

Feedback – Maidstone Borough Council Hackney Carriage and Private Hire Licensing Policy

Name	Comment & Page reference	Officers Comment
Councillor Paul Harper	They should be implemented in September 2022	<p>Response to:-</p> <ul style="list-style-type: none"> Environmental Considerations – In accordance with this Borough’s Biodiversity and Climate Action Plan the policy has been updated to reflect the commitment to becoming a carbon neutral borough by 2030, with the introduction of a Carbon Neutral Vehicle Policy. All vehicle that come to the end of their licensable lives will need to be replaced with a carbon neutral vehicle, your views are sought on when this should be implemented from:- <p>Please indicate the option that is preferred:</p> <p>September 2022 March 2023 September 2023</p>
Michael Moss – Licensing Partnership Manager	<p>Page 4 Reading it gave the impression the DBS checks would be every 3 years and not every 6 months.</p> <p>Page 6 Reading implied the DBS supporting documents could also be provided as scanned/ photocopied document (they must be originals) I would also like to discourage photos being provided as supporting documents – while I would be happy for a DVLA Driving Licence to be a photo, something like an Insurance Certificate should really be provided as a PDF document.</p>	<p>Amendment made</p> <p>Amendment made</p>

	<p>Page 7 DVLA Mandate is no longer used and instead should read DVLA Check Code (I would recommend doing a Hyperlink to DVLA page)</p> <p>Page 8 (9) You have specified DBS application or current valid disclosure certificate. There is not validity period on a DBS certificate only by what is set under our own Policies. This could imply that a certificate within 6 months (the frequency in which they are checked) would constitute a valid period. This may need to be made clearer if the customer needs to be informed the certificate is not valid after one calendar month (if that is your limit).</p> <p>Page 8 The Link provided for the DBS should be a Hyperlink under the word 'Register'.</p> <p>Page 8 The new information about the Certificate of Good Conduct is provided under the heading DBS, should it have its own heading or should the DBS heading be amended to say something generic like 'Criminal Record Checks'.</p> <p>Page 8 The information regarding the Certificate of Good Conduct is almost repeated from section (10) directly above.</p> <p>Page 8 The information regarding proof of address is repeated from section (12) directly above.</p> <p>Page 8 The request for proof of NINO is listed under the DBS heading, should this not be moved above?</p> <p>Page 8 Should the EQUO information have its own heading (as it doesn't fall under DBS or Criminal Record Checks) or moved to the section above (the same as the NINO information)?</p> <p>Page 9 3.1 Fee: Outstanding application of more than 12 months will be cancelled and a new DBS sought, does this mean if someone submits a DBS at the</p>	<p>Amendment made</p> <p>Amendment made</p> <p>Amendment made</p> <p>Amendment made</p> <p>Duplication removed</p> <p>Duplication removed</p> <p>Not considered necessary - Proof of right to work is required prior to an applicant sitting a test and is not necessarily part of a DBS check, this has been left as it is.</p> <p>Amendment made</p> <p>Not considered valid - The Policy says " Any outstanding application older than 12 months</p>
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	<p>start of their application but takes 11 months to complete, that we will still accept that DBS from 11 months ago? If not, then this is a little misleading for the reader.</p> <p>Page 12 3.6 – I’m more curious really – have you got the training material for the EUQO training? It’s an Officers issue but I haven’t seen anything yet. I assume some will be provided but if not, this section implies that training material will be provided.</p> <p>Page 14 Given the context of what is being discussed, I think it should read DVLA Driving Licence as it could be confused with the Taxi Drivers Licence.</p> <p>Page 15 Unmet demand survey states it is reviewed every three years, but was last completed in 2016 – should this be 2019?</p> <p>Page 16 The Service Standards has recently been changed to 12 working days... however, the application is not valid until receipt of the garage compliance test and The Hub Team have 12 working days from that date in order to produce the licence and 5 working days to produce the plate (for renewals these are made up in advance). I would be grateful if this could be amended to encourage the trade to get the vehicles tested sooner as many leave it to the day before expiry to book the vehicle in and this causes undue pressure on the Hub Team – and gives the trade unrealistic expectations.</p> <p>Page 16 4.1: A hyperlink is needed for the link under the word ‘Application Fee’.</p>	<p>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” It’s quite clear that an 11 month DBS would not be accepted, no amendment has been made.</p> <p>General comment - Training material will be provided to applicants and should be available from mid April</p> <p>Amendment made</p> <p>Amendment made</p> <p>Amendment made</p> <p>Amendment made</p>
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	<p>Page 17 You have mentioned continuous insurance. As per our previous discussion and my recommendation to SB, the Hub is proposing to stop chasing & uploading Insurance Certificates. However if your intention to keep this task in-house (will become the responsibility of MBC to chase and upload) then obviously the information can stay within the Policy.</p> <p>Page 18 More curious about this one – should or did you want Uniform to be able to easily identify these SEVs as I assume they are currently recorded as a PH? If you do (for reporting purposes) then I can make arrangements to do this.</p> <p>Page 19 At the bottom of the page you changed the Unmet Demand survey from 2016 to 2019, but the next line reads 2016.</p> <p>Page 20 4.9: Completely up to you – but thought you might want to mention the weekly submissions to DEFRA regarding Air Quality? Also an opportunity to advise your trade on how their information is being used.</p> <p>Page 22 You have provided a list of requirements imposed on a PH Operator... having been out of the Officers loop for a while I don't know if this is all taken from the new National Standards? I am curious, as the PH Operator is required to notify of any changes (in vehicles and drivers) and this notification would need to be recorded on Uniform – is the assumption that The Hub would deal with this? As that could lead to a significant increase in work which hasn't yet been agreed or resourced? Just curious to know your understanding of the situation so I can start making some plans?</p> <p>Page 23 States “available from the Council”.... Should this say Council website or offices? The link provided should be made a Hyperlink on the word ‘Council Website/Office’.</p>	<p>General comment - No change required</p> <p>General comment - No change to Policy required</p> <p>Amendment made</p> <p>Not considered valid -This is dealt with by a separate department and as the detail isn't known I won't include it here .</p> <p>General comment - No further amendment to Policy required.</p> <p>Amendment made</p>
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Shukbahadur Gurung – Licence holder	I would prefer if we started from September 2023, other than that I have no other comments to make nor add.	<p>Response to:-</p> <ul style="list-style-type: none"> • Environmental Considerations – In accordance with this Borough’s Biodiversity and Climate Action Plan the policy has been updated to reflect the commitment to becoming a carbon neutral borough by 2030, with the introduction of a Carbon Neutral Vehicle Policy. All vehicle that come to the end of their licensable lives will need to be replaced with a carbon neutral vehicle, your views are sought on when this should be implemented from:- <p>Please indicate the option that is preferred:</p> <p>September 2022 March 2023 September 2023</p>
Neil Cox – Maidstone Taxi Association & Licence Holder	<p>Page 6.</p> <p>The introduction of online forms, payment and delivery by post of new license plates is a massive step forward which most licensees welcome. Once the COVID 19 crisis is over can we keep to this arrangement as it is such a time saver? I do however have some members who wish to retain paper forms and payment by cheque due to lack of online knowledge and access to the internet.</p> <p>Page 7.</p> <p>There is often a substantial delay in getting drivers tests, knowledge tests, DBS checks and medicals on initial application which leads many applicants to give up and drive for a parcel or food delivery company or</p>	<p>General comment - Online forms and payment have been available since 2015 and are promoted within the policy, applicants are encouraged to use the facility. The practice of posting out plates Is a direct result of the pandemic and as it has been successful will be continued. Paper forms and cheque payments will still be accepted for some time to come.</p> <p>Action required - The subject of the Knowledge test is addressed in a separate report to</p>

	<p>similar which impose no similar restrictions and they can drive any vehicle of any age. This is a chokehold on the trade and we would like a review on the entry mechanism to our trade to encourage more people to take up taxi driving.</p> <p>Our suggestion is that new applicants should be able to drive a licensed Private Hire vehicle provisionally once a DBS, DVLA check and Group 2 medical have been completed. An applicant will already have passed a driving test and the addition of another driving test seems pointless. The Knowledge test for PH drivers is outdated in an age of SatNavs. Fares are often prepaid or fares set prior to the journey. Uber drivers do not know their way around London and elsewhere but seem to manage with a Satnav and the public seem to like their service. They are by far the largest taxi operator in the land! We are aware this is a step change but believe technological change should be met with similarly imaginative changes to the regulatory environment.</p> <p>Page 10.</p> <p>We request that Group 2 Medicals should be carried out at 5 yearly intervals rather than 3. Historically it used to be a 5 yearly requirement but was reduced to 3 years because all the other checks were done at this interval. Now that DBS & DVLA checks can be done much more regularly online we believe that medicals should return to 5 yearly intervals as they are for bus and lorry drivers. This would have no impact on Licensing Dept funds.</p>	<p>Committee and suggests amendments that will assist the trade.</p> <p>No change recommended - It is the experience of the Licensing Department that it is the knowledge test that holds up an applicant. They must pass the test before submitting an application and undertaking the further checks. The subject of provisional badges has been brought up with the Licensing Department in recent months and some Councillors have also been lobbied on the subject.</p> <p>The argument against them is that a driver is either fit and proper and should get a licence or they are not fit and proper and they don't get a licence, ultimately we want the public to feel confident in taxis and the only way to ensure that is to apply the fit and proper test to drivers at the outset and not in stages.</p> <p>The Licensing Committee have agreed a policy that sets out the criteria that satisfies the "fit and proper" test and it should be maintained.</p> <p>.</p> <p>No change recommended - Changing the frequency of the medical would impact on resources. Currently we issue 3 year badges and we require drivers to supply a medical when they renew. This means all checks are done at the same time and is efficient as nothing can be missed. If medicals are undertaken every 5 years</p>
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	<p>Page 12. EQUO Test. The cost of £66 seems excessive. Whilst we are not against any knowledge that may be gleaned from this test it is yet another hurdle to getting a driver working. Could it not be stipulated that an applicant must pass this test within a year of starting work and would help to spread the cost of becoming a licensed driver?</p> <p>Page 17. Currently a vehicle can only be Compliance tested at Oakwoods Garage, Dean St. In short, we would like a greater choice of garage. We believe TMBC stipulate a minimum of 6 garages.</p> <p>Where a vehicle fails its Compliance Test or cannot be put up for test because of accident repairs or shortages of available parts for repair we would like that vehicle to be treated as relicensureable once it passes its test assuming its licence expires and that this is written into the Taxi Policy.</p>	<p>then there will be a requirement to send reminders to drivers causing an additional burden to the Licensing Hub.</p> <p>No change recommended - The expectation is that drivers have safeguarding training before they commence employment. If applicants are given an extended period in which to take and pass the test it will fall to officers to chase outstanding certificates and take enforcement action against those that do not comply. This will put pressure on the resources of the Licensing Department.</p> <p>Valid point - This can be investigated</p> <p>No change recommended - Reminders are sent to vehicle owners at least 6 weeks before expiry and Mot's and compliance tests can be undertaken a month before expiry giving plenty of opportunity to get repairs done and the vehicle passed. In exceptional circumstances where accidents or major repairs are required which cannot be achieved before the expiry of the licence then a time period can be agreed with the Licensing Department to get the work done. This situation is already covered in the</p>
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	<p>Also, we would like brand new and delivery mileage vehicles to be licensed without a Compliance Test as they have just come off the production line and all parts are new. This would save licensees £57 per new vehicle and would have no impact on Licensing Department funds.</p> <p>Page 30. NR3. As we have a DBS checking system we are bound to ask what is the point of another database? We understand this will be put out to another consultation in the near future.</p>	<p>policy under “ Each application will be determined on it’s own merits”</p> <p>No change recommended – The Department of transport best practice guidance on the frequency of tests states “ The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year.” “ An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. Sevenoaks and Tunbridge Wells both require their licensed vehicles to be tested every 6 months</p> <p>General comment - This was included in this consultation the purpose being we are required to make the trade aware that we will be sharing information to a national database to mitigate the risk of nondisclosure of relevant information by applicants. DBS checks advise local authorities of criminal convictions but the NR3 database will capture other information pertinent to Licensing Authorities.</p>
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	<p>Page 31 & 45. It is currently the case that no vehicle that has been written off can be licensed. We understand the reasoning in terms of seriously damaged vehicles but many vehicles are written off due to little more than cosmetic damage whose repair costs exceed the value of the vehicle. Sometimes if the cost of repairs exceeds 60% of the value of the vehicle it is written off. Such vehicles currently come under Category N. These are NOT 'Cut and Shut' vehicles. We believe these vehicles are no danger to the public, should be licensable and a Compliance Test would reveal any safety issues.</p> <p>Page 37. Why is the maximum width of an HC limited to 1.778m and the length to 4.575m? This seems curiously exact! The interior dimensions are equally bizarre. Why is a roof rack not permitted on an HC but is on a PH? Why is 38cm the value set for step height? Are we ever likely to need such detailed restrictions and are Licensing ever likely to enforce them? May we suggest a review of all of the internal and external measurements. Are they even necessary?</p> <p>Page 40. The current regulations prevent use of any significant tinting at all. This precludes the use of many vehicles that in other respects are perfectly usable. Many cars have tinted rear side and rear windows but untinted front windows. We understand the reasoning behind the current rules but feel this has been taken too far to the detriment of vehicle choice. We believe the standard windows in the fully electric Nissan Leaf are heavily tinted and would therefore not be licensable. We would agree that totally blacked out windows are unacceptable but beyond that some tinting should be considered proportionate. TMBC have 50% tint as the minimum light transmission for rear side and rear windows.</p>	<p>No change recommended - Consideration could be given to Licensing Category N vehicles but only when a detailed report by a suitably qualified mechanic has been provided and we are confident the vehicle will not jeopardise public safety in any way. Members may wish to consider this.</p> <p>Action required - Agreed this section will be reviewed once the introduction of carbon neutral vehicles has been agreed.</p> <p>No change recommended - Vehicles with tinted windows can be licenced as SEV's as they usually undertake contract work where tinted windows are requested by the customers and plate exemptions are in place. Sev's are not suitable for ordinary private hire work as they cannot carry children or vulnerable adults. Many of the vehicles supplied with tinted glass are acceptable with reference to the Road Vehicles (Construction and Use) Regulations</p>
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	<p>Page 41. In an age where everything is done online and by e mail it seems old fashioned for a taxi to need to have a paper copy of its insurance certificate on board at all times and clearly visible from the passenger compartment. This information is easily accessible online by anyone who is interested including the Licensing Dept. Having one in the vehicle is not evidence that a vehicle is insured.</p> <p>Page 47. Mobile Telephones are invariably connected to the vehicle by Bluetooth these days and hands free is the norm. Hard wired is out of date. We suggest specifying a Bluetooth connection for hands free operation rather than hard wired connection.</p> <p>Bye Laws. Drivers Badges: Currently Drivers Badges include our names, number and image which are highly visible. We propose that only our images and badge number are included and the words 'Drivers Name withheld by Licensing Authority'. Unfortunately, some of our clientele have been known to track down drivers by their names to their home addresses which is rather concerning!</p>	<p>1986, however in the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment is not considered acceptable for HC & PH licensed vehicles and the percentage tint stipulated in the policy reflects this view.</p> <p>General comment, no action required - You can check online to confirm if a vehicle is insured but there is no detail available, you can not check the cover type, name or the cover dates. Most sites that offer the service require a subscription so we will continue with paper copies in the vehicles for now.</p> <p>Valid point -Amendment made</p> <p>No change recommended - The information on drivers badges is the same information held on public registers and available on our website. Names have been on badges for over 15 years and in that time no incidents have been reported to Licensing of a driver being tracked to their address. There's no evidence to support the</p>
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	<p style="text-align: center;">The switch to Fully Electric and Hybrid vehicles.</p> <p>At present a vehicle must be under 3 years old and have done less than 30,000 miles when it is licensed for the first time. A PH vehicle can be tested up till the 6th anniversary of date of first registration and an HC its 15th. When that licence runs out it can no longer be used as a taxi. Nearly all vehicles are powered by an internal combustion engine at present, albeit at Euro 6 emissions standard.</p> <p>The MBC proposal seems to be that come a given date (Sept 22 through to Sept 23) all vehicles that are replaced from that date will have to be fully electric in the case of PHs and hybrid or fully electric in the case of HCs.</p> <p>We have some issues with these proposals given the Covid19 crisis which has done the taxi trade so much harm. For the last year or so the night time economy has been non-existent, shops have been shut for much of the time and local authority, KCC work has been extremely limited and social service transport has never resumed. We understand many drivers have not renewed their badges or vehicle licences. We do not recall a worse year for work or income in our entire working lives.</p> <p>Whilst many of us are still financially afloat due to SEISS payments (between 70% and 80% of trading profits) our incomes have been shredded and it is now that we are expected to make the leap to new, expensive tech.</p> <p>Whilst we are aware of the pressures the MBC are under from government and media to go forward with proposals to tackle climate change the taxi trade here and elsewhere are faced with having to replace</p>	<p>suggestion and passengers should know the name of their driver.</p>
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	<p>vehicles that may not be replaceable with low emission affordable alternatives.</p> <p>In terms of HCs, we currently have 2 options that currently fit the new criteria, the LEVC hybrid (London Taxi), the fully electric Nissan NV200 and we believe an Hybrid Mercedes Vito is on the way. All cost in excess of £55,000 new and all need charging far too frequently.</p> <p>In terms of PHs there are a few fully electric (BEV) options. Nissan Leaf, 168-239 mile range from £26,845, Seat Mii from £19,800 160 mile range, Vauxhall Corsa E 209 mile range £26,490, Kia E Niro 282 mile range £26,829. There are others but you get the picture. The ones with the greatest range tend to be small saloons. There aren't that many at present. There is a much greater choice of hybrids (REEV).</p> <p>I can find 4 zero emission (BEV) fully electric 5,6,7 or 8 seater vehicles on the market at present including Tesla model S and X from £83,980, Nissan E-NV200 Combi £29,755 and Mercedes EQV £70,665. Much of our current workload including school transport involves vehicles with these seating capacities. The new criteria will devastate this part of the market.</p> <p>Given the above our suggestions for future vehicle type licensing policy are as follows.</p> <ol style="list-style-type: none"> 1. That the date for this new low emissions policy be put back beyond September 2023 given the lack of availability, choice and affordability of vehicles, the lack of range of those available and the lack of charging infrastructure. We do not understand why September 2023 is the last option offered when vehicles powered by internal combustion engines will be on sale until 2030. 	<p>Decision required on implementation date - A date needs to be set as the discussion around introducing cleaner vehicles has been going on since March 2018. The Policy and Resources Committee have approved an action plan to address climate change and biodiversity. The plan includes the target of a carbon neutral borough and to achieve this we must reduce carbon emissions from every source, including</p>
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	<p>2. That replacement Private Hire vehicles from the specified date should include hybrid vehicles as well as fully electric ones. This is especially important for larger seating capacity saloons and small non pcv minibuses.</p> <p>3. We would request that the existing fleet of licensed vehicles can be licensed for an extra 15 months due to the Covid19 crisis which we may want to see extended if the situation and restrictions continue. The current date for the lifting of restrictions is 21st June 2021 which would mean 15 months of severely restricted operations for us.</p>	<p>transport. Licensing have been tasked to reduce number of taxis using fossil fuel by 2030. We have had 3 responses in relation to this matter 1 for September 2022, 1 for September 2023 and 1 beyond September 2023. Members may wish to decide this matter in the absence of a majority option.</p> <p>General comment - It's expected that a varied and cheaper choice of vehicles will be available quite quickly and if we consider the pandemic and set the date as September 2023 business should be back to normal. If that isn't the case then the date can be reviewed again at that time</p> <p>Information - This was addressed at the November Licensing Committee where a temporary amendment was requested, which is permitted within the Hackney Carriage and Private Hire Licensing Policy, which states at page 26:</p> <p>10. Departure from the Policy</p> <p><i>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.</i></p>
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	<p>4. Another suggestion is that replacement vehicles that are BEV or REEV do not have to meet the 3 year, 30,000 mile rule. As an example, there are a number of LEVC taxis for sale second hand that are coming up to 3 years old and have over 30,000 miles on the clock but are currently out of reach for those who may wish to buy them.</p> <p>We therefore propose that the 3 year, 30,000 mile rule at first licensing for both HCs and PHs be amended to a 5 year, 100,000 mile rule for BEV and REEV vehicles to encourage take up. No minimum engine size should apply in the choice of REEV.</p> <p>5. We suggest that for HCs any vehicle that is wheelchair accessible, is right hand drive, has 4 wheels, can carry up to 8 passengers, has 4 or 5 doors, has an internal combustion engine capacity of any size when acting as the source of energy for an electric motor, has a partition between driver and passengers can be used as an HC.</p> <p>We would like this to become the default position in the choice of vehicle and we as HC operators would not need to present a potential vehicle to</p>	<p>The temporary amendment was agreed at the Licensing Committee, with the wording to be approved by the Chair and Vice-Chair. The amendment requested agreed was:</p> <p>“Maidstone Borough Council have agreed for a period of time to extend the years for which vehicles can be licensed, Hackney Carriage vehicles may be licensed until 16 years old and Private Hire Vehicles until 7 years old. This temporary policy change will be kept under review and revert no later than March 2022.”</p> <p>Action required - This needs further research but can be considered when reviewing the appendices for vehicle specifications once the introduction of carbon neutral vehicles has been agreed.</p> <p>Action required - This needs further research but can be considered when reviewing the appendices for vehicle specifications once the introduction of carbon neutral vehicles has been agreed.</p>
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	<p>licensing before purchasing as we do at present. This is not the case for PHs.</p> <p>We suspect that technological progress may well render this discussion irrelevant but, in the meantime, we must deal with the world as it is rather than how we may want it to be. Once this new tech is commercially viable we won't need a given set of regulations to encourage us to switch.</p>	
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