake of Health Checks by other protected characteristics. Currently commissioning arrangements includes extra funding for out-reach programmes to target hard to reach groups including migrant workers, BME groups, travellers, individuals within the criminal justice system and people who are homeless and insecurely housed.

Data was also taken from any existing equality impact assessments (EIA) on previously prepared for the topics above. These include the Smoking Cessation Service EIA, the Obesity Needs Assessment EIA and the Health and Inequalities Wellbeing Impact Assessment.

Who have you involved and engaged with

The new model for Health Improvement services in Kent is currently going out for public consultation, and consultation with service providers. This is following a number of internal KCC workshops which were open to everyone in the public health team to discuss and help shape the new model.

In addition to the public consultation focus groups will be held. A 'broad' focus group will be held in all the districts of Kent to include participants of a range of ages. In addition, more specific focus groups will be held to solicit the views of individuals with the following protected characteristics – learning disabilities, carers and members of the gypsy, roma and traveller community.

The consultation process is planned to run for 6 weeks, starting from 2/11/15.

Potential Impact

The transformative changes to how health Improvement services are organised may have impacts on how different types of people (age/sex/gender/ethnicity etc.) access and utilise the service.

Adverse Impact and how can these adverse impacts be mitigated, (capture this in the action plan)

An integrated model will need to be flexible to accommodate the needs and wants of a variety of service users and across various health behaviours. An integrated model would need to understand that as the reasons and factors of

eating, exercise and smoking behaviours (for example) are each different and not generic. One size does not fit all.

The new model utilises a website and phone number to allow members of the public to self-refer in to the system. It is important that web-based elements of the service are fully accessible to disabled service users. The Health Improvement Service should offer a range of mediums of access to accommodate a range of needs and abilities of service users. The range of media has not been finalised at this stage, as this should be informed by the public consultation. Clearly it is essential that the views solicited during the consultation are representative of the population of Kent who have protected characteristics.

The public consultation document asks members of the public how they would like a service to be delivered, including which channels they are likely to use to access health services, so therefore appropriate steps can be taken to include a range of different 'routes' into the service.

Positive Impact:

The new Health Improvement model may increase utilisation of health improvement services amongst those with the multiple health problems, by providing a simpler, single point of access and better coordinated care around their needs. It is recognised that increasing access can be extremely challenging. Particular aspects of the proposed model which address this include the use of health trainers, who often also possess protected characteristics, to increase relevance and appropriateness of the service for particular groups. In addition, the consultation process will create the opportunity to take on the views of service users, in particular those with protected characteristics, to shape the proposed model.

JUDGEMENT

Set out below the implications you have found from your assessment for the relevant diversity groups. If any negative impacts can be justified please clearly explain why.

Option 1 – Screening Sufficient

NO

Justification:

Option 2 – Internal Action Required

YES

There is potential for adverse impact on particular groups and we have found scope to improve the proposal

July 2015

Option 3 – Full Impact Assessment **YES**

Monitoring and Review

The next stage in planning the Health Improvement Service is to solicit the views of service users through a public consultation, supplemented by focus groups to elicit the opinions of particular target groups. Monitoring of service use, including by users with protected characteristics, will be built into contract agreements to evaluate services use and identify and positive or negative changes in the pattern of service use overall and by protected characteristics.

Sign Off

I have noted the content of the equality impact assessment and agree the actions to mitigate the adverse impact(s) that have been identified.

Senior Officer

Faiza S. Khan

Signed: Faiza Khan

Name: Dr Faiza Khan

Job Title: Interim Deputy Director of Public Health

Date: 02/11/2015

DMT Member

Signed: Andrew Scott-Clarke

Name: Andrew Scott-Clarke

Job Title: Director Public Health

Date: 02/11/2015

Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
All protected characteristics	Communication - some users with protected characteristics may have specific needs in terms of the forms of communication they can use and access.	All communication produced for the Health Improvement Service must be in line with KCC guidance on inclusive communication and accessible through a range of channels (e.g. online, telephone, written information etc.).	Increased accessibility of the service through the use of multiple communication channels as appropriate for various service users.	Karen Sharp	During contracting	Covered as part of contract
All protected characteristics	Some service users may have experienced stigma in relation to protected characteristics, or have felt unable to access healthcare services due to	Staff should have completed equality and diversity training to include the each protected characteristics discussed in this document.	Comprehensive equality and diversity training will help ensure a greater understanding from staff of the issues which may be	Karen Sharp	During contracting	Covered as part of contract

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	<p>experiencing a lack of understanding from providers. The literature suggests that this may be more common for, but not limited to, people from the LGBT community, transgender people and people with mental health conditions. This may impact on the likelihood of using a service.</p>		<p>encountered by service users with protected characteristics when accessing a health service, including stigmatisation.</p>			
Age	<p>Need to ensure mediums of access (online/phone/face-to-face) suitable for various age groups;</p>	<p>Public consultation – specific question included on this aspect, focus on extremes of ages within adult population. The underutilisation of stop smoking services by younger adults should be</p>	<p>Find out what method/s of access are preferred by service users of different ages.</p>	<p>Karen Sharp</p>	<p>6 weeks</p>	<p>n/a</p>

		<p>addressed in focus groups to shape the model.</p> <p>Monitoring of service use by protected characteristics should be built into contract arrangements to ensure uptake of services is as expected given known population needs.</p>				
Disability - Communication	<p>Communication may be more difficult for some service users with learning disabilities or sensory impairment. For example, we know that people with learning disabilities currently use less preventative health services than the general population,</p>	<p>All service information in line with KCC policy on information available to the public and should include, for example, easy-read, as well as braille and audio information for service users who additionally have a sensory</p>	<p>Increased accessibility of the service through using a range of channels of information suitable for different service users. This should improve uptake of and knowledge about the service.</p>	Karen Sharp	6 weeks	Covered as part of contract

	<p>this may represent issues with knowledge about the availability of services due to lack of service information, or with physical barriers to accessing services.</p>	<p>impairment.</p>				
<p>Disability - Access</p>	<p>There is limited data on the uptake of health improvement services in service users with a disability, particularly for people with a physical disability or sensory impairment. For this reason monitoring of service uptake with reference to protected characteristic should be undertaken.</p>	<p>Monitoring of service use by protected characteristics should be built into contract arrangements to ensure uptake of services is as expected given known population needs. Providers should be asked to report characteristics of service users both to inform on areas where information is limited and to evaluate any</p>	<p>Evaluation of service uptake by protected characteristics to assess whether uptake is as expected given what we know about the prevalence of preventable health problems in, e.g. smoking, in people with a disability.</p>	<p>Karen Sharp</p>	<p>During contracting</p>	<p>Focus group to be held, costs covered within project costs</p>

		change in patterns of use				
Gender	Data on the use of an integrated by gender is not available, because such models in their early stages.	Monitoring of service protected characteristics should be built into contract arrangements to ensure uptake of services is as expected given known population needs.	Evaluation of service uptake by gender.	Karen Sharp	During contracting	Would be covered as part of contract
Race	The need for services differs between different ethnic groups. BME groups may be put off services if they appear to be irrelevant to their health needs. Information regarding services needs to be available in different languages.	Public consultation should include seeking views from service users from BME groups. The utilisation of resources such as health trainers to increase relevance and accessibility. Monitoring of service use by protected characteristics	Increased understanding of how the service could be more responsive to needs to BME groups.	Karen Sharp	6 weeks	Within contract

		<p>should be built into contract arrangements to ensure uptake of services is as expected given known population needs.</p> <p>Action 4. All service information should be available in a range of languages.</p>				
Religion or belief	<p>Services and interventions to improve health behaviour should be culturally sensitive.</p>	<p>Public consultation to seek views of service users with religious or faith beliefs. Continued use of faith centres to host some services.</p> <p>Ensure providers have completed equality and diversity training to</p>	<p>In the first instance the consultation should aim to identify barriers to access of the Health Improvement Service due to religion or belief.</p>	Karen Sharp	6 weeks	Within contract

		<p>ensure sensitivity of staff to a range of equality issues in relation to protected characteristics.</p> <p>Monitoring of service use by protected characteristics should be built into contract arrangements to ensure uptake of services is as expected given known population needs.</p>				
Pregnancy or maternity	Need for collaboration with existing Tier 3 and 4 services for pregnant women.	Consultation should include discussion with providers of Tier 3 and 4 services.	Improved working relationship with Tier 3 and 4 services which will improve outcomes for women and be mutually beneficial for the services.	Karen Sharp	During contract period	n/a

<p>Carer's responsibility</p>	<p>On average carers have less good health than the general population. In addition they may struggle to access healthcare due to time constraints.</p>	<p>Focus groups will be necessary to ensure the views of carers are represented. Consult the Kent Carers Collaboration.</p>	<p>Understanding of how to increase accessibility of the proposed model to carers.</p>	<p>Karen Sharp</p>	<p>6 weeks</p>	<p>Accessibility will form part of the contract</p>
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Questionnaire

We would be grateful if you could take the time to complete this short questionnaire to give us your views on the proposal for integrated Health Improvement Services

Please respond by 14 December 2015

**1. Are you responding to this consultation as:
(You may tick more than one)**

- A member of the public
- As a user of current services - past or present
- In a professional capacity
- On behalf of an organisation

If you are responding in professional capacity, please explain your interest:

If you are responding as part of an organisation, please tell us its name:

Maidstone Borough Council

2. To what extent do you agree or disagree with the proposed Health Improvement Service model?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please tell us why?

The proposed model supports a consistent point of access for people to get the support they need and treats the person rather than a single issue.

However, emphasis must be given to health improvement being a multi-agency and interdisciplinary function and needs systemic nurturing from individuals at community level right through to commissioners and providers. The rationale of health improvement must always be that for those living with disadvantage, preventing illness does not significantly improve their life chances. However, where multiple disadvantages are faced, it is essential to address the wider determinants of health to improve and sustain health and wellbeing.

The wider determinants must be taken into account when assessing a client's readiness to make healthy changes. Someone who is without employment or secure housing may not see losing weight or giving up smoking as their immediate priority until these issues are resolved. A social prescribing model could be used to sign post people to appropriate services.

3. How important are the following ideas for the model?

(Please rate the options below: 5 = Most important 1 = Least important)

- 5 Integrated** - Healthy lifestyle support across a range of issues will be made easier to access by bringing it together under one roof.
- 4 Targeted** - Healthy lifestyle support will be open to everyone but targeted at those with the greatest need.
- 1 Motivational** - Service prioritises motivating people and supporting them to become healthier.
- 3 Promote independence** - Helping people to develop the skills to lead healthier lifestyles and become less reliant on services.
- 2 Flexible and tailored** - Able to meet changing local needs and priorities.

Please tell us why?

Integrated partnership working is essential but clients should not feel overwhelmed by numerous approaches to improve their behaviours.

The model needs to capitalise on health improvement opportunities (promotional, care pathways and resources) with other partners, such as the voluntary and community sector, private sector, statutory agencies, social care and a range of other local government functions.

This can be achieved by promoting the benefits of training local partner workforces in health improvement and behaviour change approaches, which

will help create, for the service user, a more accessible and flexible health improvement service.

The service should target particular communities, shifting the societal norms and behaviour of the whole community empowering them to make changes. This approach is more likely to reduce health inequalities over group or individual approaches.

3 Should health improvement services be... (Please select one option only)

- Open to everyone on a first-come-first served basis
- By referral only
- Allocated based on need, so that those with the highest levels of need get treated first
- Other (Please specify)

Please tell us why?

If allocated based on need, there is an opportunity for health improvement to be included, wherever possible, on health, wellbeing and care pathways which will have the highest impact, as well as developing comprehensive health improvement pathways that clarify the benefits and outcomes for local populations.

Data provided through the Kent Troubled Families programme could ensure a focus on health improvement spend based on evidential need. Health improvement could then provide therapeutic and lifestyle interventions on a 'total family' basis, where, for example, parent substance misuse and/or mental health problems are impacting negatively on the health, wellbeing and development of an unborn infant or a young child.

4 How important are the following ways of working with people to help them become healthier?

(Please rate the options below: 5 = Most important 1 = Least important)

- 5** Face to face
- 4** By telephone
- 3** Online information
- 2** Video or virtual contact
- Social media
- 1** SMS / Text message
- Other (Please specify)

Please tell us why?

Ensuring good face-to-face interactions supports trustworthy and effective communication between staff and patients and between services.

Involve local people, at whatever level of competency, will be seen as part of the solution to local health needs rather than as a problem to be managed.

5 How suitable the following venues for delivering face to face health improvement services?

(Please rate the options below: 5 = Most important 1 = Least important)

- 4 In a dedicated building (e.g. healthy living centre, antenatal clinics)
- 3 A GP surgery
- 5 A pharmacy
- 2 In an existing community space (e.g. Library or Gateway, Churches, Mosques)
- 1 Other (Please specify) Homes, Community Groups (neighbourhood projects, Healthy Walks), Children and Young People's venues (e.g. Children's Centres) and Workplaces and large local employers (e.g. Jobcentre Plus).

Please tell us why?

By delivering face to face health improvement services through community venues and 'high footfall areas' for identified, target communities will enable both community involvement and asset building and local people to take control of their own health needs.

6 How could Public Health encourage more people to access Health Improvement Service?

Health improvement benefits must be framed within the wider determinants of health and health improvement outcomes understood to contribute to better outcomes in housing, employment, the environment and other key areas. Primary prevention is key not just secondary (weight loss programmes & smoking cessation). Programmes/initiatives should target shifting the social norm of communities not just limited to targeting the behaviour change of individuals or groups.

Consideration needs to be given to how to create places that support wellbeing, questioning what the different elements of place making are and the management of place that encourage access to health improvement and help

sustain great places for healthy people. Targeted community approaches are needed shifting the norms within that community empowering them so healthy behaviours become ingrained meaning secondary prevention programmes are required less.

Health improvement services need to acknowledge that people are a key resource in affecting positive changes, therefore their involvement in the design of local services, place making etc. supports change and better access to health and wellbeing services.

The marketing of these services needs to be strong and consistent. However the impact of expensive and time intensive campaigns needs to be assessed before initiating – would the money be more effectively spent on projects or infrastructure.

7 Do you have any other comments on the proposal?

Getting things right first time will always be the cheapest way of doing anything and has lasting value. Therefore, communities must own any changes, rather than being passive recipients. Any proposed changes to local health improvement need to be co-produced with the communities in which they are taking place.

As part of any Health Improvement work, community asset mapping should be undertaken to identify the structures and resources that communities and local organisations have that can be built upon to develop a strong, lasting programme of health improvement. Such information is not just of use to commissioners for health improvement, but of significant value to all commissioners looking at specific populations, such as GPs wishing to improve their practice population's health. Assets can include skills, knowledge, services, physical assets and environments, economic and cultural assets.

Robust, easy to use referral and reporting mechanisms need to be in place prior to the commencement of the service (e.g. an effective database). This should ensure there is a more integrated and user friendly referral pathway where clients can be mapped throughout their journey. This will also mean reporting; data and feedback will be of a higher quality and ultimately will be used to improve the service.

The proposed service seems to focus on individual interventions. Group interventions should also be considered as a valuable part of the new service and can be a key way in which individuals make changes. Some people do not need that 1-1 support and flourish in a group environment.

Evidence based programmes focusing on behaviour and societal change should be used which have been successful elsewhere (not just Kent) and can be scaled up and tailored to the individual and deliverer. Often Health Improvement initiatives have sought to just educate, however for example the majority of people know smoking is bad for their health and exercise is good for their health, so behaviour change techniques should be key in any intervention.

8 Please tell us your postcode

ME15 6JQ

About You

We want to make sure that everyone is treated fairly and equally, and that no one gets left out. That's why we're asking you these questions.

We won't share the information you give us with anyone else. We'll use it only to help us make decisions, and improve our services.

If you would rather not answer any of these questions, you don't have to.

RESPONDING ON BEHALF OF MAIDSTONE BOROUGH COUNCIL

Q.10 Are you.....? Please select **one** box.

- Male Female I prefer not to say

Q.11 Which of these age groups applies to you? Please select one box.

- 0 - 15 25-34 50-59 65-74 85 + over
 16-24 35-49 60-64 75-84 I prefer not to say

Q.12 To which of these ethnic groups do you feel you belong? (Source: 2011 census)

Please select **one** box.

- | | |
|--|---|
| <input type="checkbox"/> White English | <input type="checkbox"/> Asian or Asian British Indian |
| <input type="checkbox"/> White Scottish | <input type="checkbox"/> Asian or Asian British Pakistani |
| <input type="checkbox"/> White Welsh | <input type="checkbox"/> Asian or Asian British Bangladeshi |
| <input type="checkbox"/> White Northern Irish | <input type="checkbox"/> Asian or Asian British other* |
| <input type="checkbox"/> White Irish | <input type="checkbox"/> Black or Black British Caribbean |
| <input type="checkbox"/> White Gypsy/Roma | <input type="checkbox"/> Black or Black British African |
| <input type="checkbox"/> White Irish Traveller | <input type="checkbox"/> Black or Black British other* |
| <input type="checkbox"/> White other* | <input type="checkbox"/> Arab |
| <input type="checkbox"/> Mixed White and Black Caribbean | <input type="checkbox"/> Chinese |
| <input type="checkbox"/> Mixed White and Black African | <input type="checkbox"/> I prefer not to say |
| <input type="checkbox"/> Mixed White and Asian | |
| <input type="checkbox"/> Mixed other* | |
| <input type="checkbox"/> Other ethnic group* | |

*If your ethnic group is not specified in the list, please describe it here:

The Equality Act 2010 describes a person as disabled if they have a longstanding physical or mental condition that has lasted, or is likely to last, at least 12 months; and this condition has a substantial adverse effect on their ability to carry out normal day-to-day activities. People with some conditions (cancer, multiple sclerosis and HIV/AIDS, for example) are considered to be disabled from the point that they are diagnosed.

Q.13 Do you consider yourself to be disabled as set out in the Equality Act 2010?

Please select one box.

- Yes No I prefer not to say

Q.14 If you answered Yes to Q13, please tell us the type of impairment that applies to you.

You may have more than one type of impairment, so please select all that apply. If none of these applies to you, please select Other, and give brief details of the impairment you have.

- Physical impairment.
 Sensory impairment (hearing, sight or both).
 Longstanding illness or health condition, such as cancer, HIV/AIDS, heart disease, diabetes or epilepsy.
 Mental health condition.
 Learning disability.
 I prefer not to say.
 Other*

*If **Other**, please specify:

Q.15 Do you regard yourself as belonging to any particular religion or belief?

Please select one box.

- Yes No I prefer not to say

Q.16 If you answered Yes to Q15, which one applies to you? Please select one box.

- Christian Hindu Muslim Any other religion, please specify:
 Buddhist Jewish Sikh

Q.17 Are you...? Please select one box.

- Heterosexual/Straight Gay woman/Lesbian Other
 Bi/Bisexual Gay man I prefer not to say

Thank you for completing this questionnaire

Communities, Housing and Environment Committee

8 December 2015

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

Yes

Maidstone Food Service Plan 2015 -2016

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Director or Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Tracey Beattie, Environmental Health Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

To note the contents of the Food Service Plan 2015/16, the outline of the food service demands and output for Maidstone Borough Council and the approval of the plan.

This report relates to the following corporate priorities:

- Great People
- Great Place
- Great Opportunity

Timetable

<i>Meeting</i>	<i>Date</i>
Communities, Housing and Environment Committee	8 December 2015

Maidstone Food Service Plan 2015/16

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Each local authority should write and develop a Food Service Plan that outlines the demands of the service and identifies the resource needed to deliver this. The Food Standards Agency (FSA) requires such plans have senior management or member approval. As the food and safety function for Maidstone is delivered through a shared service the plan has been developed to reflect the total resource available to Maidstone to deliver the service demands and review the outcomes of the service in the previous year.
 - 1.2 This is the first year a combined Food Service Plan has been produced and provides an overview and comparison of the food service for Maidstone, Swale and Tunbridge Wells. The plan provides an insight and comparison into the demands and performance of the three authorities.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 Since 2001 the Food Standards Agency Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law. The plan covers the scope of the service, the type of interventions carried out and the range of food businesses in the districts. It also outlines the guidance (in terms of policies and procedures), the commitment to staff development and training provided and the management monitoring of the food service function.
 - 2.2 For Maidstone the past year has seen a number of demands placed on the service, with the implementation of the new shared service and the move of officers from Maidstone House to Sittingbourne. There has also been a change in personnel with less reliance on contractors' and appointments to vacant posts being made during 2014 which will provide stability to the service and improve accountability and quality.
 - 2.3 The Food Service Plan sets out the source the shared service has to deliver a high quality, effect and professional food service to the borough over the year. Planning for the longer term the team leaders and Environmental Health Manager are looking to produce a Food Service Plan which covers a two- three year period for in 2016.
-

3. AVAILABLE OPTIONS

- 3.1 To note the information contained within the Food Service Plan 2015/16.
- 3.2 Within the Food Standard Agency Framework Agreement there is recognition that councillors may choose to delegate the approval of the Food Safety Plan to a senior manager.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 To note the information contained within the Food Service Plan 2015/16.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 The Food Service Plan does not require consultation. The information it contains is factual and provides an understanding of the demands facing the service and how it is managed.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 The service plan is part of a cyclic process of managing the food service. The current plan will form the basis of the future plan. Officers will be using the data from this year to inform the work plan for 2016 – 18.

6.2 The Food Service Plan will be available to members of the public, businesses and the Food Standards Agency on the website.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		Tracey Beattie
Risk Management	Reduced risk demonstrated through planning and focusing resources where needed.	Tracey Beattie
Financial	Within current budget	[Section 151 Officer & Finance Team]
Staffing	None identified	John Littlemore
Legal	None identified	[Legal Team]
Equality Impact Needs Assessment	No implications identified at this stage	Clare Wood, Policy & Information Officer
Environmental/Sustainable Development	None identified at this stage	Tracey Beattie
Community Safety	None identified	Tracey Beattie
Human Rights Act	None identified	Tracey Beattie
Procurement		[Head of Service &

		Section 151 Officer]
Asset Management	Information Assets identified	Tracey Beattie

8. REPORT APPENDICES

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

- Appendix I: Food Service Plan 2015 - 16
-

9. BACKGROUND PAPERS

FSA Framework Agreement

<http://www.food.gov.uk/enforcement/enforcework/frameagree>

LAEMS Returns

<http://www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear>

APPENDIX I

MID KENT FOOD SAFETY

SERVICE DELIVERY PLAN

2015 – 2016

Drawn up in accordance with the Food Standards Agency's Framework Agreement on Local Authority enforcement (amendment 5)

Author: Peter Lincoln, Food and Safety Team Leader
Nollaig Hallihan, Food and Safety Team Leader

Approved by: Tracey Beattie, Environmental Health Manager

Date: 7 September 2015



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- 2.3 Scope of the food service
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- 8.1 Variations from Service Plan
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Appendix 1: Revisit Criteria Matrix

INTRODUCTION

Local Authorities are required by the Food Standards Agency to produce an annual service plan, to be submitted for approval and ensure local transparency and accountability. The Agency has provided a template for local authorities to follow, if they choose, on which this plan is based.

Included in the service plan:

- § Information about the service we provide;
- § The means by which we will provide it, including the various requirements of the Food Standards Agency;
- § The means by which we will meet any relevant performance targets or standards;
- § A review of performance in order to address any variance from meeting the requirements of the service plan.

1.0 Service Aims & Objectives

The Mid Kent Food Safety Service aims to protect and improve the quality of life of the local community, workforce and visitors. The Food and Safety Teams will ensure as far as is reasonably practicable, that all food produced, sold and consumed within the Mid Kent area is safe and that all food business operators comply with their statutory requirements. There are approximately 3642 within the Mid Kent Food Safety Service. More than 2757 of these are restaurants and cafes and there are 24 Approved premises.

The overall aim of the Food Service in relation to its Food enforcement activity is to reduce the risk to public health from food purchased, produced or eaten in the Mid Kent area.

1.1 The service objectives are to:

- Undertake the proactive **food law inspections** of food businesses and **publish hygiene ratings**
- **Investigate complaints** about poor food **hygiene or safety** standards in food businesses.
- **Investigate complaints about food** purchased, produced or distributed within the Mid Kent Service.

- To control and investigate cases of food poisoning, food borne diseases and other **infectious diseases**.
- Approve and monitor compliance with food law in businesses manufacturing **products of animal origin**.
- Sample and arrange for **physical, chemical, compositional and microbiological** testing of food.
- Maintain a **register** of all food businesses including checks on temporary closed and unrated premises.
- Respond in a proportionate way to food safety **incidents and Food Alerts**.
- **Promote and regulate** food safety and health and safety in food businesses.
- To deal with **illegally imported food** products on sale within the Mid Kent Area.
- To deliver **Food Hygiene Training** courses and other bespoke training to food handlers and businesses.
- To **advise the general public**, new and existing business on good practice in relation to food safety.
- To **promote food safety** through initiatives based on local needs.
- To maintain a high quality, professional workforce providing high value services to the council taxpayer.
- To work with other **government agencies** and bodies to maintain or improve standards in food businesses located in the area.
- To periodically review the team's performance against the Food Service Plan.

1.2 Links to Corporate Objectives and Plans

'Health' is a key driver in the plans of each local authority.

Hygiene of businesses is one of the Government's national enforcement priorities for local authority regulatory services.

1.3 Equality Issues:

The service has an approach to enforcement based on the Central Government Concordat on Good Enforcement and the 'Better Regulation' agenda. Our enforcement policy underpins the approach to ensure that all enforcement activity is conducted openly, consistently, fairly and targeted at those posing the highest risk to food safety.

We will work towards a culture in which we question and challenge assumptions about services and re-assess them on the basis of equality and need according to each Council's Corporate Equality Strategy.

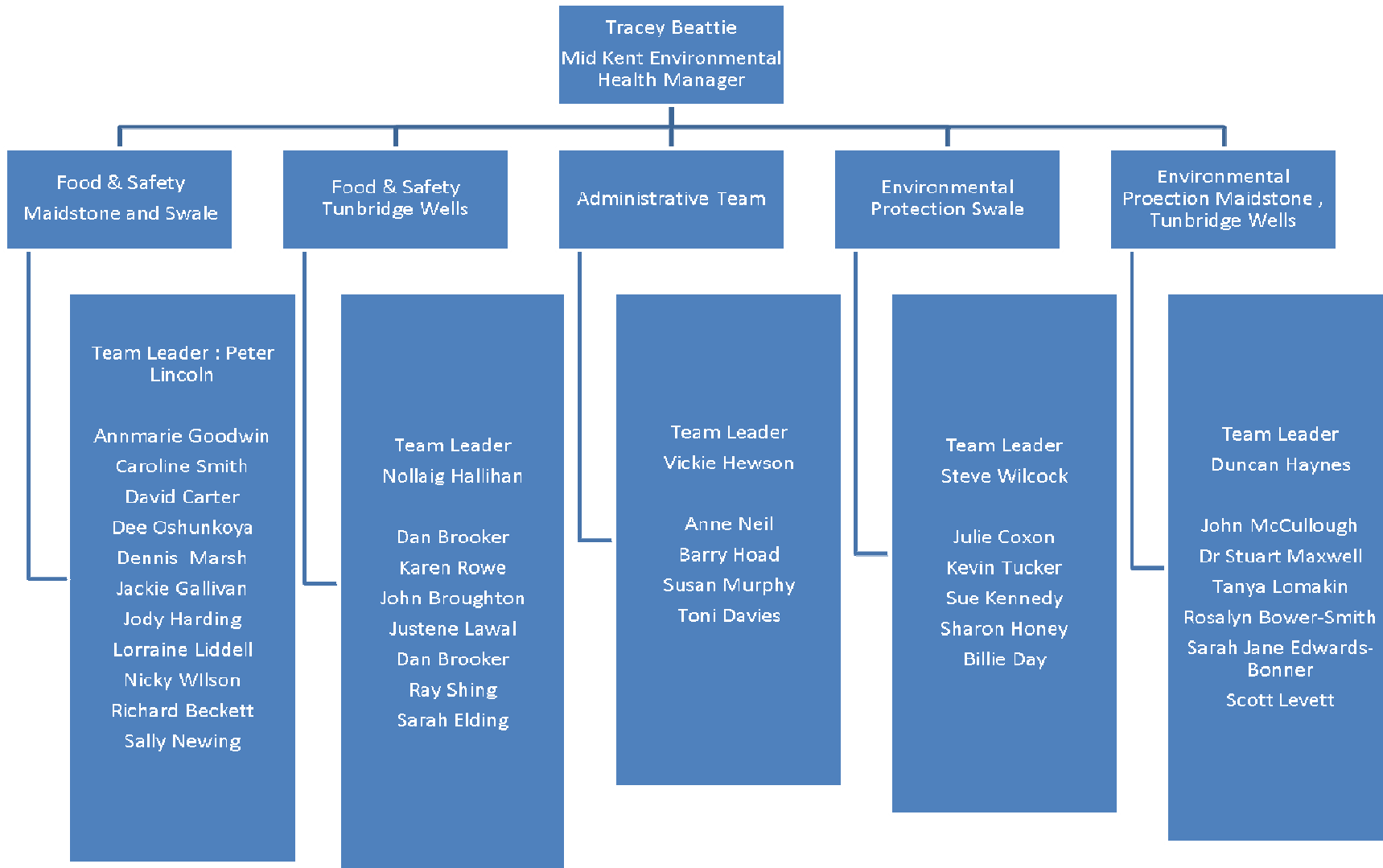
2.0 BACKGROUND

2.1 Profile of the Local Authority

(See Local and Corporate Plans of each authority)

2.2 Organisational Structure

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The lead food officer for food safety is the Food and Safety Team Leader from each of the two teams in the partnership, who has the day to day responsibility for managing their team and its performance.

The service has appointed the following accredited Laboratories to carry out analysis and or examination:

<p><u>Chemical Sampling</u> Kent Scientific Services 8 Abbey Wood Road Kings Hill West Malling ME19 6YT Contact Person: John Griffin (Public Analyst)</p>	<p><u>Microbiological</u> PUBLIC HEALTH ENGLAND London Food, Water & Environmental Unit Food Hygiene Laboratory Central Public Health Laboratory 61 Colindale Avenue London NW9 5HT Contact Person: Sheila Platt (Food examiner)</p>
<p><u>Norovirus analysis of shellfish samples</u> CEFAS Weymouth Laboratory Barrack Road, The Nothe Weymouth Dorset DT4 8UB Contact Person : Louise Richens</p>	<p><u>Faecal</u> Microbiology and Infection Service Royal Sussex County Hospital Eastern Road Brighton East Sussex BN2 5BE</p>

2.3 Scope of the Food Service

Since June 2014 the Food and Safety Teams in Maidstone, Swale and Tunbridge Wells have become one service in the Mid Kent Shared Service partnership. The 'North' team, comprising officers from Swale and Maidstone are based in offices in Sittingbourne. The 'South' team is in Tunbridge Wells.

The majority of the work is concentrated in food safety. Health and safety at work, infectious disease control and the registration of special treatments takes up the remainder of the time. Animal welfare is carried out in Tunbridge Wells

Food composition, labelling, and feeding stuffs are dealt with by Kent County Council Trading Standards.

The two teams each have a team leader reporting to the Environmental Health Manager.

The London Port Health Authority assists in the monitoring of shellfish in The Swale, under contract.

The teams enforce food safety in all food premises through targeted interventions. We also respond to food service requests/complaints, the investigation of food poisoning notifications and outbreaks, food sampling programmes, imported food, infectious disease control, infestation of food premises, sampling and classification of shellfish, complaints made against commercial premises, and dealing with general enquiries from the public.

The teams carry out interventions in premises risk-rated as A - D, all specialist premises approved under EC law, other specialist premises and all enforcement work.

Premises rated E-risk are targeted as part of an alternative enforcement strategy, using questionnaires to track changes in food operations that may trigger an intervention.

2.4 Demands on the Service

Premises profile

On the 1st April 2015 there were 3,642 operating food premises within the Mid Kent Shared Service. The table below shows the number of food businesses in each risk category per area.

Category	Swale	Maidstone	Tunbridge Wells	Total
A	1	2	3	6
B	59	25	17	101
C	400	211	167	778
D	299	405	389	1,093
E	425	565	490	1,480
N	86	40	60	186
TOTAL	1,270	1,248	1,124	3,642

Swale

There are 8 premises approved under EU Vertical Directives, including a cheese manufacturer, meat and fish products and a cold store. Sittingbourne has one of the largest bottling and packing plants for cherries and other fruit in Europe, whilst Faversham has one of the oldest breweries in the country.

The service is delivered from Swale House. Officers work according to business demands involving evening and weekend visits to those premises that are inaccessible during 'normal' working hours.

In Swale there is a diversity of catering establishments. A small number of restaurants and takeaways are operated by persons whose first language is not English. Additionally, a number of food premises close for the winter season.

In the summer months there is an increase in fast food and mobile food operators within the district and a general increase in business as tourism attracts an influx of people, especially on caravan and chalet sites on the Isle of Sheppey.

There are a number of markets operating most weeks within the Borough.

As a coastal authority the Council has responsibility for sampling of shellfish including mussels, cockles & oysters. The London Port Health Authority carries out sampling and monitoring on our behalf. Currently 5 beds are classified as B*, with a mixture of mussels, oysters and cockles.

(*B classification means molluscs can be released for human consumption after they reach appropriate microbiological standards following purification at an approved plant).

Maidstone

Maidstone is the county town of Kent. There are 6 premises approved under EU Vertical Directives, including dairy, meat and egg products. Maidstone has the largest population of all the Kent Districts. There are a diverse number of food premises are situated in the town centre supporting a thriving night time economy. The majority of businesses are catering establishments there are a number

of large manufacturers of low risk foods as well as on small scale cheese producers, pasteurised milk producer dispersed across the rural communities. The M20 runs through Maidstone attracting number of distribution warehouses, and 6 Approved premises in the district. Other significant rural communities are Boxley, Headcorn, Marden, Lenham and Staplehurst.

Tunbridge Wells

There are 10 premises approved under EU Vertical Directives, including a cheese manufacturer and meat and fish products. The service is delivered from Tunbridge Wells Town Hall. Officers work according to business demands involving evening and weekend visits to premises that are inaccessible during 'normal' working hours.

The main urban area is the historic town of Royal Tunbridge Wells and Southborough and the two market towns of Cranbrook and Paddock Wood. Beyond these towns, the Borough is predominantly rural in character and nearly 70% of the borough is designated as an area of outstanding natural beauty.

2.5 Regulation Policy

The three local authorities have adopted or follow the Government's Enforcement Concordat and each has an Enforcement Policy based upon its principles. The enforcement policy is consistent with the revised Regulators Code issued on 06 April 2014. In addition to this there is an Environmental Health Enforcement Policy for the shared service.

The policy seeks to ensure that local businesses comply with important statutory requirements designed to protect the health, safety and welfare of employees, the public and the environment whilst placing the minimum possible burden on businesses.

The principles of enforcement meet the requirements of the Better Regulation Executive and the 'Hampton principles' to reduce the burden on small businesses by targeting food business operators posing the highest risk to food safety and taking a 'softer touch' approach to lower risk and fully compliant operators.

3.0 **Service Delivery**

3.1 Food Premises Interventions

Programmed Inspections

Programmed inspections of food businesses are carried out in broad accordance with the frequencies determined by the inspection rating system set out within the Food Law Code of Practice (England) Annex 5. Premises assessed as presenting greater risk (A, B & C) are conducted strictly within the **prescribed timescales**. Premises in **lower risk categories** namely category D are also inspected whilst premises which are category E are subject to our **alternative enforcement strategy**.

Health and Safety inspections of food premises are not routinely carried out unless matters of evident concern are identified or as part of other H&S intervention projects. The food premises database is maintained on the corporate IT Database – Uniform.

The high-risk inspection programme outlined for 2015/16 is shown below:

Category	Swale	Maidstone	Tunbridge Wells	Total
A	0	2	3	5
B	52	22	13	87
TOTAL	52	24	16	92

We will employ a selection of interventions to reduce the risk ratings and ensure compliance of high-risk (Category A and B) food premises. These will include:

- Delivering 100% of the high-risk food inspection programme (Category A and B). Wherever possible the same officer will be allocated to conduct the inspection as the previous year to ensure a consistent approach and appropriate escalation of enforcement action.
- Identification of premises who have a rating of 2 or under from the National Food Hygiene Rating Scheme and working with these businesses to improve the rating (this will be done in 2016/2017).

New premises

New premises will be registered accordingly and allocated to officers for inspection. This figure will vary year on year but on average there are 100 new businesses per year per district.

Delivering a targeted intervention programme in medium risk premises

The remaining resources will be targeted strategically amongst our medium and low risk premises on the following basis:

All premises defined as not broadly compliant will receive a full programmed inspection. This will result in a further 836 planned programmed inspections

Category	Swale	Maidstone	Tunbridge Wells	Total
C	254	145	163	562
D	69	107	98	274
TOTAL	323	252	261	836

A proactive inspection will be carried out when a **complaint or service request** is received about premises that are due for a proactive inspection.

Other premises will be targeted where **intelligence** arises from various sources including the Food Standards Agency and neighbouring authorities.

3.2 Food Complaints/Service Requests

All officers are expected to respond to all food service requests within the time scales specified in the respective Council's Performance Targets. Priority is given according to the perceived risk to health. Depending on information received from the complainant & the resource available, some service requests will not be investigated. This includes food poisoning allegations.

Revisits

Revisits are carried out following planned inspections but only where deemed appropriate. The revisit matrix criteria are outlined in Appendix 1. Based on previous years' trends, it is estimated that in the forthcoming year **50 revisits** will be carried out. This year we also expect to receive requests for revisits under the **Food Hygiene Rating Scheme** and we envisage that **70** additional revisits will be carried out as a result of this.

General

The **Planned Interventions Procedure** details the steps to be followed by officers when carrying out a planned inspection. This procedure takes into account the current Food Law Codes of Practice, Industry Guidance and advice from Central Government Departments. Results of our planned inspection programme are published via the national **Food Hygiene Rating Scheme**.

All Officers undertaking inspections, investigating complaints, giving advice and taking samples meet the **qualifications and experience** requirements as detailed by the Food Law Code of Practice (England), Chapter 4.

3.3 Home and Primary Authority Principle

Swale Borough Council is Home Authority to Shepherd Neame Brewery in Faversham. This is a partnership involving food hygiene, giving advice to the brewery and other local authorities to promote consistency in food safety management and

hygiene enforcement. A formal written agreement was made in October 1997 and renewed in November 2011. It is estimated that 15 hours officer time was spent on this issue in 2014/15 and it is expected that a similar amount of time will be spent during 2015/16

In addition the shared service acts on an “informal” home authority basis for two meat products manufacturers, a food bottling / packing plant and a cheese producer.

These companies have informal arrangements with the service whereby advice and guidance is given on matters relating to food hygiene. Complaint referrals from other local authority enforcement officers relating to these companies are dealt with in our capacity as originating authority.

We also have obligations under the Regulatory Enforcement and Sanctions Act 2008 to co-operate with Primary Authorities. The Enterprise and Regulatory Reform Act 2013 further extended the partnership arrangements between local authorities [the ‘Primary Authority’], businesses extending activities beyond a single local authority area and the local authorities in whose area they are.

We have a statutory duty to follow any ‘Inspection plans’ made by the Primary Authority when visiting businesses within the scheme. This means we will be directed to concentrate only on those areas identified within the Inspection plans. This is to avoid duplication and unnecessary bureaucracy for businesses subject to many inspections at their branches nationwide.

3.4 Advice to business

Mid Kent shared service is committed to providing advice to businesses. The Food Service is committed to providing its customers with a comprehensive food information and advice service. Advice is freely available to food businesses either on request or during visits. The Food and Safety Service has an extensive library of information leaflets, in community languages, which are available/sent to food business on request or provided as part of an inspection.

The service makes use of the Safer Food Better Business pack which assists food businesses to develop their own food safety systems as required by Regulation (EC) 852/2004, Article 5 para 1. The pack is available free to download from the Food Standards Agency.

The Food Service website also provides businesses with advice, information and links to various, relevant websites.

Also, prospective and existing operators are advised on the range of training courses that are available to them and their staff.

Specific information on the number of requests for advice from local businesses is not available because of the number of sources it can be obtained from. It is estimated that 100 requests for information regarding setting up a new business are received annually.

	Maidstone	Swale	Tunbridge Wells
Food Complaint (hygiene)	35	86	77
Food Complaints (food)	67	33	15
Total Number of Service Requests Received (includes hygiene & food)	468	274	276

This is part of the total number of service requests dealt with by the teams and has not been separately assessed for allocation of resources.

It only specifies those requests that are logged in the computer system as these usually require a measure of resource to resolve e.g. a visit. It does not include advice given over the telephone or in person, which, although not recorded, is a daily occurrence that can take up a significant amount of time.

3.5 Sampling

Sampling is carried out according to our Sampling Policy. To prioritise resources, this is confined mainly to the national sampling programme, with guidelines produced by the Public Health Laboratory Service (PHLS) and Local Government Regulation (LGR)

and co-ordinated across Kent by the Food Technical Group. Currently the sampling plan for the three authorities is in line with the Food Standards Agency sampling programme for 2015/16. It is anticipated that in Quarter 3 and 4 that an imported food sampling project can be delivered across the three authorities.

The protocols for sampling are formulated by the Public Health Laboratory Service or LGR (depending on type of survey) and distributed to the Council or downloaded from the LGR website. We also sample as part of a 'Kent shopping basket' obtaining a variety of food, coordinated by PHLS.

The exception to this is sampling of shellfish in The Swale.

60 shellfish samples are submitted annually for microbiological examination (10 per month) with additional samples tested for the presence of algal toxins.

It is estimated that sampling will have accounted for 30 hours of officer time in 2015/16, resource allowing.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

Complaints of alleged food poisoning are referred to in 3.2 above.

All notifications received from the Public Health England Kent Unit are investigated using Department of Health Guidelines and the Food Poisoning / Infectious Disease Investigation Procedure.

Where it becomes apparent that more than one person is affected the Proper Officer is informed and the possibility of an outbreak considered. Outbreaks are investigated in accordance with the Infectious Disease Outbreak Plan drawn up by the Kent Infection Control Committee, in conjunction with the Clinical Director of the Kent Health Protection Unit, who is the Proper Officer. Where a problem of wider importance is discovered, relevant food enforcement authorities and the Food Standards Agency will be notified in accordance with the Food Law Code of Practice.

Meetings of the Kent Infection Control Committee are held quarterly with the Clinical Director, other adjoining local authorities, and other health partners.

Outbreaks of sickness and diarrhoea are often found in institutional environments, such as care homes and hospitals, generally seasonal, and associated with Norovirus -type infections. Although a number of people are usually affected these are rarely associated with food safety.

3.7 Food Safety Incidents

Food Alerts are dealt with in accordance with the Food Law Code of Practice and our Food Alert Procedure. All Food Alerts are received electronically and warnings are transmitted electronically. No estimate of resource allocation is available and the demand is determined by external factors.

3.8 Liaison with other organisations

The Food and Safety Team is committed to ensuring the enforcement approach it takes is consistent with neighbouring authorities and authorities with similar premises. We have regular contact with colleagues in other Kent authorities. There is a conscious effort between the organisations to ensure that there is a consistency of working practices. Arrangements are in place to ensure engagement and collaboration. These are:

- Kent Food Technical Group - The purpose of this body is to review legislation and Codes of Practice and develop good-practice guidance to be available for use by all Kent authorities.
- Kent Sampling Sub-Group who co-ordinate sampling, exchange ideas and provide low-cost training opportunities.
- Inter-Authority Audit Schemes via Kent Environmental Health Manager's Group
- Local Government Regulation (LGR) – for guidance and advice

- Food Standards Agency – for guidance and training
- Public Health Laboratory Service and the Kent Health Protection Agency [now part of Public Health England] for support in sampling and food poisoning.
- Planning and Building Control Sections – Notification of relevant planning applications are submitted to the Team for perusal and comment and food safety advice is often provided before the formal application is submitted.
- There is regular attendance at the Kent Environmental Health Manager’s Group.

3.9 Food Safety Promotion

Food safety promotional work includes advice to businesses and education. We offer food safety training (for which a fee is charged) which is mainly the Chartered Institute of Environmental Health Level Two in Food Safety in Catering course.

We aim to participate in Food Safety week to promote food safety messages from the Food Standards Agency.

The food and Safety Team where appropriate will attend business forums, area forums and other opportunities to promote the service.

3.10 National Food Hygiene rating Scheme

Most food businesses inspected receive a rating to be put on the Food Standards Agency Website. This enables consumers to have an idea of the hygiene standards in their local restaurant, caterer or retailer before visiting. Revisit will be carried out to those businesses where a request for a revisit has been received. There is a separate procedure to deal with this.

3.11 Imported Food

Although all three authorities are 'Inland' and have no Border Inspection Posts, there is a requirement to enforce legislation concerning food imported that does not meet food safety requirements.

This is achieved by assessing the origin of food on sale during routine food hygiene visits and checking the integrity of health marks on labelling etc. Powers are available to prevent illegally imported food being on the market.

Our sampling programme occasionally includes imported foods.

4.0 **RESOURCES**

4.1 **Financial Allocation**

Each authority provides financial resources for the food service delivery in proportion to the service demand and number of food businesses inspected. Initially, when the service established in June 2014 database information across the three authorities provided a baseline for the financial arrangement. This data will be subject to review based on service need and delivery. For 2015/16 this is £602,395 for the professional food and safety staffing costs across the shared service. This excludes the administrative and management costs associated with the food safety function.

As each authority attributes internal financial charges in different ways, this has not been considered as part of the resource.

The IT resource and support for the food service is provided by Mid Kent ICT Service and a Shared Uniform Database currently on Version 9 and due to update to V10 in Dec 2015. Extensive resources have been provided to establishing the shared database which went 'live' in June 2014. Within the service a high level of administrative support continues, ensuring that the data held for businesses is accurate and officer in put is monitored by the Food & Safety Team Leaders.

Legal costs are form part of the internal recharge services and should costs be awarded to the local authority this goes into legal or corporate budgets, except for Maidstone cases.

Modest revenue budgets are allocated for equipment to cover temperature monitoring and calibration of equipment, food sampling costs or analysis.

4.2 Staffing Allocation

The agreed budget estimate for the FTE (Full time equivalent) posts in the food service for 2015/16 is provided below. The Food Standards Agency estimates the average of 1 FTE per 324 food premises. The average ratio for the Shared Service is 260 premises per officer (including team leaders and admin officers).

Comparison of FTE to Food Premises Ratio

	Maidstone	Swale	Tunbridge Wells
2013	350	540	224
2014	312	508	239

	Budget 2014/15 (£)	Budget 2015/16 (£)
Management costs	83,506	84,456
Professional Employee Costs (includes overtime, PRP, NI and Superannuation)	522,537	598,972
Transport Expenses	28,250	22,580
Administrative support costs	58,485	57,280
Income (including income from litigation)	-7,007	-3,410
TOTAL (available expenditure)	686,771	742,151

Staffing Allocation

The actual staffing profile for officers within the Food Service (including support staff) having direct food law enforcement related role as of April 2015 is outlined below:

P	Food Function	Other Functions
1x Service Manager	0.3 FTE	0.7 FTE spent on a combination of strategic management and managing H&S, environmental protection, and the Tunbridge Wells Health and internal health and safety functions.
2 x Team Leaders	1.2 FTE	0.8 FTE spent managing H&S & strategic management
5.4 x Senior Environmental Health Officers	4 FTE	1.4 FTE on H&S
3 Environmental Health Officers	2.5 FTE	1. FTE on H&S
4.5 Food & Safety Officers	3.5 FTE	1.0 FTE on H&S reactive work, animal welfare
6.25 Administration Officers	2.5 FTE	3.75 FTE on system administration, environmental protection, contact centre costs and customer contact
Total	14.0 FTE	

4.3 Staff Development

The Service places significant importance in the development and training of staff to ensure that quality services are delivered to our customers. The Food Service will ensure that all staff are appropriately qualified and receive regular training to maintain their level of

competency and continuous professional development by completing the RDNA for Food Safety and Health and Safety (completed for 2016/2017). The service recognises the importance of ensuring continuing professional competence in technical areas of work. All officers are duly authorised in accordance with a documented procedure: which outlines qualification criteria, specific experience criteria and competency assessment required. Each officer prepares and carries out an annual training and development plan. Development needs (outside RDNA) are identified using a competency and skills matrix. During performance appraisals, training and development needs of staff are identified between staff and managers and these are scheduled to be achieved during the year. Each officer maintains a training and development file containing evidence of formal qualifications, CPD certificates from external and internal courses attended, together with details of agreed, planned training for the forthcoming year.

Continuous professional development is compulsory for Environmental Health officers belonging to the Chartered Institute of Environmental Health. Also Food safety officers must comply with the Food Standards Agency Code of Practice and undergo a minimum of 20 hours continuous professional development training in food safety annually.

Regular update training is provided in-house for policy and procedures, especially when new legislation or changes in approach occur

5 Quality Assessment

5.1 Quality assessment & internal monitoring

The service is monitored by the Team Leaders and the Environmental Health Manager, who reports progress to the Mid Kent Partnership Board. Work is monitored by accompanied visits, validation exercises, including customer satisfaction surveys, database and correspondence checks.

6 IT Quality

Performance monitoring is supported by the use of the Service's computer software system *Uni-form*. The database contains details of all commercial premises and actions against visits for both complaints and programmed inspections. Management Reports and Management Audit Reports produce **management information** from the database and detail progress against targets and performance indicators. Procedures exist and are exercised to sustain **tight control and regular audit** to ensure that the database is

accurately maintained. **Monthly Data Quality Reviews** are carried out to ensure the system is maintained and checked for accuracy.

7 Policies and Procedures

All policies and procedures are **reviewed periodically** to ensure they are **up to date** and reflect current practices as well as relevant guidance produced by the Food Standards Agency, Public Health England, Better Regulation Delivery Office and any other relevant bodies.

8. Review of Service Plan 2015/16

Each of the partner authorities submit annual statutory monitoring returns to the Food Standards Agency detailing inspections carried out according to those due for inspection.

The following review mechanisms are in place:

- Monthly monitoring of the Service Plan by the Senior Management Team
- Quarterly Performance Reporting
- Monthly Cabinet Member meetings
- Monthly data quality meetings
- Annual service planning activity

8.1 Variations from Service Plan

- This is the first service plan of the new partnership. A common database [Idox Uniform] was introduced in June 2014 for the use of teams across the three partner authorities.
- Risk ratings of premises will vary during the year as new premises open and others close. This explains the variation of inspection numbers against those planned according to risk

8.2 Areas of Improvement

Opportunities for service improvement are discussed as part of our annual service planning activity and built into service plans for the year ahead

- On 12-14 March 2012 Swale were subject to an audit by The Food Standards Agency. This confirmed generally a good service, complying with statutory requirements. The audit report can be found on the enforcement portal of the Food Standards Agency website www.food.gov.uk/enforcement
- Maidstone Council's Food service was subject to an Food Standard Agency audit March 2010 and an internal audit in 2013.
- Tunbridge Wells were audited for the control of E.coli by the Food Standards Agency – February 2012

APPENDIX 1: REVISIT CRITERIA

Category	REVISIT/SELF CERTIFICATION
HIN Served	<ul style="list-style-type: none"> All premises must be revisited within a reasonable time period following expiry; one week is the maximum permitted and this is for HACCP and Training. Hot water and Pest control must be visited within two days maximum.
0,1 & 2 Star Premises	<ul style="list-style-type: none"> All premises must be revisited unless agreed otherwise by a Team Leader following the inspection. This may require two revisits, one initially to check on structural matters such as cleaning, pest control and hot water etc and one later for Documentation and practices.
3-5	<ul style="list-style-type: none"> No premises to be revisited unless agreed otherwise with Team Leader