

AGENDA

GENERAL LICENSING COMMITTEE MEETING

Date: Thursday, 19 April 2018

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Cameron Beart (Chairman), Tina Booth, Roger Clark, Mark Ellen, Paul Fleming, June Garrad, Prescott, Ben Stokes and Anita Walker.

Quorum = 3

Pages

1. Emergency Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes
3. Minutes

To approve the Minutes of the Meeting held on 12 September 2017 (Minute Nos. 213 - 217) as a correct record, and to accept the Minutes of the following Licensing Sub-Committees:

2pm 1 August 2017 (Minute Nos. 154 – 157)
10am 8 August 2017 (Minute Nos. 160 – 161)
10am 23 August 2017 (Minute Nos. 171 – 174)
3.30pm 28 November 2017 (Minute Nos. 354 – 358)
2pm 30 November 2017 (Minute Nos. 372 – 375)
2pm 27 March 2018 (Minute Nos. 572 -576)
3.15pm 27 March 2018 (Minute Nos. 577 – 581)
4.15pm 27 March 2018 (Minute Nos. 582 – 586)

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

5. Public Session

The Council operates a scheme of public speaking at meetings of the

General Licensing Committee. Requests to speak at the meeting must be registered with Democratic Services by 4.30pm on Friday 13 April 2018 and must be related to an item on the agenda. Each speaker has a maximum of three minutes to speak.

Part B Minutes for the General Licensing Committee to decide

- | | | |
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| 6. | Taxi Policy | 1 - 116 |
| | To consider the revised Taxi Policy | |
| 7. | Fares Consultation | 117 -
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| | To consider the Fares Consultation. | |
| 8. | Scrap Metal Policy | 129 -
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| | To consider the Scrap Metal Policy. | |
| 9. | Kent and Medway compliance and enforcement protocol | 153 -
166 |
| | To consider the Kent and Medway compliance and enforcement protocol. | |

Issued on Monday 9 April 2018

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 DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of this Committee please visit www.swale.gov.uk

Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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General Licensing Committee Meeting	
Meeting Date	19 th April 2018
Report Title	Statement of Hackney Carriage and Private Hire policy
Cabinet Member	Cllr Alan Horton, Cabinet Member for Safer Families and Communities
SMT Lead	Mark Radford
Head of Service	Mark Radford
Lead Officer	Della Fackrell, Resilience & Licensing Manager
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. Members to consider each of the recommendations made in the evaluation grid attached as Appendix III to this report, and request officers to update the draft policy document at Appendix I accordingly prior to final approval. 2. That following the policy being updated, in accordance with recommendation 1, final approval is delegated to the Cabinet Member for Safer Families and Communities and the Chair of General Licensing Committee without further need to report back to this Committee with a commencement date of 1st May 2018. 3. That Members delegate any future amendments to Appendices of the Statement of Hackney Carriage and Private Hire policy which are of a minor nature to the Cabinet Member for Safer Families and the Chair of Licensing Committee after consultation with the Resilience and Licensing Manager

1 Purpose of Report and Executive Summary

- 1.1 This report is to present Members with the consultation responses received in respect of the draft 'Statement of Hackney Carriage and Private Hire policy'.
- 1.2 The report includes an evaluation of each response and gives an officer recommendation as to whether or not amend to the draft policy statement and, if so, in what way and to what extent. Member input is sought in finalising the policy statement for publication and implementation.

2 Background

- 2.1 The overarching aim of the taxi and private hire licensing regime is to protect the public by ensuring that all drivers, vehicles and operators are licensed and regulated by local authorities in accordance with statutory provisions, primarily set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and, where they exist, local policy requirements.
- 2.2 The aim of the licensing function is to provide a safe environment for those using the vehicles and also for ensuring that drivers are knowledgeable and understand their responsibilities to the travelling public e.g. particularly around safeguarding for vulnerable children and adults. Hackney carriages (taxis) and private hire vehicles, their drivers and their operators also have an important role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available, outside “normal hours” such as the evening or at weekends, or for those with mobility difficulties.
- 2.3 Although it is not a statutory requirement the council has previously published a Hackney Carriage and Private Hire Licensing policy in 2014 and 2016 although the current policy does not cover many of the elements that licensing officers, drivers and operators need to ensure there is no ambiguity.
- 2.4 The draft policy put before Members at this Committee has also taken into account Best Practice Guidance issued by the Department for Transport, the Regulator’s Code and the policies of other local authorities.
- 2.5 Policy requirements that are unduly stringent could restrict the availability of taxi and private hire services, and consequently be detrimental to public safety. It is therefore important to try and ensure that policy requirements are justified by the risk they aim to address and balanced against potential negative outcomes.
- 2.6 A successful balance will help the taxi and private hire trade develop successfully whilst providing safety and assurance to the public

3 Proposals

- 3.1 A draft proposed statement of the Hackney Carriage and Private Hire Policy is attached as **Appendix I**

The main points for the proposed changes to the draft Taxi Policy are as follows:

- 3.2 **Vehicles** – page 8 of the draft policy
 - 3.2.1 6 monthly Test

In the current policy, all vehicles over 5 years old are required to pass two tests per year, 6 months apart.

The proprietor is required to obtain a Vehicle Compliance Test from an approved garage and Licensing Officers also carry out a similar inspection

This is considered to be duplication and not the most effective use of officer time and as such Members are asked to consider the removal of the 6 monthly test.

However a 6 monthly garage test will still be required to be done for all vehicles over 5 years old.

3.2.2 Electric / Hybrid Type

Taking into account environmental considerations and advancing technological developments of vehicles the Council will consider applications to licence vehicles that are of an electric or hybrid type.

3.2.3 Grant and Renewal of Licences – page 16 of the draft policy

In line with the DfT Best Practice Guidance three year badges will now be issued. A one year badge will only be issued if (1) the medical practitioner is of the opinion that the driver should only be issued with a one year badge or (2) the driver is 70 years or over.

3.3 Drivers – page 17 of the draft policy

3.3.1 Probationary Badges

The Council sometimes received requests from Taxi Operators to allow easier entry into the taxi trade to ensure that they can fully service the travelling public. As a result probationary badges were initially proposed. This would mean that a driver would have been allowed to enter the taxi trade as a private hire driver for a period of 6 months before then being required to sit a Street Knowledge Test. After careful consideration it was decided that this posed a safety risk to both the travelling public and to the drivers themselves.

However in order to assist taxi operators and proposed drivers it is now intended that whilst all applicants will need to sit and pass a Street Knowledge Test there will be two pass marks. A lower pass mark will allow entry into the trade as a Private Hire driver only whilst a higher pass mark will permit a driver to be licensed with a dual Hackney Carriage/Private Hire badge.

3.3.2 Age and Experience – Driving Proficiency & qualifications

As part of our proper vetting processes the licensing authority has to be able to determine that the driver has a driving ability to a professional standard such that they are deemed safe to transport the travelling public of the borough. In the past driving test specifically tailored for the taxi trade were undertaken by the DVSA.

This has now ceased but it is proposed to require applicants to undertake a driving test that is available through various private providers. The cost of this test would be borne by the applicant

3.3.3 Driving Experience

Under the old policy, there was the requirement that “any person applying to licence a Hackney Carriage/Private Hire vehicle, must have at least twelve months experience of the Hackney Carriage business, before being permitted to licence their own vehicle”

We are asking members to consider the removal of this condition. This would encourage the drivers to set up their own business and become independent.

3.3.4 DVLA

Drivers shall be asked to complete a form which will authorise the Council to apply to the DVLA for a driver licence history.

3.3.5 Safeguarding

Everyone has become aware of the well-publicised issues relating to Child Exploitation and Human Trafficking that have occurred throughout the country. The Licensing Authority has a duty to assist the Taxi and Private Hire trade and the public in tackling this issue, and to protect those who are vulnerable and/or being exploited. We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and to protect those who most need our help.

It is for this reason that all new applicants for a driver licence will be required to undertake CSE training before their licence is granted.

3.3.3 DBS (to include)

A badge will not be issued to the driver until the Council has sight of the driver’s returned DBS check and we are satisfied that the driver is still fit and proper to carry the travelling public of Swale.

3.3.4 Code of Conduct – page 23 of the draft policy

This used to be a separate document but has now been incorporated into the main taxi policy as Appendix J

3.3.5 Badge Lapse

If a driver's badge has lapsed in the last 2 years and the driver wishes to re-licence, Swale council will be happy to relicence the driver without the need to re-do the Street Knowledge Test.

3.4 Disciplinary & Enforcement measures – page 28 of the draft policy

In reviewing the existing penalty points it is considered that some are disproportionate and require review to make the penalty point system more extensive to assist drivers understanding and enforcement of any breaches.

The proposal would be to allow the Authorised officer to decide the appropriate level of penalty points or enforcement action that would be applied in each individual case.

Any offence or breach of policy may mean the driver/proprietor will receive between a minimum of 3 penalty points and up to a maximum of 12 penalty points.

Members are asked to consider the proposed new penalty point system
The proposed new penalty point system is at **Appendix II**

3.6 Relevance of Convictions and Cautions – page 52 of the draft policy (Appendix E)

A more extensive list of offences has been added to the Policy. This list would cover a wider range of offences as compared to the existing one on the current Policy. This has been enhanced for the safety of the public.

3.7 Private Hire Operators Licence conditions – page 77 of the draft policy (Appendix K)

A more extensive list of conditions has been introduced in the draft Policy to enable more appropriate checks to be carried out with the Private Hire Operators. This has been enhanced for the safety of the public.

3.8 Future Amendments to the Policy (To include)

Individual appendices of the policy could from time to time be amended without the need for the full consultation process or approval from Licensing Committee. This would be done by the Cabinet Member for Safer Families and the Chair of Licensing Committee after consultation with the Resilience and Licensing Manager.

3.9 Street Knowledge Test – Page 63 of the draft report (Appendix G)

The Street Knowledge tests will be held on a four weekly basis. Candidates can only be accepted on the test if they have submitted a completed application and

full payment up to 6 working days in advance of the test. Any candidates after this date will be allocated to the next month's test.

The Council's decision of the outcome of the test is final (and that any appeal can only be made in exceptional circumstances where the result will be considered by the Licensing Manager).

4.0 Fire Extinguisher / First Aid Equipment – Page 38 of the draft report

Licensed Vehicles are being proposed to carry the above.

We have included a word of warning for the First Aid Equipment

"Beware! – a driver should not render aid to any other person unless he holds a current First Aid Certificate – Health and Safety Rules)."

4 Alternative Options

- 4.1 If the modified proposals are not considered suitable then members could revert to the original Taxi policy.

5 Consultation Undertaken or Proposed

- 5.1 A consultation period of 10 weeks ran between 18th January and 20th March 2018. Methods of consultation included advertising on the council's website, by way of direct emails, and where this was not possible, postal mailshots as well as advertising in the local newspaper.
- 5.2 All responses received have been entered onto a grid for consideration.
- 5.3 Licensing officers, in consultation with the Resilience and Licensing Manager have conducted an evaluation of each response and have given recommendations as to whether or not to amend the policy statement, and if so, in what way and to what extent.
- 5.4 The grid and recommendations is attached as **Appendix III**.

6 Implications

Issue	Implications
Corporate Plan	The service is an important regulatory function undertaken to ensure safety of the private hire and hackney carriage vehicles used in the Borough and supports the achievement of corporate priorities, including "A council to be proud of"..
Financial,	The cost of consultation and publishing an updated policy will be

Resource and Property	<p>met from within existing budgets.</p> <p>The Statement of Hackney Carriage and Private Hire policy will not place any new financial resource implications on the Council.</p>
Legal and Statutory	<p>There is no legal requirement for a policy, however it is best practice. This is different from the Licensing Act 2003 and the Licensing Act 2005 where a written policy is a legal requirement.</p> <p>Rights of appeal are granted to all applicants and licensees who are aggrieved by any licensing decisions.</p> <p>Under the Human Rights Act 1998 Members must consider the hackney carriage and private hire drivers right to “enjoyment of possession” under Article 1 of the First Protocol – Protection of Property and in determining a policy regarding licensing of these individuals must balance this right with the need to protect the public</p>
Crime and Disorder	<p>There are obvious links to community safety in ensuring an adequate supply of properly licensed taxis as a safe mode of transport for the public, particularly when other public transport is unavailable and ensuring the safety of drivers and the trade</p>
Environmental Sustainability	<p>The policy has considered environmental sustainability with regards to emission’s from vehicles</p>
Health and Wellbeing	<p>None identified at this stage</p>
Risk Management and Health and Safety	<p>Whilst each individual application will be judged on its own merits, a documented policy ensures a transparent and consistent policy ensures a transparent and consistent approach to licensing that reduces the opportunity for challenge through the courts.</p> <p>Challenges to a particular decision are more likely to fail if the Council can demonstrate that it has adhered to its published policy and there was no reason to depart from it. Any departures from the policy will be based on material evidence and will be documents giving clear and compelling reasons for doing so.</p>
Equality and Diversity	<p>This policy seeks includes provision for requirements placed on licence holders to meet provisions of the Equality Act 2010</p>
Privacy and Data Protection	<p>None identified</p>

7 Appendices

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

- Appendix I: Draft statement of the Hackney Carriage and Private Hire Policy

- Appendix II Proposed new penalty point system
- Appendix III: Grid and recommendations for changes to the draft Hackney Carriage and Private Hire Policy

8 Background Papers

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

2017-2022

Summary, Definitions & Interpretation

The Role of Licensing

The aim of local authority licensing of Hackney Carriage and Private Hire Vehicle (PHV) trades is to protect the public. Swale Borough Council is also aware that the public should have reasonable access to Hackney Carriage 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 Hackney Carriage and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade.

Swale 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 Hackney Carriage 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 Hackney Carriage 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 Hackney Carriage or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

Swale Borough 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 Swale Borough Council does look carefully at the costs – financial and otherwise – imposed by all of its licensing policies.

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Appendix

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- B** Seatbelt Regulations and Children
- C** Additional Conditions for Executive Private Hire and Limousines
- D** Application Procedures
- E** Guidelines regarding the Relevance of Convictions
- F** Details of Residency outside the United Kingdom
- G** Driver Knowledge Tests
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1.0 Introduction

1.1 Powers and Duties

1.1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 (as amended), and the Local Government (Miscellaneous Provisions) Act 1976 (as amended) which places on Swale Borough Council (the “Licensing Authority”) the duty to carry out its licensing functions as to hackney carriage and private hire vehicles and drivers.

1.1.2 In undertaking its licensing function, the Council will also have regard to other relevant legislation (and any legislation replacing or amending the same or any regulations made thereunder) including:

- Transport Act 1985
- Road Vehicles (Constructions and Use) Regulations 1986.
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Health Act 2006 and Smoke-free Regulations 2006/7
- Legislative and Regulatory Reform Act 2006
- Road Safety Act 2006 Road Traffic Acts
- Health & Safety (First Aid) Regulations 1981
- Immigration Act 2016
- Equalities Act 2010

Equalities

Swale Borough Council condemns all incidents of harassment whether due to race, religion, homophobic. gender or disability, whether perpetrated by Council Staff, employees agents, third parties or those involved in providing licensed taxi service, whether Hackney Carriage or Private Hire.

A serious view will be taken of all incidents of this nature including the possession of inflammatory material and inappropriate use of language. All offences will be taken seriously because of the significant social damage done by these offences. If incidents are reported to the Council then they will be investigated and where warranted, enforcement action will be taken against the perpetrator. If this matter were to go to court on appeal these allegations can and should be put before the court to help it determine whether the driver or operator is a fit and proper person

1.2 Background to Policy

- 1.2.1** The Department of Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales.
- 1.2.2** In 2006 the DfT produced a Best Practice Guidance to assist local authorities with the regulation of the hackney carriage and private hire trades. It was directed at local authorities “to decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. There was recognition, within the document, that is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.
- 1.2.3** In 2010 the DfT’s Guidance was updated and this policy revision takes the 2010 version into account.
- 1.2.4** In the light of this and in order for Swale Borough Council to maintain a modern, forward thinking licensing function by adopting this licensing policy recognition is given to both the needs of residents for safe, healthy, convenient and effective taxi transport while facilitating a sustainable taxi industry and the importance of this provision to the local economy and vibrancy of the borough. The hackney carriage and private hire industry within the Council’s area is comprehensive and provides its population with a good service. This policy builds on the industry’s existing strengths and on the 2016 policy.
- 1.2.5** This Hackney Carriage and Private Hire Vehicle Licensing policy is also intended to ensure that both the trade and the public have a document that fully explains the licensing procedures in a clear and transparent manner. The policy sets out what is considered to be best practice in terms of hackney carriage and private hire licensing. It does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance.
- 1.2.6** The Council sees the licensing process as an integral part to its approach to achieving its strategic and corporate objectives which encompasses the visionary goals of:
- Keeping Swale safe
 - Engaging and empowering communities within the Borough
 - Driving the economic development of the Borough
 - Ensuring a strong customer focus and delivering quality frontline services
- 1.2.7** The Council currently (2017) licenses approximately 420 drivers. There are approximately 220 hackney carriage vehicles and 65 private hire vehicles.

1.3 Objectives

- 1.3.1** Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other public transport is either not available (for example in rural areas, or outside

“normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.3.2 In setting out its policy, Swale Borough Council seeks to promote the following:

- (i) The protection of the health and safety of the public and of licensed drivers
- (ii) The prevention of crime and disorder and protection of customers and drivers from being the victims of crime
- (iii) The provision of a professional and respected hackney carriage and private hire trade, by continued partnership working with the trade and also by monitoring and improvement of their required standards of service
- (iv) Vehicle safety and the provision of assistance with public access to an efficient and effective public transport service

1.3.3 The aim of the licensing process in this context is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Licensing Authority’s wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public.

1.3.4 In exercising its discretion in carrying out its regulatory functions, the Licensing Authority shall have regard to this policy document and the objectives set out above.

1.3.5 This policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens.

This is also in accordance with the Regulator’s Compliance Code.

However, despite the existence of this policy, each application or enforcement measure shall be considered on its own merits. In certain instances we may conclude that a provision in the policy or code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the policy or code will be properly reasoned, based on material evidence and documented giving clear and compelling reasons for so doing.

1.3.6 The Council acknowledges that the current fleet of hackney carriages and private hire vehicles and drivers generally set a very high standard of appearance and performance of which the Council is proud. Whilst the number of occasions where suspension, revocation or prosecution are very rare, this Policy seeks to reinforce the existing high standards for all new licence holders joining the trade In Swale and emphasise the full range of enforcement options available should they be needed.

1.4 Consultation and Implementation

1.4.1 In drawing up this policy, Swale Borough Council has consulted with the following

- Representatives of the hackney carriage and private hire trade
- Kent Police
- Kent County Council Traffic & Road Safety
- Kent County Council Highways department
- Kent County Council (Schools contracts)
- Vehicle and Operator Services Agency

- Disabled Persons Transport Advisory Committee
- Local businesses and their representatives
- Local Residents and their representatives
- Swale Town Centre management
- Town and Parish Councils
- Community Safety Unit
- The National Private Hire Association
- The National Taxi Association
- Members of the Public through the Council Website
- Public Health Kent
- Chamber of Commerce
- Citizens Advice Bureau
- Age UK

1.4.2 It is anticipated that, subject to a full consultation process, this policy will take effect from **2017**. This policy will be formally reviewed at least every five years. It will also be informally re-evaluated from time to time in the context of social and economic changes, the continued development of the Borough and any relevant representations arising from this.

1.4.3 Upon implementation of this policy, the Authority expects licence-holders to comply with its terms immediately.

1.4.4 The Policy and associated documentation are available for inspection on the Council's website and a hard copy can be viewed at Swale Borough Council Offices, Swale House East Street, Sittingbourne, Kent, ME10 3HT

2. Vehicles

2.1 Limitation of Numbers

2.1.1 The present legal provisions on quantity restrictions for hackney carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages "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 on these grounds, it would, therefore, have to be established that the authority had been reasonably satisfied that there was no significant unmet demand.

2.1.2 Many local licensing authorities do not impose any quantity restrictions on hackney vehicles and the DfT regards this as best practice. Where restrictions are imposed, licensing authorities are urged to regularly reconsider the matter, taking into account whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles. The over-riding principles are the benefit to be achieved for them by the continuation of controls and how they might benefit if the controls were removed. Evidence should be sought as to whether removal of the controls would result in a clear and unambiguous deterioration in the amount or quality of service provision.

2.1.3 Where quantity restrictions are imposed, vehicle licence plates command a premium, often of thousands of pounds. This tends to suggest that there are people who want

to enter the market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.

- 2.1.4 If the local authority were to take the view that a quantity restriction can be justified in principle, the Guidance advises that the level at which the limit should be set is addressed by means of a survey.
- 2.1.5 The Council does not intend to set a limit on the number of hackney carriages which it licences.
- 2.1.6 No powers exist for licensing authorities to limit the number of private hire vehicles which they license.
- 2.1.7 The policy takes into account the repeal of the private hire contract exemption and the possibility of an increase in the number of private hire vehicles and drivers.

2.2 Specifications and Conditions

- 2.2.1 Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.
- 2.2.2 The Best Practice Guidance suggests that local Licensing Authorities should adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account
- 2.2.3 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licences. Hackney carriages and private hire vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate.

APPENDIX A sets out the minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications.

2.3 Accessibility

- 2.3.1 Swale Borough Council is committed to social inclusion and ensuring a wide range of opportunities is available to disabled residents to enjoy a high quality of life. Without the ability to travel, people with disabilities are denied access to life opportunities. Their access to education, shopping, employment, healthcare as well as social and family life is significantly improved when journeys become accessible. For this reason, the Council considers it important that people with disabilities have access to all forms of public transportation. Accessibility is an important consideration in respect of vehicles licensed as hackney carriages. Swale Borough Council will therefore keep this section of the policy constantly under review.
- 2.3.2 The Council is aware of the government's proposals to implement the provisions of the Disability Discrimination Act 1995 and the Equality Act 2010 in relation to hackney carriages (it does not apply to private hire vehicles). The Government announced its proposals for taxis in 2003 and since then has been consulting and gathering further information. The Government is now considering how best to bring

forward requirements for accessible taxis, and this includes evaluation of all the options; both regulatory and non-regulatory approaches are being considered.

- 2.3.3** This section of the policy also takes into account the 2007 report published by the European Conference of Ministers of Transport and the International Road Transport Union: It recognized that it is impossible to provide for 100% of wheelchair users without reducing the operational viability of the vehicle for the taxi operator and other passengers. There will be a small proportion of people who, because of the size of their wheelchair or the nature of their disability are unable to access taxis or indeed other forms of mainstream public transport. They will continue to need specialist door-to-door services.

2.4 Environmental Considerations

- 2.4.1** 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.
- 2.4.2** 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. 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 of 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.
- 2.4.3** 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.
- 2.4.4.** In view of the above details 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 fuels in respect of licensed taxis. The Council will be happy to consider applications to licence vehicles that are of an electric or hybrid type. Each application will be considered on its merits

2.5 Maximum Age of Vehicles

- 2.5.1** Vehicles licensed with 4 to 6 passengers, on first registration, will be less than 8 years old on the first date of the application and can be licensed up to 10 years old.
- 2.5.2** Vehicles licensed with 7 to 8 passengers, with wheelchair accessibility will be less than 12 years old on the first date of application and can be licensed for up to 15 years old.
- 2.5.3** All vehicles over 5 years old will be required to pass two tests per year, 6 months apart.

- 2.5.4** If a vehicle is not MOT tested or the MOT certificate is not presented to the Council at the six-month anniversary at a previously granted MOT certificate then the vehicle licence will be suspended until the MOT is presented.
- 2.5.5** Failure to present an MOT certificate within two (2) calendar months of its due date will result in the Vehicle License being revoked automatically.
- 2.5.6** Vehicles will be subjected to periodic, random inspections by authorised officers of the council or other agencies (e.g. VOSA)
- 2.5.7** The age of vehicles will be judged by, so far as can be ascertained, the date of manufacture or first DVLA registration of the vehicle. All new vehicles will have low mileage (Less than 150,000) and be in pristine condition.
- 2.5.8** No vehicle may be used as a taxi unless it has been given a Certificate of Compliance in respect of a satisfactory test from a Swale accredited test station and has been appropriately licensed by the Council.
- 2.5.9** There will be an annual test for all vehicles with the exception of vehicles over five years old and special vehicles, such as limousines / executive vehicles, which will require twice yearly tests at intervals specified by the Council.
- 2.5.10** Where an authorised officer of the Council has reasonable grounds to suspect that the condition of a vehicle poses a danger to either passengers or other members of the public, he/she may serve on the driver/proprietor a vehicle defect notice. In such cases the vehicle licence shall be immediately suspended until such time as the defect(s) have been remedied. The suspension shall not be lifted until it is proved to the authorised officer that the vehicle defect has been corrected.
- 2.5.11** Where an authorised officer of the Council has reasonable grounds to suspect that the vehicle has defects of a minor or cosmetic nature he may serve the driver/proprietor with a vehicle defect notice and may specify a period of time to allow for these defects to be remedied to his satisfaction.
- 2.5.12** Failure to comply with a vehicle defect notice issued by the Council within the statutory period for compliance will result in the revocation of the vehicle licence as required by law.
- 2.5.13** Where the relevant Committee of the Council is satisfied that a vehicle fails in any respect to meet any specification or condition of licence the relevant construction and use regulations required by law they may suspend a vehicle licence for any specified period.

2.6 Vehicle Testing, Inspections and Insurance

- 2.6.1** It is vitally important that the vehicles are covered at all times by appropriate insurance and that certification is provided to the Council to evidence this. Failure to present insurance within three (3) weeks of its due date will result in suspension of the licence. Failure to produce insurance within six weeks will result in revocation of the licence.

2.7 Signage

- 2.7.1** Within the Borough of Swale, both hackney carriages and private hire vehicles are required to display licence plates that are permanently fixed externally on the rear of the vehicle with Hackney plates being white and private hire being yellow. This is a key feature in helping to identify vehicles that are properly licensed. The plate details Swale Borough Council as the Licensing Authority, the vehicle make, colour and registration mark, the number of passengers the vehicle can carry and the expiry date of the licence.
- 2.7.2** All hackney carriage vehicles, except those with built-in roof signs should carry illuminated roof-mounted signs indicating that they are a hackney carriage (the use of the word "Taxi" is acceptable to fulfil this requirement).
- 2.7.3** The sign shall be so arranged that it is illuminated when the vehicle is available for hire but that when the machinery of the taximeter is in action the illumination of the sign shall be extinguished.

The top sign must be white, minimum width 400mm (16 inches long), centrally placed on the roof with TAXI to be displayed on the front face. Lettering should be black and may include the company name on the rear face.

- 2.7.4** Similarly, and in order to differentiate between the two types of licensed vehicle, private hire vehicles and restricted private hire vehicles are not permitted to carry roof-mounted signs of any kind or display any references to the words 'Taxi' or 'Hackney Carriage'.
- 2.7.5** The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles and drivers display the relevant licence plate and badge issued by the authority at all times.
- 2.7.6** The open display of these identifying plates and badges is important in terms of protecting both the public and the taxi trade. However, there are limited occasions where the display of such identification may have the opposite effect both in terms of customer safety and commercial implications for the operating business. The executive and limousine vehicles are a case in point. Identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and driver at risk. The display of local authority plates externally may also deter some customers from using the service; because of these factors the exemption below is available.
- 2.7.7** The only exception to not displaying the external plate is with the provision of an exempted plate that is pre-approved by an authorised Officer. The following requirements set the standard for this approval;
- Vehicles that can have an exempted plate will generally be the accepted luxury brands such as Rolls Royce and Bentley. The highest specification executive type cars from other manufacturers may also be considered following inspection and approval from an authorised Officer.
 - The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim.
 - The rear plate and the exemption letter must always be carried in the vehicle at all times.

2.8 Advertising

2.8.1 Third party advertising is not permitted on vehicles including radio stickers, football stickers or any other signs with the exception of the vehicle producer / supplier details. However, the name of the taxi company must be displayed on the front doors of all Hackney vehicles and operators are allowed to also display company details on the rear of vehicles. Door signs are not mandatory on Private Hire vehicles.

2.8.2 The name of the proprietor or operator must be clearly and permanently displayed by all operators on the front doors of all vehicles with a minimum size of 250mm wide x 250 mm deep and a maximum size of 450mm wide x 350mm deep. The email address and/or Fax or Phone number of the operator may also be included within the display area on front doors of vehicles and on the rear of the top sign.

2.8.3 Operators are allowed to display the company telephone, number, e-mail address and fleet car number along the bottom of the rear window of vehicles with a maximum height of 50mm and may also display the company name and/or telephone number, fleet number and e-mail address on the rear bodywork of vehicles with a maximum size of 600mm wide by 100mm deep.

2.9 Security and Closed Circuit Television (CCTV)

2.9.1 The DoT Best Practice Guidance recommends licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

2.9.2 The Council will not require enhanced security or CCTV measures in vehicles as it is considered that they are best left to the judgment of the owners and drivers themselves. The hackney carriage and private hire vehicle trades are, however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

2.9.3 The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. Across the UK there is evidence that attacks and incidents involving taxi drivers are sadly becoming more common. The main areas of concern are:

- Threats and assaults on drivers
- Allegations of drivers assaulting passengers
- Customers leaving vehicles without paying
- Allegations of theft associated with licensed vehicles

2.9.4 CCTV cameras can be a valuable deterrent for such incidents and, as well as protecting the driver from unjustified complaints, can protect the travelling public similarly by:

- Helping to prevent crime
- Identifying the perpetrators of crime

- Reducing the fear of crime
- Increasing the safety of drivers and passengers

2.9.5 All CCTV systems fitted to licensed vehicles must comply with the Approved CCTV protocol, and be confirmed by Swale Borough Council in writing. If CCTV facilities are installed in a licensed vehicle, the proprietor and/or operator will be responsible for ensuring the system conforms to the Councils specification, the Data Protection Act and other relevant legislation and displays the necessary informative notice for passengers. (see separate conditions for the installation of CCTV at APPENDIX C)

2.9.6 Any CCTV fitted to a licensed vehicle must also meet the specifications agreed by the Council and which must comply with the requirements of the Information commissioners CCTV code of practice. All equipment must comply with any legislative requirements in response of Motor Vehicle Construction and Use Regulations.

2.10 Stretched Limousines

2.10.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions such as stag and hen parties and children's birthday parties.

2.10.2 Licensing authorities are sometimes asked to licence stretched limousines as private hire vehicles. The Guidance suggests that such requests should be approached on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected (for example: because the vehicles may be left-hand drive).

2.10.3 Licensing authorities have, however, generally considered there to be some problems preventing stretched limousines from being licensed including:

- Many of them are left hand drive;
- Many are fitted with all round darkened glass;
- Most originate from the United States
- Many have been converted or modified after manufacture; seating space per passenger is 405mm and could give a greater capacity than eight persons.
- Due to their origin many parts may not be available making adequate maintenance difficult.

2.10.4 Accordingly, many Local Authorities have been reluctant to licence these vehicles because of possible risks to the public. Clearly, stretched limousines will normally fall within the private hire vehicle licensing regime for licensing and enforcement purposes, or if over eight seats, the Public Service Vehicle licensing regime.

2.10.5 Most limousines are imported for commercial purposes, although there are loopholes in the import procedures by which some vehicles may never be inspected prior to being used on roads in the UK.

2.10.6 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) test. They cannot be approved as Passenger Carrying Vehicles (PCV) because they cannot meet the required standards for the door arrangements and means of escape in an emergency. The SVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for SVA the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.

2.10.7 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as a motor vehicle constructed or adapted to carry fewer than eight passengers, other than the hackney carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:

- Suitable in type, size and design for the use as a private hire vehicle
- Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- In a suitable mechanical condition
- Safe
- Comfortable.

2.10.8 Stretched limousines may be granted a private hire vehicle licence provided that they are capable of carrying no more than eight passengers and meet the requirements of the Act. Possible exemptions under the 1976 Act provide that nothing should:

- 1) Apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
- 2) Apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly by a person carrying on the business of a funeral director, for the purpose of funerals;
- 3) Apply to a vehicle being used in connection with a wedding.

2.10.9 Stretched limousines which are not offered for private hire or which are used for funeral and weddings do not, as a rule, require a licence. Some operators of these vehicles have a wedding car insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week.

2.10.10 In accordance with the Guidance, all applications to license stretched limousines as private hire vehicles will be treated on their merits. Because these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the Council's responsibility to ensure safety and suitability, prior to a licence being issued, can be met. Imported stretched limousine type vehicles may:

- Be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
- Be granted an exempted plate on approval of an authorised officer;
- Be approved for licensing as private hire vehicles subject to the additional conditions detailed in APPENDIX C.

2.10.11 The driver's compartment, including the front passenger seat must not be fitted with darkened or blackened glass. The passenger compartment of the vehicle may be fitted with darkened or blackened glass.

2.10.12 The Council strongly recommends that anyone wishing to licence a limousine contacts the licensing authority before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards, as each vehicle will be considered on its merits.

2.10.13 Limousine drivers should ensure that they comply with the vehicle requirements and driver's and operator requirements.

2.11 Funeral Vehicles

2.11.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

2.12 Contract Vehicles

2.12.1 Previously there was no requirement for a vehicle to be licensed where it was used for a contract with an organisation/firm for a period of more than seven days for carrying passengers for hire or reward under a contract for the hire of the vehicle. This exemption only applied to the vehicle and driver subject to the contract and then only during the period of the contract. Any vehicles being used for a contract with one firm could not be used for any other contract or purpose during the period of that contract. This exemption has been repealed by provisions contained within the Road Safety Act 2006 that became effective in January 2008 and thus vehicles which previously took advantage of this exemption will now have to become licensed private hire vehicles.

2.13 Wedding Vehicles

2.13.1 A vehicle does not need to be licensed while it is being used in connection with a wedding.

2.13.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

2.14 Courtesy Cars

2.14.1 All vehicles with less than 8 passenger seats or fewer that carry passengers for hire and reward must be licensed by the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, night-clubs, etc are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed with the Local Authority, as should their Operator.

2.14.2 Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, night-clubs etc. should have an operator's licence and the vehicles and driver must be appropriately licensed.

2.15 Ambulances and Other Patient Transport

2.15.1 All ambulances registered with the British Ambulance Association will be exempt from private hire licensing.

2.15.2 Other patient transport that is registered with the British Ambulance Association will be exempt from private hire licensing. These services include:

- Primary Care Trusts
- Voluntary services

2.15.3 All other ambulance or patient transport services that are not registered with the British Ambulance Association may be required to conform to private hire licensing requirements. The Council strongly recommends that anyone wishing to provide this type of service contacts the licensing authority for each case to be considered on its merits.

2.16 Voluntary Sector Transport

2.16.1 The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.

2.16.2 The Council will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Council considers that private hire vehicle licensing is necessary.

2.17 Livery

2.17.1 Some licensing authorities require taxis to conform to particular requirements in terms of livery and markings, in order that they may be easily identified. Swale Borough Council require that Taxis are white with a 2inch Kelly Green stripe. Private Hire Vehicles may be any colour except white. It is felt that the visual distinction between a Hackney Carriage and a Private Hire vehicle is important for the public to distinguish between those vehicles that are for immediate hire and those that are required to be pre-booked.

2.18 Application Procedure

2.18.1 The application procedures for hackney carriage or private hire vehicle licence is not prescribed. The Council requires that an application must be made on a specified application form in accordance with application procedures set out in APPENDIX D.

2.18.2 Swale 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. We are happy to accept scanned accompanying documents or photograph images with online applications however this authority reserves the right to require the original documentation to be presented to the Licensing Authority.

2.19 Consideration of Applications

2.19.1 The Council will consider all applications on their merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

2.20 Grant and Renewal of Licences

2.20.1 A Hackney Carriage or Private Hire Driver's Licence shall be valid for a standard term of three years (unless, for administrative reasons, a shorter period is appropriate).

2.20.2 Council officers will send a reminder letter to the current taxi proprietor or operator two months before the existing licence expires in order to assist applicants in their prompt submission of re-licensing applications.

2.20.3 From the date of receipt of a satisfactory and complete vehicle licence application a minimum of one week is required before the appropriate licence can be issued.

2.20.4 Officers may only accept complete applications comprising all the necessary paperwork. If an application is received late the applicant's vehicle may be unlicensed for a period of time during which they will be unable to use it as licensed vehicle.

2.20.5 The licence fees payable are subject to periodic review and will be published together with other Council licensing fees.

3. Drivers

3.1 Licences

This Council issues a dual Hackney Carriage and Private Hire licence as well as an optional six months probationary badge for new drivers to drive Private Hire only vehicles. This allows people new to the taxi working environment to experience working as a taxi driver at a lower fee entry and assess if this is the right career choice for them.

The probationary badge requires:

- A person from the taxi trade known as a “Mentor” to sign both the Application Form and the Mentor Form and oversee the new driver as they work through their first six months
- A “Mentor” needs to have been licensed by Swale Borough Council for at least a period of three years
- All applicants will still be required to complete all statutory checks prior to being issued with a probationary badge.
- After three and six months the Mentor and Licensing Officer will review the probationary badge holder performance and conduct prior to renewing the probationary badge to a full three year driver’s licence.

The General declaration for a candidate agreeing to a six months probationary badge is:

1. The Licence conditions relating to the licences, for which this application is being made, have been read as well as Guidance Notes.
2. All answers given to Swale Borough Council are true.
3. I authorise the Council to make enquiries of any person’s etc. named on this form.
4. The probationary badge for a Private Hire driver’s licence - I, the sole/principal applicant, will not permit any badge issued to me to be worn by any other person and will surrender the same upon demand.
5. As a Probationary Badge holder I will work only for the Company which is named on this form for the duration of my probationary badge (six months).
6. If I leave employment from the Mentors Company my badge is invalid and must be returned to Swale Borough Council Licensing team immediately.
7. If I leave employment from the Mentors Company and find another Mentor the six month probationary period will start again.
8. No refund on withdrawn or terminated applications.

- 3.1.1** The statutory and practical criteria and qualifications for a private hire driver are broadly identical to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers.

3.1.2 The licensing authority will issue a licence to an applicant provided the applicant is assessed as fit and proper. In determining whether a driver is fit and proper the Authority will consider amongst other things; the applicant's relevant skills, knowledge, experience, qualifications, medical fitness, criminal records and previous history as a licence holder. The convictions which the Council consider to be relevant offences when considering an application for either the grant or renewal of a licence are shown in APPENDIX E. The licensing authority will consider each case on its merits.

3.1.3 Any foreign national will be required to give details of any residency outside the UK and sign a declaration that they are permitted to work in the UK. This is detailed in APPENDIX F. Applicants must also provide a document to evidence that they are permitted to work in the UK.

3.2 Age and Experience

3.2.1 A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who is under 21 years age. However, no upper age limit is proposed provided that a driver can demonstrate that he is still medically fit to hold such a licence. In this respect therefore, if a driver wishes to continue to be licensed once he reaches 70 years of age the licensing authority shall require that he obtains a medical certificate at yearly intervals.

3.2.2 A licence will not be granted to anyone that has not held a valid full DVLA or EU driving licence, for a period of at least 12 months immediately prior to the application.

3.2.3 The above policy requirements have been made because:

- A licensed driver is responsible for the safety of the customer and is required to need a mature attitude when dealing with those who may be vulnerable or otherwise have special needs and;
- Insurance accident statistics show regularly that there is a higher degree of responsibility in driver behaviour above 21.

3.2.4 An applicant will also be asked to complete a form authorising the Council to apply to DVLA for a driver licence history. This policy requirement is to ensure appropriate regulation of any penalty points by the courts in relation to road traffic offences.

3.3 Driver Knowledge Tests

3.3.1 Drivers clearly need a good working knowledge of the area for which they are licensed. The DfT recognises that most authorities require prospective drivers to pass a test as to their knowledge of the local geography (known locally as the Knowledge Test) as a condition of first grant of a licence. This test will also test the driver's knowledge of the Highway Code and the Council's Licensing Policy as well as basic knowledge of hackney carriage and private hire law and safe guarding. The procedures in relation to the above are set out in APPENDIX G.

3.3.2 Update training maybe required during the life of the badge

3.4 Driving Proficiency and Qualifications

- 3.4.1** The Driving and Vehicle Standards Agency (DVSA) first introduced a practical driving test specifically designed for hackney carriage and private hire drivers in 1999. Whilst this is no longer in existence many authorities still require an additional driving test specifically targeted for Hackney Carriage and Private Hire Drivers to be taken before a driver's licence is issued.
- 3.4.2** Swale Borough Council believes that as a profession hackney carriage and private hire drivers have a special responsibility for the safe transportation of fare paying passengers. An assessment of a driver's ability should, therefore, be obtained by all new applicants, and by any existing driver, where, in the opinion of either an authorised officer of the Council or the police, there is doubt as to the driver's technical competency. The cost of the additional test will be borne by the driver.
- 3.4.3** All new applicants for hackney carriage or private hire driving licences will therefore be required to produce evidence that they have successfully completed the additional driving test before a licence will be granted.
- 3.4.4** Applicants should not apply for the additional test until such time as they have been informed by the Council that they have succeeded in passing the Street Knowledge Test.
- 3.4.5** Whilst the Council has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification, for example an NVQ or BTEC in transporting passengers by taxi, the Council would encourage drivers to do so. It is of credit to the taxi trade in Swale.
- 3.4.6** Similarly the Council would encourage drivers to undergo practical passenger assistance training with particular regard to those with special physical needs.

3.5 Medical Examination

- 3.5.1** The DfT recognises that it is clearly good practice for medical checks as a condition for the initial grant of a licence and thereafter for each renewal. Adopting 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying C1 standards to hackney carriage and private hire drivers with insulin treated diabetes is considered to be best practice.
- 3.5.2** In the light of the above, medical examinations by the driver's own GP or someone with access to his medical records is required before any licence can be granted or renewed. A request form for a medical examination will be supplied by the Council. This report must be submitted at the time of applying for a driver's licence. The applicant will be responsible for payment of the appropriate fee.
- 3.5.3** Licence holders must advise the Council immediately of any deterioration in their health that may affect their driving capabilities.
- 3.5.4** Where there is any doubt as to the medical fitness of either an applicant or an existing driver, the Council may require the applicant or existing driver to undergo further medical examination by a doctor appointed by the Council, at the applicant's or existing driver's own expense.
- 3.5.5** Where there remains any doubt about the fitness of any applicant the Director of Corporate Services will review the medical evidence in consultation with the Council's

Occupational Health Advisor and make a final decision in the light of the medical evidence available.

3.6 Disclosure and Barring Service Criminal Records Checks

- 3.6.1** A criminal records check on a driver is an important safety measure. While the DBS has released guidance that such checks should not be at the level of an Enhanced Disclosure, there are certain circumstances where some drivers will be carrying out regulated activity. This may include when they transport children or vulnerable adults to or from a regulated activity and it is organised by the providers of the regulated activity or an organisation working on their behalf, e.g. a Local Authority school contract. Those carrying out regulated activity would qualify for an enhanced DBS check.
- 3.6.2** It is not regulated activity if a child/vulnerable adult hires a taxi in the street or by telephone privately.
- 3.6.3** An enhanced DBS check allows councils access to intelligence on alleged sexual assaults, rapes, terrorist activity, drug dealing and organised crime. A standard DBS check only highlights where somebody has been convicted of a crime. It is unable to raise the alarm if there have been multiple accusations of a sufficient concern to investigate further.
- 3.6.4** It is the Council's view that the public expects all reasonable precautions to be taken when determining whether to grant a licence to drive a hackney carriage or private hire vehicles and, as drivers are exempt from the Rehabilitation of Offenders Act 1974; an Enhanced Disclosure should continue to be the requirement for new drivers and for those renewing their licences.
- 3.6.5** The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as 'spent' and which would not normally necessitate disclosure of that conviction. However, in 2002 the Act was amended so as to exclude hackney carriage and private hire drivers from the effects of the 1974 Act Applicants for licences are, therefore, required to disclose all convictions and police cautions, including those that would previously been regarded as 'spent' under the 1974 Act
- 3.6.6** All applicants are encouraged to sign up to the DBS Update Service when applying for their enhanced DBS. Swale Council will no longer be issuing temporary badges as a result of delayed checks. It will be the driver's responsibility to make sure they have joined the DBS Update Service to be able to renew their badges on time.
- 3.6.7** The licence is conditional upon there being no adverse information revealed on the DBS disclosure that would render the applicant not 'fit and proper'. If the licence is issued and relevant information is later revealed on a disclosure certificate then that licence will be subject to review.
- 3.6.8** The Council may request another disclosure at any time if a further check is considered necessary.
- 3.6.9** The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties (except Councillors at Sub/Committee Meetings). The applicant for a DBS check will be sent a separate certificate to their home address (if using the paper version).

3.6.10 The Council recognises that there are occasions when requiring a DBS Certificate from an applicant will not achieve its original aim, for example, where the DBS are unlikely to have any information recorded against them due to the short period of time that they have resided in this country.

3.6.11 The Council therefore requires that all overseas applicants who have resided in this country for less than five years obtain a Certificate of Good Conduct from their relevant embassy or consulate, at the applicant's expense, authenticated, translated and sealed by the embassy or consulate

No Disclosure and Barring Service checks from any other Authority will be accepted. This Council is a registered DBS body and has a robust system for checking applicants and their documentation and only checks made by this council will be accepted, unless the applicant has an Update Service Certificate which is in date.

3.6.12 The applicant will be responsible for payment of the appropriate fee.

3.7 Relevance of Convictions and Cautions

3.7.1 The Guidance recommends that in considering an individual's criminal record authorities be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence, dishonesty, drugs/alcohol and sexual offences. Authorities are recommended to have a clear policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

3.7.2 The Council has generally worked to the guidelines set out in the DfT Circular 2/92 and Home Office Circular 13/92 in assessing the relevance of specific criminal convictions to a particular application. However a guide to the relevance of previous convictions, cautions and fixed penalty notices is in APPENDIX E.

3.7.4 In assessing whether the applicant is a fit and proper person to hold a licence the Council will consider each case on its merits. It will take account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application the Licensing Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence.

3.7.5 In relation to cautions the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred when considering their relevance to an application.

3.7.6 In relation to previous convictions the Council will have regard to the following:

- Whether the convictions are technically spent or unspent;
- The class of the offences;
- The age of the offences;
- The apparent seriousness, as gauged by the penalty.

Guidance in relation to specific offences is given in APPENDIX E. In general terms the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

3.7.7 In particular, applications may be rejected where the applicant's record includes one or more of the following:

- Any term of imprisonment or custody;
- Any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature;
- Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or driving under the influence of drugs and/or alcohol;
- More than six current points have been acquired on their DVLA Driving Licence.

3.8 Application Procedure

3.8.1 An application for a hackney carriage or private hire driver's licence must be made on the specified application form. The application procedure is set out in APPENDIX D.

3.9 Grant and Renewal of Licences

3.9.1 Drivers' licences are granted for a period of three years. However, they may be issued for a lesser period of time if in the opinion of a medical practitioner who conducted the medical examination it would be more appropriate to do so.

3.9.2 Council officers will send a reminder letter to the current taxi proprietor or operator, two month before the existing licence expires in order to assist applicants in their prompt submission of re-licensing applications.

3.9.3 From the date of receipt of a satisfactory and complete licence application a minimum of one week is required before the appropriate licence can be issued.

3.9.4 Officers may only accept complete applications comprising all the necessary paperwork. If an application is received late the applicant may be unlicensed for a period of time during which they will be unable to work as a licensed hackney carriage or private hire driver. The timely return of documents is the responsibility of the driver.

3.9.5 The licence fees payable are subject to periodic review and will be published together with other Council licensing fees.

3.10 Conditions of Licence

3.10.1 The Authority is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence and operator License as are considered necessary.

3.10.2 However it could be argued that many of the requirements prescribed within the Hackney bye-laws are effectively hackney carriage driver's licence conditions which are binding on drivers. Swale Borough Council's bye-laws were, however, enacted many years ago and do not therefore impose controls over many aspects of a driver's

conduct when operating a hackney carriage vehicle and therefore separate from this policy.

3.10.3 It is considered that the conditions set out in APPENDIX J are reasonable, necessary and proportionate for all licensed drivers.

3.10.4 In accordance with the above, the penalty point system detailed in APPENDIX I is a transparent and consistent method for the Council to determine whether or not a driver meets the 'fit and proper person' test.

3.11. Code of Good Conduct

3.11.1 Adopting a Code of Good Conduct for hackney carriage and private hire drivers serves to promote the Council's licensing objectives set out in Paragraph 1.3.2 above.

3.11.2 The Licensing Authority considers that to assist both drivers and the public, it would be useful to set down the standards which must be adopted in maintaining a safe professional and efficient approach to the transport of members of the public. It is considered that drivers must be aware of the law and minimum standards of behaviour, should adopt safe and non-aggressive driving techniques, and set a good example to other road users. The standards expected of licensed drivers are set out in the Code of Good Conduct, included in this policy document at APPENDIX J, which it is proposed will be adopted. The Code should be read in conjunction with the other statutory and policy requirements set out in this document.

3.11.3 Failure to comply with any aspect of the Code of Good Conduct will result in enforcement action. The Code of Conduct is an indicator which officers will use to help decide upon subsequent enforcement action. This may result in warnings or penalty points being given by officers. Repeated breaches following such warnings or penalty points may lead to more serious consequences including, if necessary, non-renewal, suspension or revocation of licences.

3.11.4 Anything that serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed.

3.11.5 It is considered that in order to raise the profile of the licensed trade drivers should operate at all times in a professional manner and dress so as to present a professional image to the public.

3.11.6 Any information provided by an individual will only be used for purposes connected with their application. Information will only be further used or transferred to other organisations and individuals as the law permits.

4. Private Hire Operators

4.1.1 The objective of licensing Private Hire Vehicle Operators is, again, the safety of the public, who will be using operator 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.

4.1.2 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator's Licence. Individual

Hackney Carriage drivers operating under their own or a trading name as a sole trader are not required to hold a Private Hire Operator's Licence.

- 4.1.3** A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 4.1.4** In order for an operator to prove that they are fit and proper they must provide evidence that they:
- are of good repute;
 - 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.
- 4.1.5** 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.
- 4.1.6** Planning consent may be required and all applicants must ensure that they obtain all the correct and necessary permissions before trading.
- 4.1.7** 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.
- 4.1.8** Applications will only be acceptable if they include the following:
- Application form completed in its entirety and signed by the applicant along with all the information prescribed.
 - 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 completed within 1 month and obtained via an approved body which will allow an update service check to be performed.
 - The appropriate fee. The current fees are available online.
- 4.1.9** A private hire operator must ensure that every private hire vehicle is driven by a person who holds a Swale drivers badge.
- 4.1.10** Both Private hire operator's licence and Private hire vehicle licence must be issued by the same Licensing Authority
- 4.1.11** The Operator must inform the Council in writing of any change of address (whether this is a home address or the address from which he/she operates). The Council will not grant an Operator's licence for any address outside the area of Swale Borough Council. This is to ensure that proper regulation and enforcement measures may be taken by the Council. It is in no way intended to be a restraint on the trade.
- 4.2 Criminal Record Checks**
- 4.2.1** Private Hire Vehicle 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.

- 4.2.2** Before an application for a private hire operators' licence will be considered, the applicant must provide a current (less than one months old) Basic DBS or Scottish Disclosure of Criminal Convictions 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.
- 4.2.3** 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.
- 4.2.4** A reference covering, for example, the applicant's financial records and/or business history could also be considered appropriate as well as the requirements outlined above in some instances.

4.3 Conditions

- 4.3.1** The Council has the power to impose such conditions on an operator's licence as it considers reasonable, necessary and proportionate. The conditions set out in APPENDIX K are those considered to be reasonably necessary.

4.4 Record Keeping

- 4.4.1** Requiring operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle is accepted as good practice. This would, for example, enable police checks to be made if any mishap should befall a passenger and assist with the recovery of lost property to the rightful owner.
- 4.4.2** Operators must keep records in respect of all bookings, vehicles and drivers for a period of Three years.
- 4.4.3** Such records are to be made available to any authorised officer of the Council or a police officer upon request.

4.5 Insurance

- 4.5.1** 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.
- 4.5.2** 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.
- 4.5.3** The conditions applicable to Private Hire Operator's Licences as detailed in APPENDIX K. require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate.

4.6 Licence Duration

4.6.1 The DfT considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable. The Council will, therefore, issue a successful applicant for a Private Hire Operator's Licence with a five-year licence from the date of grant

4.6.2 Holders of existing Private Hire Operator's Licences will be reminded, two months preceding their expiry, when their licences are due to be renewed. The timely return of documents is the responsibility of the operator.

4.7 Address from which an Operator may operate

4.7.1 Upon grant of an operator's licence the Council will specify the address from which the operator may operate. 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.

4.8 Bases outside the Swale Borough Council Area

4.8.1 The Council will not grant an operator's licence for an operator with an operating base that is outside the Council's area. This is to ensure that proper regulation and enforcement measures may be taken by the Authority and is not a restraint of trade.

4.9 Fees

4.9.1 On receipt of the appropriate fee, the permitted number of vehicles can be increased at any time during the period of the licence.

4.10 Gaming Machines

4.10.1 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.

4.11 Sub-contracting

4.11.1 In accordance with the Deregulation Act 2015, a Private Hire Operator is permitted to subcontract a booking to another operator who is licensed in a different licensing district.

5. Fares and Fees

5.1 Fares

5.1.1 Fare rates are reviewed annually following discussions with the trade or any section of the trade. The fares will not normally be reviewed more than once a year unless there are exceptional circumstances which would justify a further increase, for example a particularly sharp increase in petrol/diesel prices.

5.1.2 When determining the level of fares consideration will be given as to what it is reasonable to expect the travelling public to pay as well as the need to give drivers an incentive to provide a cost-effective service at the times it is needed.

- 5.1.3 Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. Fares can be negotiated prior to the commencement of the journey in both private hire vehicles and hackney carriages.
- 5.1.4 One of the main complaints relating to hackney carriages concerns overcharging. To protect the fare paying public from overcharging, as well as to protect the drivers from complaints, Swale Council will operate a simple fare tariff that must be displayed in all hackney carriages.
- 5.1.5 In reviewing the fare tariff the Council will consult with the trade and follow the appropriate procedures in the Local Government (Miscellaneous Provisions) Act 1976.
- 5.1.6 These regulations in relation to fares do not apply to private hire vehicles.
- 5.1.7 A table of authorised fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 5.1.8 A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.
- 5.1.9 The Guidance also recognises that there is a case for allowing any hackney carriage operators who wish to do so, to make it clear by advertising that they charge less than the maximum fare.

5.2 Fees

- 5.2.1 The Guidance does not deal with the issue of licensing fees at all. It is, however, generally recognised that the fees set for all hackney carriage and private hire licences should be such as to ensure that the costs of the service, including the cost of issue and administration will so far as possible be met from fee income.
- 5.2.2 It is, on the other hand, not lawful for the Council to seek to make a profit from licence fees that are within its discretion. In particular, with regard to the fees charged for hackney carriage and private hire vehicle and operator licences, the legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.
- 5.2.3 The fees payable for the grant and renewal of hackney carriage and private hire licences will be reviewed annually as part of the budgetary process and licence holders will be consulted and notified of any changes.

5.3 Payments

- 5.3.1 Online payments can be made via <https://selfserve.swale.gov.uk/doitonline/default.aspx?JScript=1>
- 5.3.2 All payments must be made before plates and badges will be issued.

5.4 Refunds, Transfers and Duplicate Copies

- 5.4.1 In the case of any licence where the licence holder surrenders their licence prior to the expiry date, there will be no refund in respect of the unexpired portion of the licence fee.
- 5.4.2 In common with most types of licence, an appropriate fee will be paid to cover the administrative costs associated with the transfer of a licence
- 5.4.3 Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will apply to cover the associated administrative costs.

6. Disciplinary and Enforcement Measures

6.1 Enforcement

- 6.1.1 It is recognised that well-directed enforcement activity by the Authority benefits not only the public but also the responsible members of the hackney carriage and private hire trades. The DfT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances. They remind authorities, however, that it is desirable to ensure that hackney carriage and private hire enforcement effort is at least partly directed to the late night period, when problems such as touting tend most often to arise.
- 6.1.2 In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Council will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 4.2 of this document.
- 6.1.3 The Taxi Licensing and Enforcement Policy & Practice set out at APPENDIX N will be used to ensure that its enforcement effort is reasonable, transparent and well directed.

6.2 Disciplinary Hearings

- 6.2.1 Disciplinary matters, except in the case of mechanical defeats to the vehicle, will ordinarily be referred to the Licensing Sub Committee or will be dealt with by officers. One of the functions of the Licensing Sub Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence and to take the action appropriate to the circumstances.

6.3 Penalty Points Scheme

- 6.3.1 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.
- 6.3.2 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 bye-laws 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.

6.3.3 The Council has found that an effective means of applying the conditions is through 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. This scheme is used to enforce current legislation and any future bye laws in respect of Hackney Carriage Drivers and will be operated as follows:

- The Council's Taxi Licensing and Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- Where it is decided that the use of the penalty points system is appropriate, the points are issued in accordance with appendix I. If the appendix allows a range of points for a particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.
- The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator. However the Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- Points issued to either a proprietor or driver will be confirmed in writing within ten working days from the discovery of the contravention. Appeals should be addressed to the Senior Licensing Officer within 21 days from receipt of the letter.
- When issued, the penalty points will remain "live" for a rolling period of 24 months from the date they were imposed.
- There is no financial penalty associated with the system and the licensee may continue to work. However, the licensee may be asked to attend a hearing of the Licensing Committee if 12 penalty points are imposed on an individual licence in any one 24 month period, where appropriate action will be taken in accordance with this policy.
- Where a driver, proprietor or operator attains more than 12 penalty points, disciplinary options available to the Licensing Committee will include warning, suspension or revocation of the driver's licence, where appropriate.
- If it is felt that the matter does not warrant suspension or revocation of the licence, the period for which the points are to remain "live" may be extended or a written warning may be issued to the driver as to his future conduct.
- Periods of suspension of a licence will be dependent on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.

- A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he/she deems necessary.
- Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. All suspensions will therefore be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process except when it is a public safety matter under S.52 of the Road Safety Act 2006.
- 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.
- The penalty points system outlined in Appendix I identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.

6.3.4 It is believed that the penalty points scheme has assisted the trade in maintaining its high standards. The Penalty Points System does not however compromise the Council's ability to enforce breaches of statute or local conditions in the Courts should an offence warrant such action. A copy of the current penalty points system can be found in APPENDIX I

6.4 Range of Powers

6.4.1 The Council may take any of the steps below upon receipt of evidence that an offence has been committed in relation to hackney carriage licences, private hire licences or private hire operator's licences. A breach of a condition in the Licensing Policy amounts to an offence in this context.

- Suspension of the Licence;
- Revocation of the Licence;
- Refusal to Renew;
- Issuing of Warnings or Cautions;
- Prosecution.

A licence may be suspended or revoked 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.

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 indefinitely and taken into consideration for enforcement purposes. 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.

6.4.2 Suspension

(i) Vehicles

Hackney carriage vehicles and private hire vehicles must be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the proprietor setting out the defect(s) and where public safety is likely to be imperilled the further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test at the proprietor's expense and been passed as fit for use as a hackney carriage or private hire vehicle.

(ii) Drivers

The Council may exercise its discretion to suspend the operation of a driver's licence where considered appropriate under relevant legislation . This action may be taken by an authorised officer.

6.4.3 Revocation

Where a licence holder has been referred to the relevant Committee because he/she has been convicted of a serious criminal offence, or has accumulated 12 penalty points or more under the Authority's penalty points system, the Committee may order the revocation of the licence.

6.4.4 Refusal to Renew

As an alternative to revocation the Licensing Sub Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

6.4.5 Issuing of Warnings and Cautions

As a method of dealing with less serious matters, the Council will issue warnings and cautions as are appropriate to the circumstances in accordance with Home Office Circular 016/2008 – ‘Simple Cautioning of Adult Offenders’. Minor or first-time

transgressions are likely to attract either an oral or written warning. Repeated or more serious conduct is likely to lead to the issuing of a simple caution, provided:

- there is sufficient evidence to justify a prosecution;
- the licence holder admits his/her guilt;
- the licence holder agrees to be cautioned.

This is more fully discussed in APPENDIX N

6.4.6 Prosecution

The Council will usually prosecute licence holders for relevant offences in the following circumstances:

- where the allegation is of a serious or repeated offence;
- where the Council proposes to caution the licence holder, but the offence is not admitted, or the caution accepted.

7. OFFENCES

7.1 Offences in relation to hackney carriages are derived from the following sources:

- Town Police Clauses Act 1847 (hackney only);
- Local Government (Miscellaneous Provisions) 1976 (hackney and private hire);
- Transport Act 1980 (private hire only);

The relevant offences under the 1847 Act, the 1976 and the 1980 Act are set out in APPENDICES I & P

8. TAXI RANKS

8.1.1 A number of ranks (also known as stands) for hackney carriages have been designated within the Swale Borough Council area:

Station Road, Faversham	Stone Street, Faversham
Sittingbourne Railway Station	High Street, Sittingbourne
Forum Service Road, Sittingbourne	Central Avenue, Sittingbourne
Sheerness Railway Station	Bridge Road, Sheerness
Hope Way, Sheerness	

Although the number and position of taxi ranks within the Borough may change due to regeneration schemes. These will be reviewed and appointed as and when schemes are planned and adopted.

8.2 Waiting on Stands

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

9.1 AMENDMENTS TO THE POLICY

9.1.1 Where there are specific provisions within the policy for making amendments, for example section 5.2.3 that provides for an addendum to be published detailing the revised table of authorised fares, the Director of Corporate Services may authorise the amendment without further consultation.

9.1.2 This does in relation to such amendments, for example the consultation process in determining the new fare tariff not compromise, however, any other consultation that may be undertaken by the Council.

9.1.3 Any substantial amendment to this policy, not specifically provided for as detailed in 9.1 will only be implemented after further consultation with the trade and the public. All substantial amendments must be authorised by the Cabinet of the Council.

9.1.4 For the purpose of this section, any substantial amendment is defined as one that:

- will have a significant financial effect on licence holders, or
- will have a significant procedural effect on licence holders, or
- may not be perceived by the trade or the public to be consistent with the published objectives in Section 1.3 of this policy.

9.1.5 Any minor amendment to this policy, not specifically provided for as detailed in Section 9.3 of this policy, may be authorised by the Director of Corporate Services.

10.1 RIGHTS OF APPEAL

10.1.1 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend or revoke a licence; the applicant has a right of appeal to the local Magistrates' Court. The specific grounds for appeal are detailed in APPENDIX O.

10.1.2 Any appeal must be lodged at the Court within twenty-one (21) days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

APPENDIX A

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES SPECIFICATION AND SCHEDULE OF CONDITIONS

Conditions that apply to both types of vehicles

1. General Construction

- 1.1** Every hackney carriage and private hire vehicle must comply in all respects with these specifications and conditions
- Whilst these specifications may have been complied with a licence may nevertheless be withheld if the Council is of the opinion that any vehicle is unsuitable for public use.

2 Age

- 2.1.** All vehicles will be licensed for up to 10 years from the date of first registration with the exception of purpose built and multi seat vehicles with wheelchair accessibility which can be licensed for up to 15 years from first registration.
- 2.2** Vehicles will be no more than eight years old at the time of presenting as a new vehicle for a 10 year licence and no more than 12 years old at the time of presenting as a new vehicle for a 15 year licence must be in a pristine condition.
- 2.3** Vehicles licensed for 10 years may only have a maximum of 6 passenger seats in addition to one driver seat.
- 2.4** All multi-seat vehicles with more than 6 passenger seats that are licensed for 15 year must be fitted with full tracking and/or flip up seating to be wheelchair accessible with a minimum space for the wheelchair of 1.4m and wheelchairs must be secured in accordance with safety regulations. Vehicles with fixed seating must have a permanent available space to accommodate a wheelchair.
- 2.5** All vehicles must have at least four doors, being two each side of the vehicle, a rear door not being accepted as one of the four doors. Vehicles with exits sited over petrol tanks will not be permitted. Doors should open and close to 90 degrees to the body of the vehicle, except in the case of sliding doors. For vehicles with 8 seats and sliding doors providing access to rear seats – one sliding door is acceptable on the near side of the vehicle subject to alternative emergency escape measures being provided.
- 2.6** All vehicles will be subjected to a vehicle test every year up to five years old and then at every six months.

3. Engine Capacity

- 3.1** All licensed vehicles, with the exception of wheelchair accessible vehicles, must achieve a level of carbon dioxide emissions of less than 160g/km. Liquid petroleum gas (LPG) is an approved fuel type and vehicles so fitted can display this fact on the vehicles in a form to be approved by an authorised officer.

4. Body

- 4.1 Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism, provided that this condition shall not prevent doors being fitted with a child safety lock.
- 4.2 Provision must be made for carrying and securing luggage and if luggage is carried or intended to be carried on the roof a roof rack of a type or roof mounted luggage box approved by the Council must be fitted.
- 4.3 All Hackney Carriages will be coloured white, with a permanent green stripe (Kelly Green 2" wide), front to rear fixed on both sides. Magnetic stripes are not acceptable. Private Hire vehicles will be any colour other than white.
- 4.4 The vehicle must not be left-hand drive. Right hand drive passenger vehicles offer the drivers clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
- 4.5 The body must be of the fixed head type.
- 4.6 Windows must be provided at the sides and rear and passengers door windows must be capable of being easily opened and closed by passengers.
- 4.7 Towing Bars may only be fitted with the approval of Swale Borough Council. An additional licence plate will be required to be fitted to the rear of the trailer and the trailer be subjected to an annual test.
- 4.8 The name of the Taxi Company or operator must be clearly and permanently displayed by all operators on the front doors of all vehicles with a minimum size of 250mm wide x 250 mm deep and a maximum size of 450mm wide x 350mm deep. The email address and/or Fax or Phone number of the operator may also be included within the display area on front doors of vehicles and on the rear of the top sign. Operators are allowed to display the company telephone number, e-mail address and fleet car number along the bottom of the rear window of vehicles with a maximum height of 50mm and may also display the company name and/or telephone number, fleet number and e-mail address on the rear bodywork of vehicles with a maximum size of 600mm wide by 100mm deep. No other advertising, including radio stickers, football stickers or any other signs is permitted. Signs are not mandatory on Private Hire vehicles but can be fitted if desired. The size and style will be subject to the approval of an authorised officer.
- 4.9 The flying of flags from vehicles is also prohibited on safety grounds.

5. Steering

- 5.1 The steering wheel must be on the offside of the vehicle and must not be left-hand drive.

6. Tyres

- 6.1 All tyres at normal pressure under load must have a suitable minimum circumference for correct operation of the taximeter.
- 6.2 In view of the high mileage covered by hackney carriage and private hire vehicles the depth of tyre tread on all vehicles must be a minimum of 2mm.

6.3 A full set of matching wheel trims should be maintained on all vehicles that do not have alloy wheels.

7 Suspension

7.1 The vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.

8 Fuel Tank

8.1 The filling point for all fuel tanks must be accessible only from the outside if the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accidental operation.

9. Seating

9.1 Seating in saloon and estate cars does not normally cause concern. Multi-purpose vehicles (MPV's) or people carriers offer a bewildering number of seat configurations often to match the owner's needs. In the interests of public safety of the passengers it is necessary to examine these seating arrangements to ensure that in the event of a collision or fire there is unobstructed egress from the vehicle. If MPV's or people carriers have individual seats, it may be necessary to remove a second row middle seat to permit improved access to the rearmost seats. This however would reduce the maximum permissible passengers by one. Alternatively, in the event of an emergency, passengers should be able to exit the vehicle through the rear and emergency brake glass hammers should be fitted.

9.2 Therefore:

- The passenger carrying capacity will be at the discretion of the licensing authority.
- The rear seat of the vehicle of the vehicle must be a width of 53"
- The seat is to be measured door to door
- All seats must be fitted with fully operational seat belts
- The number of passenger seats must remain as stated on the vehicle licence
- There must be no alteration to the seating configuration without notifying the Council
- All seats must be forward or rear facing
- All vehicles must be able to seat a minimum of 4 passengers in comfort with sufficient legroom for all passengers
- The seat covering must be clean and in a good state of repair

- Seat covers may not be used to conceal serious defects in passenger seats. Seat covers should be removed when the Hackney Carriage test and inspection is undertaken. Seats identified with major defects or tears replaced.

10. Tinted glass

- 10.1 Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass. These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable, however in the interests of safety and reassurance to passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on licensed vehicles. The final decision rests with the testing garages that carry out compliance checks on behalf of the Council.

11. Luggage

- 11.1 Adequate storage for passenger luggage must be available, adequately separated from the passenger compartment without obstructing any emergency exits. Luggage carried must be suitably secured in place.
- 11.2 Estate cars or multi-passenger type vehicles, can cause a safety concern when stacking luggage in the vehicle by the potential danger to passengers should the vehicle have to harshly brake or be involved in an accident. It is recommended that luggage should not be stacked above the height of the rear seats unless the vehicle is designed with, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment. Alternatively a guard rail should be fitted.

12 Facilities for driver

- 12.1 The vehicle must be so designed and constructed that the driver has adequate room, can easily reach and operate the controls and give hand signals on the offside of the vehicle.
- 12.2 The vehicle must be fitted with at least two mirrors fitted externally to the vehicle, one to the offside and one to the nearside, with another mirror fitted internally. All mirrors are to be fitted and adjusted to afford the driver a clear view to the rear of the vehicle.
- 12.3 The vehicle must be fitted with adequate devices for demisting and defrosting the windscreen and rear window and for washing the windscreen.

13 Heating

- 13.1 An adequate heating system must be provided and maintained for the driver and passengers and, where the driver's compartment and passenger compartment are separate must be provided for independent control by the driver and passengers

14 Communication between Passenger and Driver

- 14.1** Sufficient means must be provided by which any person in the vehicle may communicate with the driver.
- 14.2** CB radios are not permitted in Hackney Carriage/Private Hire Vehicles.
- 14.3** Radio Scanners of any kind will not be permitted to be carried or installed within Hackney Carriage and Private Hire vehicles.
- 15 Floor covering**
- 15.1** The floor of the vehicle must be covered with a suitable carpet, mat or other covering which can be readily cleaned.
- 16 Fire Extinguisher**
- 16.1** A fire extinguisher must be carried in all licensed vehicles. Such an appliance must be either
- ABC General Purpose Powder
 - AFFF Foam
- and conform to BSEN 3, showing the appropriate kite mark
- 16.2** All extinguishers must be certified in accordance with the appropriate British Standard. The date of expiry must be clearly visible on the extinguisher.
- 17 Radio Equipment**
- 17.1** If two-way equipment is provided in the vehicle, it must be in a position approved by the Council and maintained in a sound condition.
- 18 Mobile Telephones**
- 18.1** Mobile telephones may only be used with a hands-free kit or a Bluetooth headset.
- 19 First Aid Equipment**
- 19.1** There shall be carried and maintained in such a position as to be readily available for use and prominently marked adequate and suitable first aid equipment suitable for treating minor injuries. (Beware! – a driver should not render aid to any other person unless he holds a current First Aid Certificate – Health and Safety Rules).
- 20 CCTV Systems**
- 20.1** All CCTV systems fitted to licensed vehicles must comply with the Approved CCTV protocol, and be confirmed by Swale Borough Council in writing. See Appendix ??
- 21 Insurance**
- 21.1** If a cover note rather than a ‘full’ insurance certificate is presented, a Hackney Carriage Licence/Private Hire licence will only be valid for the period of the cover note, and if the vehicle is to be used as a Hackney Carriage/Private Hire after that date, then the licence will be renewed in the normal way. A faxed certificate from insurance companies/brokers is acceptable. In all cases drivers must carry such cover notes/insurance certificates with them when their vehicle is in commercial use. (photocopies will be acceptable).

22 Disability Access

- 22.1** Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:
- i) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
 - ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as to not obstruct any emergency exit.
 - iii) A suitable restraint must be available for the occupant of a wheelchair.
 - iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
 - v) Ramps and lifts must be securely stored in the vehicle before it may move off.
- 22.2** Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.
- 22.3** Test certification is to be made available to an authorised officer of the council upon request.
- 22.4** Subject to the provisions of paragraph 4 above the proprietor may affix a sign on the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided the vehicle has been manufactured or properly adapted for that purpose.

23 Smoking

- 23.1** The Health Act 2006 and its associated regulations require vehicles to be smoke free. A vehicle means every type of enclosed hackney carriage and private hire vehicle shall be smoke free.
- 23.2** Hackney carriage and private hire vehicles are required to be smoke free at all times.
- 23.3** Under the Health Act 2006 and the Smoke-free (Signs) Regulations 2007, all hackney carriage and private hire vehicles will also be required to display the prescribed no-smoking signs and be 70 mm square. The signage must be displayed in a prominent position which includes all rear passenger door windows at high level, plus one on the front passenger side dashboard or door window at high level. The signs will be included on the annual inspection and vehicles with either damaged or no signs, will not be licensed until satisfactory signs are in place.
- 23.4.** The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 set out the persons who have legal duties to stop any person who is smoking in a smoke free vehicle, they are:

- the driver
- any person with management responsibilities for the vehicle
- any person in a vehicle who is responsible for order or safety in it

23.5 The smoking of e-cigarettes and vaper are not permitted in licenced vehicles.

24 Animals

24.1 Since 31 March 2001 licensed taxi drivers in England and Wales have been under a duty (under s.37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in the vehicles, without additional charge.

24.2 Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to £1,000.

24.3 No animals, other than those falling into the criteria above or those owned by bona-fide fare paying passengers with the agreement of the driver, shall be carried in or on any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.

25 The Licensing Officer

25.1 It is a criminal offence to obstruct a Licensing Officer or any other authorised officer of the Council.

25.2 From time to time it is necessary for the Licensing Officer or any other authorised officer to examine or check the vehicle.

25.3 Vehicles are liable to be examined at any time by an authorised officer of the council, the Vehicle Inspectorate or the Police.

Conditions that apply to Hackney Carriage Vehicles only

26 Seating for purpose built hackney carriages

26.1 In the case of any folding seat as found in purpose built hackney carriages:-

- a) the width of the cushion seat must not be less than 16 inches (406mm)
- b) the depth from the upholstery at the back to front edge of the seat must not be less than 14 inches (355mm)
- c) the shortest vertical distance between the undeflected seat cushion and the roof lining immediately above must not be less than 33 inches (839mm)
- d) The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 12 inches (305mm)
- e) where seats are placed facing each other there must be a clear space of 17 inches (432mm) between any part of the front of a seat and any part of any other seat which faces it.

- f) any such folding seat must be so constructed and arranged to rise automatically when not in use and must not obstruct any doorway when not in use.

26.2 Nothing in condition 29.1 above shall prevent

- a) the licensing of any purpose built hackney carriage which has 2 folding seats and a rear seat width of 45 inches (1143mm) for the carriage of four passengers
- b) the licensing of any purpose built hackney carriage which has 2 folding seats and a rear seat width of not less than 50 inches (1227 mm) for the carriage of 5 passengers

27 Taximeters

- 27.1** An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.
- 27.2** The taximeter shall be positioned so that the display on the face of the meter may be clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring.
- 27.3** The vehicle taximeter shall be brought into operation at the commencement of a journey. When the meter is operating there shall be recorded, on the face of the meter, on clearly legible figures a fare not exceeding the maximum fare that may be charged for that journey.
- 27.4** In the event of a journey commencing in but ending outside the area covered by Swale Borough Council, there may be charged for the journey such fare 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 fare tariff for the hire of hackney carriages.
- 27.5** Private hire vehicles are not required to be fitted with a taximeter but where a taximeter has been fitted, it must be of a type approved by the Council.
- 27.6** The fare recorded on the face of the taximeter must be of an amount calculated strictly in accordance with the Council's table of fares in force for the time being.
- 27.7** When a taxi meter is programmed to record a new table of fares, action must be taken at that time to ensure that it is impossible to record on the face of the meter any table of fares other than that currently in force.
- 27.8** Any taximeter with which the vehicle is provided shall be so constructed, attached and maintained as to comply with the following requirements:-
 - i) the taximeter shall not be fitted with a flag or other device bearing the words 'FOR HIRE'

- ii) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter
- iii) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter
- iv) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or drivers is entitled to demand and take in pursuance of the table of fares approved by the Council in that behalf for the hire of the vehicle by distance or by distance and time.
- v) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded thereon.
- vi) the taximeter shall be so placed that all letters and figures on the face thereof may at all times be plainly visible to any person being conveyed in the vehicle and that for the purpose the letters and figures shall be suitably illuminated during any period of hiring.
- vii) the taximeter and all fittings thereof shall be so affixed to the vehicle 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.

28 Fare Table

- 28.1** A fare table of a size and design approved by the Council must be permanently affixed in a conspicuous position inside the vehicle so that it is clearly and conveniently visible to any passenger being conveyed in the vehicle.

29 Breakdowns.

- 29.1** If, whilst hired, the vehicle breaks down or otherwise becomes unfit or unable to carry the hirer to his/her destination the proprietor must;
- secure, without delay, suitable alternative transport to carry the hirer to his/her destination unless the hirer voluntarily elects to wait until the vehicle is repaired or is otherwise able to continue the journey.
 - report the occurrence to the Council within 24 hours.
Conditions that apply to Private Hire vehicles only

30 Presentation of vehicle for inspection

- 30.1** The proprietor must present the vehicle for inspection at any time and at any place required by the Council. If the vehicle is not presented at the place and time required by the Council then it may not be used as a Private Hire Vehicle without the Council's approval.

APPENDIX B HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES SEATBELT REGULATIONS AND CHILDREN

	Front Seat	Rear Seat	Who is responsible?
Child under 3 years of age	Correct child restraint MUST be used	Correct child restraint MUST be used. If one is not available in a taxi, may travel unrestrained	Driver
Child from 3rd birthday up to 1.35 metres in height (or 12th birthday, whichever they reach first)	Correct child restraint MUST be used	Correct child restraint MUST be used where seat belts are fitted. MUST use adult belt if correct child restraint is not available in a licensed taxi or private hire vehicle, or for reasons of unexpected necessity over a short distance, or if two occupied restraints prevent fitment of a third	Driver
Child over 1.35 metres (approx. 4ft 5ins) in height or 12 or 13 years	Adult seat MUST be worn if available	Adult seat MUST be worn if available	Driver
Adult passengers aged 14 and over	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Passenger

APPENDIX C CONDITIONS FOR EXECUTIVE VEHICLES (EXEMPTED PLATES)

1 TYPES OF VEHICLES

1.1 The vehicle must have one of the following:

- (i) A UK Single Vehicle Approval Certificate
- (ii) A European Whole Vehicle Approval Certificate
- (iii) UK Low Volume Type Approval Certificate

1.1.2 If the vehicle has a UK Single Vehicle Approval Certificate, the licensing authority will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof.

2 VEHICLE AND SAFETY EQUIPMENT

2.1 Stretched limousines and similar vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by these additional conditions and the local private hire licence fee shall be the same.

2.2 The Proprietor of a vehicle shall:~

- (i) Ensure that the fire extinguisher required to comply with the standard vehicle conditions which is applicable to all licenced private hire vehicles should be mounted on the brackets in a convenient position in the driver compartment
- (ii) ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles(Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance is rectified;
- (iii) ensure that loose luggage is not carried within the passenger compartment of the vehicle;
- (iv) ensure that if any CCTV cameras installed in the vehicle have received prior written approval of the Council; and
- (v) display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.
- (vi) ensure the vehicle is fitted with tyres that meet both the size and weight specification.

(vii) Limousines licensed as Private Hire vehicles must carry a safety hammer capable of being used to break the window glass of the vehicle. The hammer must be securely located within the drivers compartment.

2.3 Vehicles may be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive.

2.4 Limousines with sideways facing seating to be considered for private hire licensing.

2.5 The passenger compartment of the vehicle may be fitted with darkened or blackened glass.

2.6 The driver's compartment, including the front passenger seat must not be fitted with darkened or blackened glass.

2.7 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

3 USE OF VEHICLE

3.1 The proprietor of the vehicle or the holder of a private hire operator's licence responsible for the booking shall:-

- (i) ensure that the vehicle is at all times only driven by a person who holds a current private hire vehicle driver's licence issued by Swale Borough Council;
- (ii) not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
- (iii) ensure that in any advertisement publicising their limousine service, the vehicle is only licensed to carry a maximum of eight passengers.
- (iv) not convey any passengers in the front compartment of the vehicle;
- (v) A taxi office shall not supply any intoxicating liquor in the vehicle unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same.
- (vi) if the occupants are below the age of 18, there should be no alcohol in the vehicle for consumption or otherwise.
- (vii) any glassware in the vehicle must be made of either shatterproof glass or plastic.
- (viii) the driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.
- (ix) when directed by the Council, display and maintain any notices in a conspicuous position.

4 VEHICLE IDENTIFICATION

4.1 The vehicle will not be required to display the rear, external private hire vehicle licence plates which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, with the licence identification which identify the vehicle as a private hire vehicle on which will be displayed the registration number of that vehicle and the number of passengers permitted to be carried. The proprietor shall ensure that:

- (i) the vehicle identification is displayed on the top left-hand corner of the front windscreen in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon be read. The other identification shall be fixed inside the vehicle in such a position (such as the bulkhead or security screen) as to be visible to persons conveyed therein;
- (ii) no private hire limousine vehicle identification shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle identification shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle identification and licence to the Council within seven days.

5 SIGNS, NOTICES, ETC

5.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council.

6 INSURANCE/MOT TEST CERTIFICATE

6.1 The vehicle must not be used to carry passengers for private hire special events unless there is in force for the vehicle:

- (i) A statutory MOT and vehicle test at a qualified testing station every six months.
- (ii) a policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed private hire limousine vehicle drivers who drive the vehicle are covered.

6.2 These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

6.3 If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Licence Officer shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained.

7 DEPOSIT OF LICENCES

7.1 If the proprietor permits or employs any other person to drive his private hire limousine vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Dual Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.

7.2 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

8 GENERAL CONDITIONS

8.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.

8.2 The Licensee must produce a copy of the Single Vehicle Approval certificate at time of licensing.

APPENDIX D

HACKNEY CARRIAGE AND PRIVATE HIRE APPLICATION PROCEDURES

1. VEHICLES

1.1 New licences and renewal licences

1.1.2 An applicant will need to complete, in full, the necessary online application form

1.1.3 The following documents must also be produced:↵

- i) The Vehicle Registration Document issued by the DVLA, or proof of ownership
- ii) Insurance Certificate confirming the vehicle is covered for 'Hire and Reward' – if a cover note is provided licence holders will be required to produce further insurance certificates on or before the expiry of the cover note
- iii) MOT certificate

All supporting documentation must be submitted to taxis@swale.gov.uk to validate the application prior to the vehicle plating.

1.1.4 The relevant fee must also be paid.

1.1.5 The Vehicle test paper must be submitted to the licensing department before the plates can be issued.

1.1.6 Officers may only accept complete applications comprising of all the necessary paperwork. If an application is received late, the applicant's vehicle may be unlicensed for a period of time during which they will be unable to use it as a licensed vehicle.

1.1.7 The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage/private hire vehicle licence together with the necessary plates for the vehicle, which must not be used for hire or reward until these are attached to the licence.

1.2 Replacement Vehicle on an existing hackney carriage or private hire vehicle

1.2.1 If, during the term of the vehicle licence, it becomes necessary to replace the existing vehicle with another, all of the supporting documents as detailed above must be submitted, together with the original licence for endorsement with the new vehicle details. All of the documentation must be submitted in sufficient time to take into account that a minimum of one week is required before the appropriate licence can be issued.

1.2.2 The appropriate fee will be charged for this process which takes into account the supply of a new vehicle plate.

1.3 Transfer application for an existing hackney carriage or private hire vehicle from one licensed driver to another

1.3.1 This is the only licence that may be transferred

1.3.2 Documentation as described in 1.1.3 above must be provided together with the original licence for endorsement with the new details. All of the documentation must be submitted in sufficient time to take into account that a minimum of one week is required before the appropriate licence can be issued.

1.3.3 There is a fee for this process.

2 DRIVERS

2.1.1 An applicant will need to complete, in full, the necessary application form accompanied with the appropriate fee.

2.1.2 All applicants must be over 21 years of age

2.1.3 All new applicants for **Dual badge** must pass the Knowledge Test as detailed in APPENDIX H.

2.1.4 An applicant has 6 months in which to take out a licence subsequent to successfully passing the Knowledge Test. Failure to complete the application process within this time will result in your application being terminated and no refunds are given.

2.1.5 The following documentation must then be provided:

- a) Full UK (or equivalent EC) Drivers licence which has been held for at least 12 months

Where applicants have recently arrived from countries within the European Union, any driving licence entitlement held in that country will automatically count towards the qualification requirement for the issue of a hackney carriage or private hire vehicle driver's licence.

Where applicants have recently arrived from other, non-EU countries, it is possible for them to convert any existing driving licence to a UK issue, either by straight transfer or by undertaking an appropriate driving test. The Council requires that the twelve month qualifying period for holding such a licence will start from the time of the conversion.

- b) A practical driving test certificate for hackney carriage and private hire drivers.
- c) A medical certificate, obtained from the drivers own GP or someone with access to his medical records indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards.
- d) Enhanced Disclosure and Barring Service certificate. All overseas applicants who have resided in this country for less than three years obtain a Certificate of Good Conduct from their relevant embassy or consulate, at the applicant's expense, authenticated, translated and sealed by the embassy or consulate. However Swale Council will accept a DBS Certificate which is one month old.

- e) Any foreign national will be required to give details of any residency outside the UK and sign a declaration that they are permitted to work in the UK. Applicants must also provide a document to evidence that they are permitted to work in the UK.
- f) Proof of identity – Passport or Birth Certificate
- g) Confirmation of address – Utility bill or the like
- h) 1 colour photographs, of passport size and standard, showing the full face of the applicant as it would normally appear.
- i) Proof of National Insurance Number
- j) A DVLA mandate form shall be completed.

All documentation will be verified at the time of the Knowledge Test

2.1.6 Applicants will be issued with a paper licence and also a driver's badge which shall remain the property of the Council and must be surrendered when the driver ceases employment.

2.1.7 Drivers renewing licences

The following documentation must then be provided:

- a) Full UK Drivers licence
- b) A medical certificate, obtained from the drivers own GP or someone with access to his medical records indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards.
- c) Enhanced Disclosure and Barring Service certificate or update service reference number. Swale Council will accept a DBS Certificate which is one month old.
- d) Any foreign national will be required to give details of any residency outside of the UK and sign a declaration that they are permitted to work in the UK. Applicants must also provide a document to evidence that they are permitted to work in the UK.
- e) one colour photograph, of passport size and standard, showing the full face of the applicant as it would normally appear.
- f) A DVLA mandate form shall be completed.

All supporting documentation must be submitted to taxis@swale.gov.uk to validate the application.

2.1.8 Applicants will be issued with a paper licence and also a driver's badge which shall remain the property of the Council and must be surrendered when the driver ceases employment.

Failure to renew the dual badge before the expiry date will result in the driver re-starting the process for a new driver.

3. Private Hire Operator's

3.1 The applicant will complete, in full, the application form

3.1.1 The following documentation must be provided to taxis@swale.gov.uk to validate the application.:

- a) Proof of public liability insurance
- b) Basic certificate from Disclosure Scotland for each person named on the application form if applicant is not a licensed driver.
- c) A list of vehicle(s) and driver(s).

3.1.2 The appropriate fee must be paid.

4. Applications general

4.1 If the application form contains any details to suggest that any relevant convictions or cautions have been imposed on the applicant since the licence was last issued or renewed, authorised officer will discuss the matter with the applicant.

4.2 At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions as detailed in paragraph 3.7, either by approval by authorised officers, or be reference to the Licensing Sub Committee.

4.3 In both cases, the DBS check will be applied for and the application will be considered in the light of the information provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage. A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This will lead to consideration of the applicant as not being a 'fit and proper person', and probable refusal of the application. Any information relating to criminal background will only be kept as long as it is necessary for assessment purposes.

4.4 In the event of an application being refused the applicant has the right of appeal to Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.

APPENDIX E

GUIDELINES RELATING TO THE RELEVANCE OF PREVIOUS CONVICTIONS

1 General Policy

- 1.1** Each case will be decided on its own merits.
- 1.2** The overriding consideration is the safety of the public. The Council has a duty to so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 1.3** A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction or caution will not generally be regarded as sufficient evidence of good character. For example a continuous course of conduct which shows cause for concern.
- 1.4** Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
- 1.5** The following examples afford a general guide on the action which might be taken where convictions are disclosed.

2 Offences of Dishonesty

- 2.1** Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 2.2** Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise of vulnerable people.
- 2.3** For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of 4 years free of conviction will be required before an application is likely to be considered favourably.
- 2.4** In particular, an application will normally be refused where the applicant has a conviction for an offence of:-
- Theft
 - Burglary
 - Fraud
 - Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
 - Handling or receiving stolen goods
 - Forgery

- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

and the conviction is less than 4 years prior to the date of the application.

3 Violence

3.1 As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 4 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.

3.2 In particular:-

(i) An application will normally be refused where the applicant has a conviction for an offence of:

- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Arson
 - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998) •
 - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- and the conviction is less than 10 years prior to the date of application.

(ii) An application will normally be refused where the applicant has a conviction for an offence of:-

- Grievous bodily harm with intent (s.18 Offences Against the Person Act) •
- Grievous bodily harm (s.20 Offences Against the Person Act) « Robbery
- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31 (1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)

and the conviction is less than 8 years prior to the date of application.

(iii)

- Common assault
- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Assault on a police officer

- Affray
- Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Riot
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest

and the conviction is less than 4 years prior to the date of application.

4. Drugs

4.1 An application will normally be refused where the applicant has a conviction for a drug-related offence and the conviction is less than 5 years prior to the date of application.

- In addition applicants will normally be required to show a period of at least 5 years free from taking drugs and/or 5 years after detoxification treatment if (s)he was an addict.

5 Indecency Offences

5.1 As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for soliciting, importuning, indecent exposure or any sexual offence will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

5.2 In particular, an application will normally be refused where the applicant has a current conviction for an offence of:-

- Rape
- Indecent assault
- Gross indecency with a female
- Gross indecency with a male
- Indecent assault on a child under 16 years
- Buggery
- Is on the sex offenders register
- and the conviction is less than 10 years prior to the date of the application.

6. Motoring Convictions

6.1 Major Traffic Offences

An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on

the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.

More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

A list of offences to which this paragraph applies can be found at APPENDIX F

6.2 Minor Traffic Offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.

In particular, an application will normally be refused where the applicant has 6 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.

A list of offences to which this paragraph applies can be at APPENDIX F.

6.3 Hybrid Traffic Offences

Offences of the type listed below will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

6.4 Disqualification

6.4.1 Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.

6.4.2 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.

6.4.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver is likely to be refused a driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

6.5 Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

6.5.1 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

6.5.2 In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence under the Acts at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

6.6 Drunkenness

6.6.1 With a motor vehicle

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

An isolated conviction for drunkenness, without disqualification, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

6.6.2 Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

6.7 Cautions and Endorsable Fixed Penalties

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions and must be disclosed.

6.7.1 Spent Convictions and the Principles of The Rehabilitation of Offenders Act 1974

6.7.2 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.

6.7.3 The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed.

6.7.4 Where a person is sentenced to imprisonment for a period exceeding thirty months, the conviction can never be spent.

6.7.5 Despite the above, the principles of the Act do not apply to applicants for hackney carriage and private hire drivers' 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.

6.7.6 Although the Act does not prevent any judicial authorities, including 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.

6.7.7 The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.

6.7.8 The rehabilitation periods to which reference is most commonly made are set out below. For further details on the periods of rehabilitation applicable to all sentencing options, reference will need to be made to a specialist textbook on the Act

Sentence/disposal	Rehabilitation Period	
	Adults (18 or over when convicted)	Young Persons (under 18 when convicted)
Custodial sentences, including: Imprisonment (including suspended sentence), Detention in a young offender institution, Borstal, Youth custody, Corrective training	* These periods are measured from the day on which the sentence, including any licence period, is completed	
Over 48 months (4 years)	Never	Never
From 30 months to 48 months (2½ -4yrs)	7 years from end of sentence *	3½ years from end of sentence*
From 6 months to 30 months (½ -2½yrs)	4 years from end of sentence*	2 years from end of sentence*
6 months or less	2 years from end of sentence*	18 months from end of sentence*
Armed forces service detention	1 year from end of sentence*	6 months from end of sentence*
Removal from Her Majesty's service	1 year from conviction date	6 months from conviction date
Fine	1 year from conviction date	6 months from conviction date
Compensation Order	When paid in full	When paid in full
Community Order Youth Rehabilitation Order	1 year from end of order	6 months from end of order

	2 years from date of conviction if the order does not state an end date	
Conditional discharge	End of period specified in the order	End of the period specified in the order
Referral Order, Disqualification Order, Hospital Order,	End of the period specified in the order	End of the period specified in the order
Supervision Order		
Cautions		
Conditional Caution	3 months after issue, or on discharge of the conditions	3 months after issue, or on discharge of the conditions
Simple caution, Reprimand, Final warning	Spent immediately	Spent immediately

The periods of time which must elapse before the conviction becomes 'spent' may vary according to the circumstances of the individual and the offence. The rehabilitation period, may for example, be extended by the commission of further offences during the rehabilitation period. Further information is available from the Government guidance on the Rehabilitation of Offenders Act, available at www.justice.gov.uk/offenders/rehabilitation-of-offenders-act

RELEVANCE OF PREVIOUS CONVICTIONS

MAJOR TRAFFIC OFFENCES

AC10 Failing to stop after an accident

AC20 Failing to give particulars or to report an accident within 24 hours AC30 Undefined accident offences

BA10 Driving while disqualified by order of court

BA20 Attempting to drive while disqualified by order of court

CD10 Driving without due care and attention

CD20 Driving without reasonable consideration for other road users

CD30 Driving without due care and attention or without reasonable consideration for other road users

CD40 Causing death through careless driving when unfit through drink

CD50 Causing death by careless driving when unfit through drugs

CD60 Causing death by careless driving with alcohol level above the limit
CD70 Causing death by careless driving then failing to supply a specimen for analysis
DD40 Dangerous driving
DD60 Manslaughter or culpable homicide while driving a vehicle
DD80 Causing death by dangerous driving
DR10 Driving or attempting to drive with alcohol level above limit
DR20 Driving or attempting to drive while unfit through drink
DR30 Driving or attempting to drive then failing to supply a specimen for analysis
DR40 In charge of a vehicle while alcohol level above limit
DR50 In charge of a vehicle while unfit through drink
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70 Failing to provide specimen for breath test
DR80 Driving or attempting to drive when unfit through drugs
DR90 In charge of a vehicle when unfit through drugs
IN 10 Using a vehicle uninsured against third party risks
LC20 Driving otherwise than in accordance with a licence
LC30 Driving after making a false declaration about fitness when applying for a licence
LC40 Driving a vehicle having failed to notify a disability
LC50 Driving after a licence has been revoked or refused on medical grounds
MS50 Motor racing on the highway MS60 Offences not covered by other codes
UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting Offences as coded above, but with 0 changed to 6 (e.g. IN16 becomes IN16)

MINOR TRAFFIC OFFENCES

MS10 Leaving a vehicle in a dangerous position
MS20 Unlawful pillion riding
MS30 Play Street Offences

- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver, etc.
- MW10 Contravention of Special Road Regulations (excluding speed limits)
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable or traffic warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting Offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

HYBRID TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

SP60 Undefined speed limit offence

Aiding, abetting, counselling or procuring Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14) Inciting Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

APPENDIX F

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENSING DETAILS OF RESIDENCY OUTSIDE THE UNITED KINGDOM

Full Name	Surname	Forename(s)
Address		
Have you ever been a resident of a country other than the United Kingdom	Yes – if so please provide details below of the dates and countries of which you have been resident	No – if so please sign below and return the form with your application
	Date of Residency	
Name of Country	From	To

- 1 If you are not a British national you MUST provide documentation to show that you are permitted to work in the United Kingdom.
- 2 Under section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976, if any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section he shall be guilty of an offence.

DECLARATION

I declare that:-

- a. I have checked the details above and that to the best of my knowledge and belief they are true and correct in every respect.
- b. I am not barred from taking up employment in the United Kingdom.
- c. I confirm that I have read and understood each section of this form and answered to best of my knowledge, belief and ability.

NAME:

SIGNATURE:

DATE:

APPENDIX G

DRIVER KNOWLEDGE TESTS

1. Introduction

- 1.1. In order to maintain the high standards, the Council expects of its licensed drivers operating within the Borough, all new applicants who are applying for a Hackney Driver badge are required to pass a Knowledge Test.
- 1.2 Before an individual applies to sit the Knowledge Tests they should be satisfied that they can fulfil all other Council requirements to become a licensed driver.
- 1.3 An individual should not sit an additional driving test, obtain a Disclosure and Barring Service Enhanced Check or a medical until they pass the Knowledge Test.
- 1.4 All elements of the test must achieve the required pass mark. All successive candidates will need to achieve an overall pass mark of 80%
- 1.5 Any number of tests may be taken, however priority will be given to new applicants for available places. A waiting list may therefore be applicable.
- 1.6 All questions are held on a data base and selected at random; therefore, no test paper will ever be the same as any other and there are no specimen tests for view or study.
- 1.7 Any person found cheating will be disqualified from the test and another application will not be accepted for a period of two years.

2. The Knowledge Test

- 2.1 All elements of the test must achieve the required pass mark. All successive candidates will need to achieve an overall pass mark of 80%
- 2.2 The test will consist of the four parts:
 - a) Nine questions requiring the shortest route by distance between a pick-up point and destination in the chosen area that the applicant is willing to work.
 - b) Six questions requiring the shortest route by distance between a pick-up point and a destination across the rest of the Borough of Swale.
 - c) Five questions relating to the locations of prominent buildings, such as schools, churches, hotels, public houses, restaurants and places of interest (Street Key Landmarks).
 - d) Twenty multiple choice questions relating to applicants' knowledge and understating of the law in respect of hackney carriage and private hire licensing. The questions will relate to legislation, bye-laws, and conditions etc and will also include questions relating to customer care, calculation of change for a given fare and basic conversation. This will also include question relating to safeguarding.

APPENDIX H

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

1. Conduct of Driver

- 1.1.** The holder of a driver's licence (hereafter known in this Appendix as the driver) shall comply with the following conditions, which should be read in conjunction with the Code of Conduct set out in APPENDIX J.
- 1.2** The driver shall be respectably dressed, clean and tidy in appearance at all times whilst his vehicle is being made available for hire.
- 1.3** The driver 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.
- 1.4** The driver shall not lend the badge to any other person or cause or permit any other person to wear it.
- 1.5** 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 ceases, the licence expires or is not renewed, or where the licence is suspended or revoked.
- 1.6** 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.
- 1.7** 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.
- 1.8** 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 as such appointed time and place.
- 1.9** The driver when hired to drive to a particular destination shall proceed to that destination by the shortest available route.
- 1.10** 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.
- 1.11** The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
- 1.12** 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.
- 1.13** The vehicle shall be presented in a clean and tidy condition for each journey.
- 1.14** The private hire vehicle must only be driven with the consent of the proprietor of the vehicle.
- 1.15** The driver must not drink or eat in the vehicle whilst in the presence of customers.

- 1.16** The driver must comply with any hirer's request not to play any radio or sound equipment which is not connected with the operation of the business.
- 1.17** The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
- 1.18** The driver shall not operate the horn late at night as a means of signalling that the vehicle has arrived.
- 1.19** The drivers must not cause or permit the vehicle to stand on a public road, on a hackney carriage rank, or in a public place so as to suggest that it is plying for, or available for, hire.
- 1.20** Drivers must not use a mobile phone whilst driving unless it is designed for hand-free operation.
- 1.21** Any change affecting the 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.
- 1.22** If the driver is convicted or bound over for any offence, he shall within 7 days give details in writing of the conviction or binding over to the Council.
- 1.23** The private hire driver's licence must be made available for inspection, upon request, by any authorised officer of the Council or any police officer.
- 1.24** 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.
- 1.25** The private hire driver's licence must be presented to the proprietor concerned at the beginning of the employment.
- 1.26** 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:
- i) The safety, performance or appearance of the vehicle
 - ii) The comfort or convenience of the passengers
- must be reported to the Council as soon as reasonably practicable, and in any case within 72 hours of the accident.
- 1.27** 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.

2. Medical Fitness of Driver

2.1 The driver of a private hire vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate issued by the drivers own GP or someone with access to his medical records to the effect that he is, or continues to be, physically fit to be a driver of a private hire vehicle.

2.2 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:

i) Driving ability

ii) The health and safety of themselves or any passengers.

3. Fares and Journeys

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

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

3.3 If the vehicle is fitted with a taximeter, then the driver of a private hire vehicle must:

i) 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, before beginning a journey and keep the machinery of the taxi-meter in action until the termination of the hiring.

ii) 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.

iii) Cause the dial of the taxi-meter to 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 Traffic Act 1972, and also at any other time at the request if the hirer.

iv) Not demand from any hirer of a private hire vehicles 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.

3.4 In the event of a journey commencing in but ending outside the Borough of Swale 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.

4 Wheelchair Accessible Vehicles

4.1 All drivers of wheelchair accessible vehicles must:

i) Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.

- ii) Before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.
- iii) Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers, or to anyone else, in accordance with the regulations detailed in section 100 of the Road Vehicles (Constructions and Use) Regulations 1986.

APPENDIX I

PENALTY POINTS SYSTEM

1. The details of how the scheme will be operated are as follows:
 - 1.1 The Council's Taxi Licensing and Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
 - 1.2 Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this appendix. If this appendix allows a range of points for a particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.
 - 1.3 The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator. However, the Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.
 - 1.4 When issued, the penalty points will remain "live" for a rolling period of 24 months from the date they were imposed.
 - 1.5 There is no financial penalty associated with the system, and the licensee may continue to work. However, if 12 penalty points are imposed on an individual licence in any one 24 month rolling period, the driver will appear in front of the Licensing Sub Committee where appropriate action will be taken in accordance with this policy.
 - 1.6 A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.
 - 1.7 Any driver, vehicle, proprietor or operator subject to suspension has the right of appeal to the Magistrates Court against the suspension. Suspensions will normally be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process, except where the relevant legislation allows for a suspension to take place with immediate effect.
 - 1.8 Any driver, vehicle, proprietor or operator subject to revocation has the right of appeal to the Magistrates Court against the revocation. Revocation of the licence will take place with immediate effect.
 - 1.9 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.
 - 1.10 The penalty points system outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.
 - 1.11 Any penalty points issued to a driver or operator have the right of appeal which must be made in writing to the Senior licensing Officer within 21 days of receipt.
2. **Penalty Points Tariff**

2.1 Legislative offences and penalties:

Two statutes principally create offences relating to hackney carriages and private hire vehicles –

- i) Town Police Clauses Act 1847
- ii) Local Government (Miscellaneous Provisions) Act 1976

The offences are set out below under the relevant statute

Town Police Clauses Act 1847			
Code	Section	Offence	Maximum Penalty Points that can be imposed
T1	40	Giving false information on a hackney carriage licence application	12
T2	44	Failure to notify change of address on a hackney carriage licence	2
T3	45	Plying for hire without a hackney carriage licence	12
T4	47	Driving a hackney carriage without a hackney carriage driver's licence	12
T5	47	Lending or parting with a hackney carriage driver's licence	4
T6	47	Hackney carriage proprietor employing an unlicensed driver	8
T7	48	Failure of a proprietor to hold a hackney carriage driver's licence	6
T8	48	Failure of a proprietor to produce a hackney carriage driver's licence	3
T9	52	Failure to display a hackney carriage plate	4
T10	53	Refusal to take a fare without a reasonable excuse	12
T11	54	Charging more than the agreed fare	12
T12	55	Obtaining more than the legal fare (including failure to refund)	12
T13	56	Travelling less than the lawful distance for an agreed fare	6
T14	57	Failure to wait after a deposit to wait has been paid	6
T15	58	Charging more than the legal fare	12
T16	59	Carrying persons other than with the consent of the hirer	8
T17	60	Driving a hackney carriage without the proprietor's consent	12
T18	60	Allowing a person to drive a hackney carriage without the proprietor's consent	12
T19	62	Driver leaving a hackney carriage unattended	2
T20	64	Hackney carriage driver obstructing other hackney carriages	3

Code	Section	Offence	Maximum Penalty Points
A1/O	46(1)(A)	Using an unlicensed private hire vehicle	12
A2/O	46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	12
A3/O	46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8
A4/O	46(1)(d)	Operating a private hire vehicle without a private hire operators' licence	8
A5/O	46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	12
A6/O	46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	8
A7/O	48(6)	Failure to display a private hire vehicle plate	4
A8/O	49	Failure to notify the transfer of a vehicle licence	3
A9/O	50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request	12
A10/O	50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3
A11/O	50(3)	Failure to report an accident to the Council within seventy two hours	6
A13/O	50(4)	Failure to produce the vehicle and insurance upon request	12
A14/O	53(3)	Failure to produce a driver's licence upon request	3
A15/O	54(2)	Failure to wear a private hire driver's badge	6
A16/O	56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Council or a police officer	6
A17/O	56(3)	Failure of a private hire operator to keep proper 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
A18/O	56(4)	Failure of a private hire operator to produce his licence upon request	4
A19/O	57	Making a false statement or withholding information to obtain a hackney carriage private hire driver's licence	12
A20/O	58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	12
A21/O	61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	12
A22/O	64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	6
A23/O	66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	12
A24/O	67	Charging more than the meter fare when a hackney carriage is used as a private hire vehicle	12

A25/O	69	Unnecessarily prolonging a journey	12
A25/O	71	Interfering with a taxi-meter with intent to mislead	12
A27/O	73(1)(a)	Obstruction of an authorised officer of the Council or a police officer	12
A28/O	73(1)(b)	Failure to comply with a requirement of an authorised officer of the Council or a police officer	12
A29/O	73(1)(c)	Failure to give information or assistance to an authorised officer of the Council or police officer	12

2.2 Hackney Carriage and Private Hire Licensing Policy

Code	Breach of Policy Requirement	Maximum Points
P1	Failure to wear a driver's badge	6
P2	Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below	6
P3	Failure to ensure the safety of passengers	12
P4	Concealing or defacing a vehicle licence plate	6
P5	Failure to attend on time for a pre-arranged booking without reasonable cause	2
P6	Conveying a greater number of passengers than permitted	6
P7	Failure to give reasonable assistance with passenger's luggage	3
P8	Private hire soliciting for hire or accepting a fare that is not pre-booked	12
P9	Operating/using a vehicle that is not clean and tidy and in a safe condition internally or externally	3
P10	Driving without the consent of the proprietor	6
P11	Drinking or eating in the vehicle whilst carrying passengers	2
P12	Smoking or prevent smoking in the vehicle at any time	6
P13	Causing excessive noise from any radio or sound-reproducing equipment	2
P14	Sounding the horn to signal that the vehicle has arrived disturbing residents	2
P15	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	6
P16	Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire	6
P17	Using a non-hands free mobile telephone whilst driving	12
P18	Failure to advise of a relevant medical condition	12
P19	Failure to provide a receipt for a fare when requested	2
P20	Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage	12
P21	Failure to notify the Council of any amendment to the details of a licence within fourteen days	3
P22	Failure to produce a licence upon request	3
P23	Failure to notify within seven days of starting or terminating employment, the name and address of the proprietor and the term of employment	3
P24	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	2

P25	Failure of a private hire operator to request and/or record details of a private hire driver's licence at the beginning of employment	2
P26	Failure to surrender a driver's licence, badge or plate upon request	12
P27	Failure of a licence holder to disclose convictions within seven days of conviction	12
P28	Carrying any animal other than a guide, hearing or other prescribed assistance dog or those owned by bone-fide fare paying passengers	2
P29	Failure to report an accident within seventy-two hours	3
P30	Failure to comply with requirements for the safe carrying of a wheelchair	6
P31	Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	6
P32	Operating/using a vehicle which is not maintained in a sound and roadworthy condition	12
P33	Failure to carry an approved fire extinguisher	3
P34	Modifying a vehicle without the consent of the Council	12
P35	Failure to display or maintain external plates as issued by the Council or displaying them incorrectly e.g. in the window of a vehicle	4
P36	Failure to display or maintain Internal plates as issued by the Council or displaying them incorrectly e.g. near the driver side	4
P37	Affixing or displaying a roof sign on a private hire vehicle	12
P38	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Council	4
P39	Carrying radio equipment or similar devices not in accordance with council requirements	2
P40	Using a taxi-meter that does not conform to Council requirements	6
P41	Driving with no insurance or inadequate insurance for the vehicle	12
P42	Permitting the vehicle to be used for any illegal or immoral purposes	12
P43	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	3
P44	Failure of a private hire operator to keep the operating premises in accordance with council requirements	3
P45	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	12
P46	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access	12
P47	Failure to produce a valid MOT certificate every 6 months upon request of an authorised officer	12
P48	Failure to proceed with all reasonable speed to the next available rank	8
P49	Carrying an offensive weapon in the vehicle including imitation firearms	12
P50	Waiting or stopping on a double yellow line or a bus stop	6
P51	Failure to notify, in writing, a change in medical circumstances	6
P52	Failure to observe rank discipline e.g. failure to move up	3
P53	A licensed vehicle with a defective tyre	4
P54	Unsatisfactory behaviour or conduct of a driver including failing to behave in a civil and orderly manner to both the public, authorised officers or to other drivers	12
P55	Any other transgression not contained within the penalty points system which in the opinion of an authorised officer should have	6-12

	penalty points imposed	
P56	Failure to have a working hackney carriage roof light that is lit when available for hire	3
P57	Failure to display the current fare chart so that it is clearly visible to passengers	3
P58	Failure to keep a copy of a valid insurance certificate in the vehicle	3
P59	Failure to display door logos (to the required measurements) on the exterior of the two front doors of the vehicle	3

APPENDIX J

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

- 1 In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

2 Responsibility to the Trade

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- i) complying with this Code of Conduct
- ii) complying with the Council's Hackney Carriage and Private Hire Licensing Policy
- iii) behaving in a civil, orderly and responsible manner at all times.

3. Responsibility to the public

Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory condition at all times
- b) keep their vehicles clean and suitable for hire to the public at all times
- c) attend punctually when undertaking pre-booked hiring
- d) assist, where necessary, passengers' ingress to and egress from vehicles
- e) offer passengers reasonable assistance with luggage or belongings

4. Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) not sound the vehicle's horn illegally
- b) keep the volume of all audio equipment and two-way radios to a minimum
- c) switch off the engine if required to wait
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood
- e) at hackney carriage ranks, in addition to the requirements above:
 - i) rank in an orderly manner and proceed along the rank in order and promptly
 - ii) remain in the vehicle
- f) at private hire offices:
 - i) not undertake servicing or repairs of vehicles

5. Dress Code

5.1 The code of dress for drivers is:

1. Shirt/Tie
2. Polo Shirt
3. Plain tailored trousers
4. Three Quarter length trousers (plain tailored)
5. Shoes/sandals
6. Trainers – Black only
7. Dresses allowed as long as they have sleeves.

5.2 Not allowed: T-shirts, Tracksuit tops or bottoms, collarless tops, football shirts or shorts, denim jeans, white trainers, combat style trousers, short skirts, bare midriff, beach shorts, sleeveless tops, sleeveless vests.

5.3 Clothing should not include sport and associated logos or motifs.

5.4 Company logos are acceptable.

6. General

Drivers shall:

- a) pay attention to personal hygiene and dress code, so as to present a professional image to the public
- b) be polite, helpful and fair to passengers
- c) drive with care and due consideration for other road users and pedestrians and, in particular, shall not use a hand held mobile phone whilst driving
- d) obey all Traffic Regulation Orders and directions at all time
- e) not smoke at any time when inside the vehicle. Smoking of E-Cigarettes is not allowed.
- f) not consume alcohol immediately before, or at any time whilst driving or whilst in charge of a hackney carriage or private hire vehicle (any amount of alcohol can affect a drivers' judgement)
- g) not drive while having misused legal or illegal drugs (any amount of drugs can affect a drivers' judgement). If a driver properly uses prescription drugs that make him drowsy he should not drive
- h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours
- i) not eat in the vehicle in the presence of customers

ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT. THIS COUNCIL SHALL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE HAD ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.

7. Disciplinary Hearings

Drivers should be aware of the powers the Council has to take action, by way of suspension, revocation or refusal to renew a driver's licence where:

- i) the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence
- ii) the driver has been convicted of an offence under any legislation relating to hackney carriage or private hire regulation
- iii) the driver has breached any requirements of the Council's Hackney Carriage and Private Hire Licensing Policy
- iv) there is a breach of condition of this code

APPENDIX K

PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

1. Standards of Service

1.1 The operator shall:

- a) Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- b) Ensure that their office staff act in a civil and courteous manner at all times.
- c) Ensure that when a vehicle has been hired, it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
- d) Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.
- e) Ensure that any waiting area provided has adequate seating facilities and telephone facilities are in good working order.
- f) Fulfil his responsibilities to ensure compliance with legislation regarding the length of working hours.

2. Records

2.1 Records, which must be kept by private hire operators under the Local Government (Miscellaneous Provisions) Act 1976, shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively.

2.2 All records shall be maintained by the operator shall be kept for at least twelve months after entry and shall be produced for inspection, on request, by any authorised officer of the Council or any police officer.

2.3 The private hire operator's licence shall similarly be available for inspection upon request by any authorised officer of the Council or any police officer.

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

3. Bookings

3.1 Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976, namely the:

- a) Date of the booking
- b) Name and address of the hirer
- c) Time of pick-up

- d) Address of the point of pick-up
- e) Destination
- f) Time at which a driver was allocated to the booking, plate number (or other identification) of the vehicle allocated and fare (if agreed between the operator and hirer at the time of booking).

4. Vehicles

4.1 The operator shall keep records of the particulars of all private hire vehicles operated by him, pursuant to section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, namely the:

- a) Type, make, model, colour and engine size of vehicles
- b) Year when the vehicle was first licensed for private hire
- c) Vehicle registration numbers
- d) Number of seats for passengers
- e) Owners of the vehicles
- f) Insurance details of vehicles
- g) Method of charging, i.e. whether or not a meter is fitted
- h) Private hire vehicle plate numbers

5. Insurance

5.1 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.

5.2 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 claim for loss, damage or personal injury by any person using the premises.

6. Drivers

6.1 The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him, pursuant to section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, namely:

- a) The names and addresses of drivers, and their call signs if any
- b) Date any new driver begins service
- c) Date when any drivers service ceases
- d) Any change of address of any driver in service

- e) Any illness, disability or condition which may affect the driver's ability to safely carry out his duties, if the operator becomes aware of any such condition
- f) Expiry dates of drivers' badges and vehicle licences

7. Disclosure of Convictions

- 7.1** The operator shall, within seven days of conviction, notify the Council in writing, of any conviction or fixed penalty notice imposed on him during the period of duration of his operator's licence.
- 7.2** If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty notice.

8. Private Hire Drivers' Licences

- 8.1** The operator shall ensure that every driver engaged by him has obtained a private hire driver's licence obtained by the same Licensing Authority which issued the private hire operator's licence. The operator shall ensure that all drivers have a badge issued by the Council and that the drivers wear the badge in a conspicuous place at all times whilst available for hire

9. Miscellaneous

- 9.1** If a licensed operator changes either his home or business address, he must, within seven days, give written notice to the Council specifying his new address.
- 9.2** The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of the vehicle in a position as approved by an authorised officer.
- 9.3** The operator shall ensure the licence plate is maintained in a clean and legible condition and shall inform the Council immediately if it becomes lost, broken or defaced.
- 9.4** To operate a private hire business from home, planning permission will normally be required. A private hire operator's licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the use proposed.
- 9.5** An operator's licence is liable to suspension or revocation on any of the following grounds:
 - (a) Any offences under, or non-compliance with, the provisions of Part II, Local Government (Miscellaneous Provisions) Act 1976
 - b) Any conduct on the part of the operator which appears to the council to render him unfit to hold an operator's licence.
 - c) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted
 - d) Any other reasonable cause

APPENDIX L

HACKNEY CARRIAGE FARES



S.65 Local Government (Miscellaneous Provisions) Act 1976

Swale Borough Council has authorised MAXIMUM fares for hackney carriages by distance or a combination of distance and time in accordance with the table below with effect from: 6th October 2013

	<u>MILEAGE</u>	
(a)	If the distance does not exceed 200 metres for the whole distance	£2.80
(b)	If the distance exceeds 200 metres – for the first 200 metres For each subsequent 88 metres or uncompleted part thereof	£2.80 £0.10
	<u>WAITING TIME</u> For each period of 1 minute or uncompleted part thereof	£0.30
	<u>EXTRA CHARGES:</u> For hiring's begun between 11pm and 6am and for Bank Holidays (including Easter Sunday) and between 6pm and 11pm on 24th December (excluding 11pm 24th December to 6am 27th December and 6pm 31st December to 6am on 1st January)	+50% of above charges
	The fares for distance will be DOUBLED between 11pm on 24th December and 6am on 27th December and between 6pm 31st December and 6am on 1st January.	
	A charge of up to £50 will be applied for the soiling of a vehicle should it be soiled to the extent that it has to be taken out of service to be cleaned.	
	For additional passengers in excess of 4, or for a specific request to hire a vehicle with more than 4 passenger seats (excluding wheelchair users accompanied by less than 4 other passengers)	+ 50%
	When this Hackney Carriage is hired by distance it is an offence for the proprietor or driver to demand and take a fare greater than that shown on the taximeter. Any discount given to the customer must be discounted from the amount shown on the meter.	

FARES FOR TIME

If the Hackney Carriage is hired by time the fare shall be agreed with the hirer at the commencement of the hiring

COMPLAINTS

If you have any complaints about this vehicle or driver please write to the Senior Licensing Officer, Licensing Department, Swale Borough Council, Swale House, East Street, Sittingbourne Kent ME10 3HT.

APPENDIX M

Application fees for 2017-2018

Type of Licence	Duration	Fee
Private Hire Vehicle	1 Year	£290
Hackney Carriage Vehicle	1 Year	£290
Plate Deposit		£50
Replacement Plate		£15
Intermediate 6 monthly licence		£60
SKT exam		£25
Dual Badge - Driver	3 Years	£150
Dual Badge – Driver for medical each year due to being over 70yrs or previous condition.	1 Year	£50
Licence plate for temporary hire vehicle		£40
Operator	5 Years	£430
Dual Driver Badge replacement		£10
Change of ownership		£35
Change from PH to HC		£80
Change from HC to PH		£80
Change of address		£10
Replacement paper licence certificate		£10

APPENDIX N

TAXI LICENSING AND ENFORCEMENT POLICY

1. Enforcement Policy Statement

- 1.1** It is the policy of Swale Borough Council to ensure that taxi drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant law and the conditions attached to the licences.
- 1.2** This policy is intended to fairly and firmly enforce the law in a consistent and transparent way. The Council has adopted or is in agreement with the provisions of the Government's Enforcement Concordat. This is reflected in the Councils' Common Enforcement Policy which underpins all service or topic specific enforcement policies adopted by the council. This represents a graduated approach to enforcement based on the principles of:
- agreed standards and procedures
 - helpfulness
 - openness
 - transparency
 - proportionality
 - consistency
 - complaints procedure
- 1.3** All enforcement action will be conducted in accordance with the Council's Enforcement Policy.
- 1.4** Authorised officers, when making enforcement decisions, will abide by this policy. Any departure from the policy must be exceptional, capable of justification, be fully considered and be endorsed by the Senior Licensing Officer or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 1.5** Authorised officers must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.
- 1.6** Officers will be authorised by the Senior Licensing Officer to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

2 Enforcement Options

- 2.1** Achieving and maintaining a consistency of approach to making all decisions that concern taxi licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.
- 2.2** Licence application and enforcement decisions must always be consistent, balanced, proportionate and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:

- (1) Seriousness of any offences;
- (2) Driver, proprietor or Operator's past history;
- (3) likely effectiveness of the various enforcement options;
- (4) danger to the public.

2.3 Having considered all relevant information and evidence, the choices for action are:-

2.3.1 Licence Applications:

- grant licences subject to the Council's Hackney Carriage and Private Hire Licensing Policy requirements
- refuse to grant a licence.

2.3.2 Enforcement Action:

- no action;
- informal action;
- formal action
- use statutory notices, (stop notices etc.);
- suspend a licence;
- revoke a licence;
- use simple cautions;
- prosecute
- a combination of any of the above
-

2.4.1 This policy document provides detailed guidance applicable to the various options for enforcement action.

3. Informal Action

3.1 Such informal enforcement action may be appropriate in any of the following circumstances:-

- the act or omission is not serious enough to warrant more formal action
- it can be reasonably expected that informal action will achieve compliance
- perhaps by taking into account the individual driver or operator's past history
- confidence in the operator's management is high
- the consequences of non-compliance will not pose a significant risk to the safety of the public

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

3.2 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.

4. Appearance before the relevant Committee of the Council

4.1 An offending individual or company may be summoned before the Licensing Sub Committee to answer allegations of breaches of relevant legislation, Bye-laws or conditions attached to licences or a contravention of this policy.

- 4.2** Current licence holders who report convictions or breach relevant legislation during the period of their licence may be brought before the Licensing Sub Committee.
- 4.3** The Committee may decide to take one or more of the following actions:-
- 1) no action;
 - 2) a written warning;
 - 3) require the production of driving licences or other specified documentation at the Council's Office;
 - 4) suspend a licence;
 - 5) revoke a licence;
 - 6) recommend prosecution action
 - 7) other appropriate action as deemed necessary

5 Section 68 Notices (Stop Notices)

- 5.1** An authorised officer may serve notice in writing for a hackney carriage or private hire vehicle or the taximeter affixed to such vehicle to be examined at the Council's appointed garage at a time specified in the notice. This notice must only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter.
- 5.2** An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied with the condition of the hackney carriage or private hire vehicle. This action will only be taken when he has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.
- 5.3** The suspension notice will remain in place until such time as the Officer issuing the notice is satisfied that the grounds for suspension have been satisfactorily resolved. Written confirmation of the lifting of the suspension notice will be given. Until such time as written confirmation has been received, the suspension notification will remain active.
- 5.4** If the Authorised Officer who issued the suspension notice is not satisfied that the appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two months from the date of issue, the vehicle licence shall be deemed to be revoked.

6 Appeals

- 6.1** Appeals against decisions of the Licensing Sub Committee or authorised officers may be made to the Magistrates' Court.
- 6.2** Any notifications of enforcement actions will include written information on how to appeal. Where the Council suspends or revokes a driver's licence the revocation or suspension may take place immediately where relevant legislation allows, regardless of the fact that the driver may have made an appeal against the decision to the Magistrates' Court.
- 6.3** A driver can also appeal against a refusal to renew his drivers licence, but as his previous licence would have already expired he cannot continue to drive as he would no longer hold a current licence.

7 Prosecution

- 7.1** The decision to prosecute is a very significant one as it may impact on the licence holder's future employability. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate requirements of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made provide common standards which ensure a consistent approach.
- 7.2** The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:
- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
 - when there appears to have been reckless disregard for the safety of passengers or other road users;
 - where there have been repeated breaches of legal requirements;
 - where a particular type of offence is prevalent;
 - where a particular contravention has caused serious public alarm.
- 7.3** When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.
- 7.4** Before referring a matter to the Legal Section for possible prosecution, the Licensing Manager as well as an authorised officer must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction; a bare prima facie case is not enough. With insufficient evidence to prosecute, the issue of a simple caution is not an alternative.
- 7.5** In addition to being satisfied that there is sufficient evidence to provide realistic prospect of conviction, it must be established that it is in the public interest to prosecute. The Code for Crown Prosecutors (January 2013), issued by the Crown Prosecution Service, provides guidance which will be considered, including relevant public interest criteria
- 7.6** When a decision is being taken on whether to prosecute, the factors to be considered may include:-
- the seriousness of the alleged offence;
 - the risk or harm to the public;
 - identifiable victims;
 - failure to comply with a statutory notice served for a significant breach of legislation;
 - disregard of safety for financial reward;
 - the previous history of the party concerned;
 - offences following a history of similar offences;
 - failure to respond positively to past warnings;
 - the ability of any important witnesses and their willingness to cooperate;
 - the willingness of the party to prevent a recurrence of the problem;

- the probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public interest will allow anything other than a prosecution);
- whether other action, such as issuing a simple caution in accordance with the Home Office Circular 016/2008 would be a more appropriate or effective.

8 Simple Cautions

8.1 A simple caution may be used as an alternative to a prosecution in certain circumstances.

8.2 The purposes of the simple caution are:-

- to deal quickly and simply with less serious offences;
- to divert less serious offences away from the Courts;
- to reduce the chances of repeat offences

8.3 To safeguard the suspected offender's interests, the following conditions should be fulfilled before a caution is administered:-

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction;
- the suspected offender must admit the offence;
- the suspected offender must understand the significance of a simple caution and give informed consent to being cautioned.

8.4 If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).

8.5 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will usually mean prosecution, this is not necessarily inevitable. For example, it may be considered that a written warning would be appropriate.

9 Transparency

9.1 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

9.2 Any written documentation issued or sent will:-

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;

- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

9.3 The clear distinction between legal requirements and matters which are recommended as good practice recommendations in all enforcement action, even if only giving verbal advice, is vitally important.

APPENDIX O

GROUND FOR APPEAL

1. Any person aggrieved by any conditions attached to a hackney carriage licence may appeal to a Magistrates Court under Section 47, Local Government (Miscellaneous Provisions) Act 1976
2. Any person aggrieved by the refusal of the Council to grant a private hire vehicle licence under the Local Government (Miscellaneous Provisions) Act 1976, or by any conditions specified in such a licence, may appeal under Section 48 of such Act
3. Any person aggrieved by the refusal of the Council to grant a licence to drive private hire vehicles, or by any conditions attached to the grant of such a driver's licence, may appeal to a Magistrates' Court under Section 52, Local Government (Miscellaneous Provisions) Act 1976
4. Any person aggrieved by the refusal of the Council to grant a licence to operate private hire vehicles under the Local Government (Miscellaneous Provisions) Act 1976, or by any conditions attached to the grant of such a licence, may appeal to a Magistrates' Court under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976
5. Any person aggrieved by the refusal of the Council to grant a licence to drive a hackney carriage on the ground that he is not a fit and proper person to hold such a licence may appeal to a Magistrates' Court under Section 59 of the Local Government (Miscellaneous Provisions) Act 1976
6. Any driver aggrieved by a decision of the Council to suspend, revoke or refusal to renew any licence for a hackney carriage or private hire vehicle may appeal to the relevant Court under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976
7. Any driver aggrieved by a decision of the Council to suspend, revoke or refusal to renew any Licence to drive a hackney carriage or private hire vehicle may appeal to Magistrates' Court under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.
8. Any operator aggrieved by a decision of the council to suspend, revoke or refusal to renew an operator's licence may appeal to a Magistrates' Court under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976

The time within which any appeal as mentioned above may be brought is 21 days from the date on which notice of the Council's requirement, refusal or other decision was served upon the person desiring to appeal.

APPENDIX P

SUMMARY OF LEGISLATION

TOWN POLICE CLAUSES ACT 1847	
Section 46 Driver not to act without first obtaining a licence	No person shall act as a driver of any hackney carriage without first obtaining a licence
Section 48 Proprietors to retain licences of drivers and produce the same before justices' on complaint	Proprietors must retain licences of drivers while they remain in his employment. Where the proprietor of a hackney carriage is summoned before a justice or to produce the driver he shall also produce the licence of the driver if he is in his employment
Section 52 Penalty for neglect or refusing to exhibit the prescribed number of passengers	If the proprietor, or driver of any hackney carriage permits the same to be used, employed, stand or ply for hire without having the number of persons to be carried displayed in the prescribed manner
Section 53 Penalty on driver for refusing to drive	The driver of any hackney carriage standing at any stands for hackney carriages or in any street, without reasonable excuse shall not refuse or neglect to drive such carriage to any place within the prescribed distance
Section 54 Demanding more than the sum agreed	Proprietors or drivers of hackney carriages or any person on his behalf is not permitted to exact or demand more than the fare agreed
Section 55 Payment of more than the legal fare	No agreement whatsoever shall be made between the driver or with any person having or pretending to have the care of any such hackney carriage, for the payment of more than the fare allowed by any byelaw or Act
Section 56 Agreement to carry passengers a discretionary distance for a fixed sum	If the proprietor or driver of any hackney carriage, or any other person on his behalf, agrees to carry persons for a distance at the discretion of the proprietor or driver, and for a sum agreed upon, he shall not carry those persons for a lesser distance than would be allowed by the sum agreed according to the scale of fares in force
Section 57 Deposits made for hackney carriages required to wait	When a hackney carriage is hired and taken to any place, and the driver is required to wait by the hirer, the driver may demand his fare for driving to such place, and a fare for the waiting period
Section 59 Persons riding without the consent of the hirer	No proprietor or driver of any hackney carriage which is hired, shall not without the express consent of the person hiring the said hackney carriage permit any other person to be carried in such hackney carriage

Section 60 No unauthorised person to act as driver	No authorised driver of a hackney carriage shall allow any person, whether licensed or not, to act as the driver of any hackney carriage without the consent of the proprietor
Section 61 Drunkenness and furious driving	No driver or any other person having or pretending to have the care of any such hackney carriage shall do so whilst intoxicated, or drive in a wanton and furious manner, or by any other wilful misconduct injure or endanger any person in his life limb or property
Section 62 Carriages being left at places of public resort	A driver of any hackney carriage may not leave it in any street or any place or public resort or entertainment, whether it be hired or not, without someone proper to take care of it
Section 64 Drivers obstructing other drivers	Any driver of any hackney carriage shall not obstruct or hinder any driver of any carriage in taking up or setting down any person into or from that carriage, nor shall they, in a forcible manner prevent or endeavour the driver of any other hackney carriage from being hired

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	
Section 46 Vehicle, driver and operators licences	No person being the proprietor of any vehicle not being a hackney carriage in respect of which a vehicle licence is in force, shall use or permit the same to be used in a controlled district as a private hire vehicle without having for such a vehicle a current licence under section 48 of this Act No person shall act in a controlled district as a driver of any private hire vehicle without having a current licence under section 51 of this Act No person being the proprietor of a private hire vehicle licensed under this part of this Act shall employ as the driver thereof for the purpose of any hiring any person who does not have a current licence under the said section 51 No person in a controlled district shall operate any vehicle as a private hire vehicle without having obtained a current licence under section 55 of this Act No person licensed under the said section 55 shall in a controlled district operate any vehicle as a private hire vehicle – (i) if the vehicle does not have a current licence under section 48 of this Act (ii) if the driver does not have current licence under section 51 of this Act
Section 49 Transfer of hackney carriage and private hire vehicles	The proprietor of a hackney carriage or private hire vehicle shall give written notice to the district council within fourteen (14) days of the transfer of the vehicle. Such notification shall specify the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred

<p>Section 50 Provisions as to proprietors</p>	<p>(1) The proprietor of any hackney carriage or private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require (2) The proprietor of any hackney carriage or private hire vehicle shall, within such period as the district council may by notice reasonably require, state in writing the address if every place where such hackney carriage or private hire vehicle is kept when not in use (3) The proprietor of a hackney carriage or private hire vehicle licensed by a district council shall report to them as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein (4) The proprietor of any hackney carriage or private hire vehicle licensed by a district council shall at the request of any authorised officer of the council produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the Certificate of Policy of Insurance or security required by the Road Traffic Acts in respect of such hackney carriage or private hire vehicle</p>
<p>Section 53 Drivers' licences for hackney carriage and private hire vehicles</p>	<p>The driver of any hackney carriage or of any private hire vehicle licensed by a district council shall at the request of any authorised officer of the council or of any constable produce for inspection his drivers' licence wither forthwith or (a) in the case of the request by an authorised officer at the principal offices of the council, before the expiration of the period of five days beginning with the day following that on which the request was made (b) in the case of a request by a constable, before the expiration of the period aforesaid at any police station which is within the area of the council and is nominated by the driver when the request is made</p>
<p>Section 54 Wearing of drivers badges</p>	<p>A driver shall at all times when acting in accordance with a drivers licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible</p>
<p>Section 56 Operators of private hire vehicles</p>	<p>(i) Every contract for the hire of a private hire vehicle licensed under this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle</p>
	<p>(ii) Every person to whom a licence in force under this Act shall keep a record in such form as the council may by condition attach to the grant of the licence, and enter details in the record before the commencement of each journey, particulars of every booking of a private hire vehicle invited or accepted by him whether by accepting the same from the hirer or at the request of another operator. The operator shall produce such record on request to any authorised officer of the council or constable for inspection. (iii) Any person who has a licence under this Act shall enter details in the record the particulars of any private hire vehicle operated by him and shall produce the same on request to any authorised officer of the council or constable for inspection (iv) A person to whom a licence has been granted under this Act shall produce the licence on request to any authorised officer of the council or constable for inspection</p>

Section 57 power to require applicants to submit information	Any applicant for a licence under the Act of 1847 and this part of this Act shall submit to a district council such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any licence
Section 58 Return of identity plate or disc on revocation or expiry of licence	(a) On the revocation or expiry of a vehicle licence in relation to a hackney carriage or private hire vehicle (b) The suspension of a licence under section 68 of this Act The proprietor of the hackney carriage or private hire vehicle shall, on request of the district council issuing the licence, return within 7 days to the council the plate or disc
Section 59 Qualifications for drivers of hackney carriages	A person must be authorised to drive a motor vehicle under Part III of the Road Traffic Acts for a minimum of twelve months prior to the application for a driver licence
Section 64 Fares for long journeys	A driver of a hackney carriage must not charge a fare for a journey ending outside the licensing district, greater than that agreed before the hiring was effected or that indicated on the taxi meter or fixed by the table of fares in force within the licensing district
Section 67 Hackney carriages used for private hire	No hackney carriage shall be used in the district under a contract or proposed contract for private hire except at a rate of fares or charges not greater than that fixed by the table of fares, and when any such hackney carriage is so used the fare or charge shall be calculated from the point in the district at which the hirer commences his journey
Section 69 Prolongation of journeys	No person being the driver of a hackney carriage or private hire vehicle licensed by a district council shall without reasonable excuse unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private hire vehicle has been hired
Section 71	Any person who (a) tampers with any seal on any taximeter without lawful excuse; or (b)
taximeters	alters any taximeter with intent to mislead; or (c) knowingly causes or permits a vehicle of which he is the proprietor to be used in contravention of this section shall be guilty of an offence
Section 73 Obstruction of authorised officers	(1) Any person who (a) wilfully obstructs an authorised officer or constable; or (b) without reasonable excuse fails to comply with any requirements properly made to him by such officer or constable; or (c) without reasonable cause fails to give such officer or constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions shall be guilty of an offence (2) If any person in giving any information to (1) makes any statement he knows to be false he shall be guilty of an offence

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Appendix II

Town Police Clauses Act 1847		
Section	Offence	Maximum Penalty Points that can be imposed
40	Giving false information on a hackney carriage licence application	12
45	Plying for hire without a hackney carriage licence	12
47	Driving a hackney carriage without a hackney carriage driver's licence	12
53	Refusal to take a fare without a reasonable excuse	12
54	Charging more than the agreed fare	12
55	Obtaining more than the legal fare (including failure to refund)	12
58	Charging more than the legal fare	12
60	Driving a hackney carriage without the proprietor's consent	12
60	Allowing a person to drive a hackney carriage without the proprietor's consent	12
47	Hackney carriage proprietor employing an unlicensed driver	12
59	Carrying persons other than with the consent of the hirer	8
48	Failure of a proprietor to hold a hackney carriage driver's licence	6
56	Travelling less than the lawful distance for an agreed fare	6
57	Failure to wait after a deposit to wait has been paid	6
47	Lending or parting with a hackney carriage driver's licence	4
52	Failure to display a hackney carriage plate	4
48	Failure of a proprietor to produce a hackney carriage driver's licence	3
64	Hackney carriage driver obstructing other hackney carriages	3
44	Failure to notify change of address on a hackney carriage licence	2
62	Driver leaving a hackney carriage unattended	2

Local Government Misc Provisions Act 1976

Section	Offence	Maximum Penalty Points
46(1)(A)	Using an unlicensed private hire vehicle	12
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	12
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	12
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request	12
50(4)	Failure to produce the vehicle and insurance upon request	12

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57	Making a false statement or withholding information to obtain a hackney carriage private hire driver's licence	12
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	12
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	12
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	12
67	Charging more than the meter fare when a hackney carriage is used as a private hire vehicle	12
69	Unnecessarily prolonging a journey	12
71	Interfering with a taxi-meter with intent to mislead	12
73(1)(a)	Obstruction of an authorised officer of the Council or a police officer	12
73(1)(b)	Failure to comply with a requirement of an authorised officer of the Council or a police officer	12
73(1)(c)	Failure to give information or assistance to an authorised officer of the Council or police officer	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	12
46(1)(d)	Operating a private hire vehicle without a private hire operators' licence	8
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	8
50(3)	Failure to report an accident to the Council within seventy two hours	6
54(2)	Failure to wear a private hire driver's badge	6
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Council or a police officer	6
56(3)	Failure of a private hire operator to keep proper 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
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	6
48(6)	Failure to display a private hire vehicle plate	4
56(4)	Failure of a private hire operator to produce his licence upon request	4
49	Failure to notify the transfer of a vehicle licence	3
50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3
53(3)	Failure to produce a driver's licence upon request	3

Appendix II

Breach of Policy Requirement	Maximum Points
Failure to ensure the safety of passengers	12
Private hire soliciting for hire or accepting a fare that is not pre-booked	12
Using a non-hands free mobile telephone whilst driving	12
Failure to advise of a relevant medical condition	12
Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage	12
Failure to surrender a driver's licence, badge or plate upon request	12
Failure of a licence holder to disclose convictions within seven days of conviction	12
Operating/using a vehicle which is not maintained in a sound and roadworthy condition	12
Modifying a vehicle without the consent of the Council	12
Affixing or displaying a roof sign on a private hire vehicle	12
Driving with no insurance or inadequate insurance for the vehicle	12
Permitting the vehicle to be used for any illegal or immoral purposes	12
Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	12
Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access	12
Failure to produce a valid MOT certificate every 6 months upon request of an authorised officer	12
Carrying an offensive weapon in the vehicle including imitation firearms	12
Unsatisfactory behaviour or conduct of a driver including failing to behave in a civil and orderly manner to both the public, authorised officers or to other drivers	12
Any other transgression not contained within the penalty points system which in the opinion of an authorised officer should have penalty points imposed	12
Failure to proceed with all reasonable speed to the next available rank	8
Failure to wear a driver's badge	6
Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below	6
Concealing or defacing a vehicle licence plate	6
Conveying a greater number of passengers than permitted	6
Driving without the consent of the proprietor	6
Smoking or prevent smoking in the vehicle at any time this includes vaping and e-cigarettes	6
Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	6
Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that it is plying for hire	6
Failure to comply with requirements for the safe carrying of a wheelchair	6
Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	6
Using a taxi-meter that does not conform to Council requirements	6

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Waiting or stopping on a double yellow line or a bus stop	6
Failure to notify, a change in medical circumstances	12
Failure to display or maintain external plates as issued by the Council or displaying them incorrectly e.g. in the window of a vehicle	4
Failure to display or maintain Internal plates as issued by the Council or displaying them incorrectly e.g. near the driver side	4
Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Council	4
A licensed vehicle with a defective tyre	12
Failure to give reasonable assistance with passenger's luggage	3
Operating/using a vehicle that is not clean and tidy and in a safe condition internally or externally	3
Failure to notify the Council of any amendment to the details of a licence within fourteen days	3
Failure to produce a licence upon request	3
Failure to notify within seven days of starting or terminating employment, the name and address of the proprietor and the term of employment	3
Failure to report an accident within seventy-two hours	6
Failure to carry an approved fire extinguisher	3
Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	3
Failure of a private hire operator to keep the operating premises in accordance with council requirements	3
Failure to observe rank discipline e.g. failure to move up	3
Failure to have a working hackney carriage roof light that is lit when available for hire	3
Failure to display the current fare chart so that it is clearly visible to passengers	3
Failure to keep a copy of a valid insurance certificate in the vehicle	3
Failure to display door logos (to the required measurements) on the exterior of the two front doors of the vehicle	3
Display of flags and other promotional material	3
Failure to adhere to dress code	2
Failure to attend on time for a pre-arranged booking without reasonable cause	2
Drinking or eating in the vehicle whilst carrying passengers	2
Causing excessive noise from any radio or sound-reproducing equipment	2
Sounding the horn to signal that the vehicle has arrived disturbing residents	2
Failure to provide a receipt for a fare when requested	2
Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	2
Failure of a private hire operator to request and/or record details of a private hire driver's licence at the beginning of employment	2
Carrying radio equipment or similar devices not in accordance with council requirements	2

CONSULTATION ON DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Evaluation of Representations and Responses received during consultation period of:

Respondent	Paragraph	Vehicle, Driver,	Comments made	Response from Council
Respondent 1		D	Council website regarding fees and charges is unclear regarding "change from Private Hire to Hackney Carriage and Change from Hackney Carriage to Private Hire". This is confusing and does not detail what this actually means	Agreed that the website is unclear. The website will be updated so that it reads "Change of an existing vehicle from Private Hire Vehicle to Hackney Carriage Vehicle and vice versa. The query has also highlighted that it is extremely unlikely that any vehicle will ever be converted from one category to another due to Swale's policy on the paintwork of each of the different categories. Action: It is therefore proposed to request to Committee that this condition is removed due to it not being relevant to Swale as it may be to other districts
Respondent 2		V,D,O	I would love to write to respond to the licensing policy that you are proposing. All drivers and operators need to read it and be concerned because there are one lined bomb shells in the 96 pages that will adversely affect us all.	
Respondent 2		V,D,O	I have briefly skimmed it and decided that it needs a solicitor to digest it and explain it all in simple terms. It has been written so that most taxi drivers will not even bother to read it. Not many of us have law degrees.	no response
Respondent 2		V,D,O	The first point being about needing planning permission from the council to hold an operators license!!!! Anyone who has ever dealt with planning will know what a horrific experience that is! It can take years! And what for? So that we can park a car on our drive that happens to have a small yellow plate on the bumper!!! Most taxis are taken to a drivers home address after a shift ready for the next day! Do they need planning permission to do that??? Also have you considered the cost of "planning permission ".	No change proposed as 4.1.6 states consent may be required therefore the policy is merely informing applicants to ensure they have appropriate planning permission.
Respondent 2		V,D,O	Also a few words about fire extinguishers and first aid boxes? We used to have fire extinguishers in our taxis. The fire brigade then advised against it in case people tried to fight their own fires instead of calling them. We were told, if there is a fire, move away from it and call them! First aid kits are another thing to think about. If a customer cuts themselves for example. They would expect us to help them to apply plasters and bandages for them from our first aid kits, if we had them! We can't say " here is a plaster, but you have to stick it on yourself!"	No change proposed as the Council acknowledges that incidents involving fire and medical situations would be subject to individual risk assessments, where there is any potential for serious harm then the driver should vacate the scene with their passengers immediately. However with minor incidents, the driver having the tools with which to deal with the situation is considered good practice.
Respondent 2		V,D,O	After a very brief look at this policy, these things jumped out at me. I am sure there are many more new rules hidden amongst the jargon that probably won't get read. Please keep it simple.	
Respondent 2		V,D,O	It appears to me, to be extra costs involved for operators. Can you please do a breakdown of the costs involved with producing a £430 operators license.	No change proposed as fees, charges and fares have been dealt with separately and therefore will not be considered as part of this report.
Respondent 2		V,D,O	We are still desperately waiting for a long overdue fare increase, not only to help with increased living costs but also to help finance all these extra costs imposed on us by the council.	The request for a fare increase has previously been noted and has been put out for consultation to establish the appetite for an increase to be progressed.
Respondent 2		V,D,O	I think that if you were being transparent, you would have to admit that what you are actually trying to do is to make things so difficult, many of us will give up and go on the dole! Have you had any increase in salary at all since October 2013? Moral out here is on the floor. You are at risk of sending people underground and operating without licenses.	The focus of the council is to work with the drivers and operators to ensure a safe taxi service to the public and drivers.

CONSULTATION ON DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Evaluation of Representations and Responses received during consultation period of:

Respondent 2		V,D,O	With regards to the dress code. I thought that if us ladies wore a collarless blouse or jumper we were ok as long as we it wasn't sleeveless or a t-shirt. Are we back to having to wear collared shirts like the men again?	Dress code is detailed in point 5.1 and 5.2 of appendix J. It is proposed to amend the policy to include collarless blouse and collarless jumpers.
Respondent 3			The increase in prices to Hackney a car.	No change proposed as fees and charges.
Respondent 3			The length of time needed to process new drivers and the knowledge test being futile	No change proposed as Swale Borough Council feels the process must be robust enough to protect the travelling public, hence the proposals put forward in this policy. The length of time to process a new application is dependant on certain factors: (1) Whether they pass the Knowledge Test on their first attempt, these are held every 4 weeks. (2) The length of time to receive a satisfactory DBS check, if an applicant has any previous criminal convictions this may take longer. (3) The length of time to obtain a satisfactory medical from a GP. Once the factors are in place it is possible to process the application immediately. For example we had a driver who submitted their application on 8th January 2018, went through the process and received their licence on 25th January 2018.
Respondent 3			Probationary period for new drivers and that they will move around companies and we can always ram track the drivers.	A probationary badge was discussed prior to the policy consultation, however after careful consideration and taking into account such matters as the following: (1) The safety of the travelling public of Swale B.C could be compromised by drivers who rely on satnav's and/or phone apps to navigate around the borough. Not all roads (especially on new developments) will show up. (2) The travelling public of Swale B.C could be overcharged by drivers taking a longer route to a destination because of their lack of knowledge of the borough. (3) The public could be caused alarm and distress by a driver taking them by an unfamiliar and overlong route. (4) Although the Council's statutory duty regarding taxi licensing focuses on the safety of the travelling public, there is an implied and moral duty towards the drivers that it licences particularly regarding their health and safety. Allowing drivers to work who are not familiar with the roads of the borough exposes them to potential confrontation and anger from their passenger and even potential physical attack Having taken into account all of the above, we do however recognise that we need to be seen to assist both individuals and operators to provide a service to the travelling public by ensuring there is always a sufficient number of drivers available. As a consequence it is intended to have two pass marks for a Knowledge Test, a lower mark to allow entry to Private Hire only and a higher pass mark that would allow a driver to hold the dual badge. A driver who is private hire only could apply at any time to re-sit the SKT and upgrade to the dual badge. This would mean that we will be satisfied that every driver that we licence has knowledge of routes, buildings, the Highway Code and our policy and bye-laws

CONSULTATION ON DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Evaluation of Representations and Responses received during consultation period of:

Respondent 4	V		Reading through the proposed new taxi policy I have two concerns in relation to First Aid kits and fire extinguishers required in all taxis, I understand the need for public safety and I can't agree more if we can improve on safety, but by simply giving someone the tools without any training or knowledge doesn't make it safe, in fact I would argue the opposite, if the council is committed to safety then there should be a training course attached to gaining a taxi badge, in respect to the knowledge test for all new drivers at the councils cost, or cost added to new applications.	No change proposed as the Council acknowledges that incidents involving fire and medical situations would be subject to individual risk assessments, where there is any potential for serious harm then the driver should vacate the scene with their passengers immediately. However with minor incidents, the driver having the tools with which to deal with the situation is considered good practice. We will be giving consideration to providing drivers with training on various subjects including fire safety within the foreseeable future.
Respondent 4	V		My other concern regarding fire extinguishers is weather the council has consulted any professional advise on potential fire hazards in cars and the correct fire extinguisher to be used, weather it's foam or powder, also storage of a fire extinguisher, some car manufacturers have fire extinguishers fitted quite a few do not so there is the issue of where to securely fit them for vehicles that do not have the proper secured fittings, rolling around under drivers seat good enough? in my own experience driving a taxi with a fire extinguisher fitted n a 9 seater bus the passengers thought it funny to let one off in the taxi as they disembarked, also the issue of having an extinguisher in the drivers cabin it can be used as a weapon. My own opinion is leave fires to the professionals get the passengers out of the vehicle and call the fire department.	
Respondent 5	V		I've been looking at a new vehicle and am being steered away from a Diesel engine towards the latest low emission petrol version, I'm enquiring about the latest Citroen Berlingo Multispace 1.2 petrol/turbo engined vehicle, I've noted from the website that the minimum engine capacity needs to be 1.4? The latest petrol engines are being produced with much more horsepower and lower emissions than the older petrol/diesel versions. When were the local rules last looked into with regard to engine size please as technology is moving forward rapidly?	Agreed, the removal of engine capacity has already been proposed within this draft.
Respondent 5	V		With the escalating cost involved with running a legitimate business could I draw your attention to a possible cost saving change to the current policy. We currently take our vehicles for Hackney test every 12/6 months with a test station allocated by yourself, as a part of the Hackney the vehicles are inspected for any defects that don't comply with the legislation that you have put in place. To save time and money could the policy not be amended to negate the requirement for the repeat inspection that is carried out at the council offices, saving both parties extra time and money	Agreed, in the draft circulated for consultation the requirement for a 6 monthly inspection with SBC was already removed.

CONSULTATION ON DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Evaluation of Representations and Responses received during consultation period of:

Respondent 6		<p>I recently passed my hackney test at the end of 2017 and I am struggling to make ends meet financially this is due to to high percentage the companies are taking 55% is very steep so as it stands I have not managed to get above £6 an hr which is terrible.</p> <p>The rules state that we have to work for a operator for a year this is very unfair as they are the ones that totally benefit yet it is the driver that does all the hard work studying and passing the test, it costs quite a bit of money getting your licence, passing the test, getting a badge etc the operators do not help you out with them costs yet you are required to give your full period of work to them for a whole year totally benefiting them and earning them a fortune while you struggle with having to put all the hrs under sun in just to make a wage yet when you break that wage down to an hotly rate it doesn't even nearly meet the minimum wage!!</p> <p>This really isn't acceptable and very unfair on the drivers</p> <p>Once a driver does all the hard work studying and proving his knowledge by passing the hackney test and police check he/she should be allowed to work for his/her self and earn there money like every other hackney driver in the uk not forced to work for these greedy companies who get the rewards taking on as many drivers as they can which also means less earnings for each individual driver!</p> <p>Once a driver does all the hard work studying and proving his knowledge by passing the hackney test and police check he/she should be allowed to work for his/her self and earn there money like every other hackney driver in the uk not forced to work for these greedy companies who get the rewards taking on as many drivers as they can which also means less earnings for each individual driver!</p>	Agreed, proposed in this draft to remove the requirement to work for an existing operator and therefore drivers have the ability to work for themselves.
Respondent 6		<p>The maths are simple a independent driver doing 10 jobs @ £7 over 8-9 working hrs is pretty acceptable @ £70 is slightly above minimum wage</p> <p>But when a operator is taking 55% leaves a driver with £31.50 for the same amount of hrs which is basically slave labour and well below the governments minimum wage bracket a driver then has to work many more hrs to just take home some decent money at the end of the week again this still works out a very poor hourly rate either way you look at it and results in a very drained and tired driver which is not very good/safe for passengers or for the drivers well being!</p>	
Respondent 6		<p>I hope this policy is looked at in depth and the conclusion is once you pass the hackney test you are free to be on your own earning your own money and have the choice of working for a operator at their own accord not forced to for a whole year struggling to earn any money giving it all to the operators.</p>	As above
Respondent 7		<p>1) Page 5, seek to promote the Prevention of drivers being victims of crime - I cannot see how this policy is going to protect us exactly? (unless we carry it bound in 5mm plywood to use as a weapon) sorry a bit of light humour to start the dissection of 98 pages.</p>	This has been noted. SBC remains committed in protecting the licensed drivers of its borough.

CONSULTATION ON DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Evaluation of Representations and Responses received during consultation period of:

Respondent 7			2) Page 5, Despite the existence of this policy, each application or enforcement measure shall be considered on its own merits - what exactly does this mean, is there, therefore, any point in the 98 page policy.	This policy is designed to set the general standard that both drivers and operators must adhere to. It also informs the public as to what they should expect from the licensing regime of SBC. However if circumstances dictate and in accordance with the regulators code, the Council must have the right to made a decision based on the circumstances presented to them.
Respondent 7			3) Page 5, You have consulted with representatives of the hackney carriage and private hire trade, can we please have a list of these representatives? Were any of them actually local drivers, were they a variety of drivers whom drive different shifts of the day and week?	The Council is satisfied that it has completed a full and extensive consultation process. A draft version of the policy was made available to the trade in October 2017 and was discussed at the open Taxi meeting on 31 October 2017. We can therefore confirm that all drivers and operators within the borough were informed of this policy prior to the official consultation and given opportunity to comment. Both the meeting in October 2017 and the consultation were communicated via emails, newsletters, and website.
Respondent 7			4) Page 6, Limitation of number of vehicles, how do you no if there is a significant demand for more vehicles or not? where do you gain this information from? In my experience as a driver and a controller in Sittingbourne, there has always been an abundance of vehicles between 9am and 2:30pm weekdays, as the times before and after are school runs when there are never enough cars as every firm is inundated with KCC account runs. During the evenings and weekends there are never enough vehicles at commuter times like 5pm - 8pm on the station but that is not due to vehicles it is due to lack of drivers wanting to work.	Limiting numbers of vehicles is set out in 2.1.1 of the policy, the DfT regards best practice as being that Local Authorities do not impose any quantity restrictions on vehicles. If a Local Authority considers restricting numbers, DfT guidance advises that this should be addressed by means of a survey. These surveys are expensive costing thousands and the cost would be borne by drivers via the fee setting process. Once a Council carries out a survey, it must be repeated every three years.
Respondent 7			5) Advertising, The London Black Cabs, the actual originals advertise in full wrapping of vehicles, I know that this has always been a ruling but I do have the view that it would be nice to be able to support the local businesses in our area by advertising their cards or small flyers as long as they don't make the vehicles look tacky. Surely this would be a good idea?	The guidance contained within the policy may be departed from, if individual circumstances dictate. Any driver who approaches the Council with the request to have advertising on their vehicle, will be considered on a case by case basis.
Respondent 7			6) Page 12, CCTV, Surely we should be able to fit any kind of CCTV or camera recording equipment we see fit as long as we display to the public that it is installed as this is a legal requirement, owner drivers, operators and the rest of the drivers like myself should be able to do this if we see fit to protect ourselves, we should not be restricted to conform to expensive equipment regulated by the Council? I do not see that this is fair, there are many night drivers that have cameras fitted for view externally but record inside the vehicles, they are cheap but they work and again they display a sign saying CCTV is recording. The actual fitted systems are expensive and many drivers are on the breadline as it is.	CCTV within licensed vehicles aims to protect both the travelling public and driver. Should an incident take place the Council and the Police need to be assured that the CCTV footage obtained is of evidential quality in any forthcoming court case. That being said, we will consider reducing the specification if deemed appropriate.
Respondent 7			7) Page 15, Courtesy Vehicles, maybe this should be a separate amendment that should be sent to all hotels and nightclubs stating the appropriate measures in respect of how the Council will enforce and prosecute towards this.	The Council always investigates any alleged illegal activity and this includes the use of courtesy cars.

CONSULTATION ON DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Evaluation of Representations and Responses received during consultation period of:

Respondent 7		8) Page 18, The Driving Test for over 70's is this a legal requirement by the DVLA? If not I feel that this is a little excessive as the main driving test was abolished. I do however think it would be a good idea if a licensing officer went out with a driver before a licence is given, to ensure the driver does their job, or even knows how to do their job, for instance opening doors for passengers, and by an officer being in the vehicle you would be able to then say that you had first hand experience of this driver being capable. Rather than a driving instructor who just signs the bottom of a piece of paper as it is not officially as important a document as the actual licence of a driver for the DVLA.	The Council considers the points raised are valid and will give consideration to requiring a driving test to any new or existing drivers when it consider it is necessary. Where appropriate a test drive may be carried out by officers to ensure safety to the travelling public.
Respondent 7		9) Also how much will this additional test cost us the driver? and whom will it be payable to?	Costs would be borne by the driver.
Respondent 7		10) Page 19, the Medical, I noticed this year a question has been added about "allergies to dogs" why is this relevant, I have dogs however I would not class them as a member of the public which the Council refers to within this policy and the services we are supposed to provide. It is a driver's choice whether or not to take a dog, it could be covered in mud or have soiled paws and I am 100% sure the owner will not pay the soil fee fine of £50 should their animal put a vehicle out of action. Also the driver may have no allergy but may have fears. Plus the customer may say they have a small dog and when you get there its a Rottweiler. Obviously I am aware that under no circumstances is a guide dog to be refused but this kind of dog is completely different.	The Medical Form solely relates to assistance dogs and not dogs in general.
Respondent 7		11) Page 19, The DBS, all 3 things now have been made available for a length of 3 years, thats great cost wise indeed a plus, however, my worry is a lot can happen in 3 years, how is the Council going to keep control of this? For instance, a driver maybe arrested for a crime and be out on bail, they are not going to want to lose their job so are not going to declare this until they go to court and get found guilty surely? I may have missed that that council do an interim check or something, after all I am only on page 20 of 98.	The Council acknowledges the points made and actively encourages that drivers join the DBS Update Service allowing for interim checks when necessary. A driver is required to notify the Council of any criminal proceedings, failing to do so will result in the driver appearing before a Licensing Sub-Committee.
Respondent 7		12) Page 21, Council will send reminder letters, I was of the understanding that this practise had ceased and this is why I could not renew my fathers licence without him doing a medical and DBS again because he was 10 days late in remembering his licence had expired as he only works part time on a rare basis? I was told that the new communication method was email and he had no access to his old email. Therefore according to this policy are you now going to start sending paper in the post again?	The Council is not required by statute to send reminders, however as a courtesy to drivers reminders are sent approximately two months prior to renewal. The general method of communication is via email unless a driver informs us otherwise. It is down to the drivers to ensure we hold the correct up to date information to ensure efficient communication. Ultimately the onus remains with drivers to ensure that all documentation is received by the Licensing Authority in a timely manner.

CONSULTATION ON DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Evaluation of Representations and Responses received during consultation period of:

Respondent 7			<p>13) Page 22, Hackney Bye-Laws - I have seen these many years ago in their original form, dated back to the 1800's probably, these were actual bye-laws put before and agreed by parliament and no further bye-laws have proceeded these in this manner, therefore, they do have binding conditions, actually more than this policy which is only local authority. It would be nice if we could have a copy of these?</p>	<p>Agreed, the Council will look to provide copies of the bye-laws where available.</p>
Respondent 7			<p>14) Page 24, Private Hire, are you considering this policy when I am led to believe (i maybe wrong) that ICars are running in Swale constantly now on another authorities plate? An authority which is miles away? How are you now regulating these drivers? Yes I understand that rule has always been you may pick up from anywhere as long as the customer has phoned in the job, however, surely on another counties plate they should not be able to do this on a constant daily basis? Also they are then bound by that Counties policies and not ours? Therefore this then opens the argument as to why should we all abide by our Authorities policies, if this is an actual loophole then we could all request plates from different counties and run under their guideline and rulings! I do think this needs some consultation and very quickly for the safety of the public, if the public are to make a complaint to your Authority you will be able to nothing for them as they are not regulated by you any longer, they are driving around with dents in their vehicles how do you expect the other operators to fix theirs when ICars don't.</p>	<p>The issues regarding cross border hiring arose from the Deregulation Act 2015 and it is not within the power of SBC to regulate differently.</p> <p>Where the Council is aware that drivers and operators have been licensed by an alternative authority, they are able to carry out combined enforcement action. The public are able to make their complaint to the relevant Licensing Authority who will then take the necessary action.</p>

CONSULTATION ON DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Evaluation of Representations and Responses received during consultation period of:

Respondent 7			<p>15) Page 25, Records, does this apply under Data Protection Act? if the bookings carry telephone information and names etc official routes need to be taken to gain access to this information in terms of the authority and council, obviously I do not believe the police need any court request for this info but I maybe wrong?</p>	<p>The requirement for keeping records is contained within the Local Government (Miscellaneous Provisions) Act 1976 as follows: Operators of private hire vehicles.</p> <p>(1)For the purposes of this Part of this Act every contract for the hire of a private hire vehicle licensed under this Part of this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.</p> <p>(2)Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep a record in such form as the council may, by condition attached to the grant of the licence, prescribe and shall enter therein, before the commencement of each journey, such particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the district council may by condition prescribe and shall produce such record on request to any authorised officer of the council or to any constable for inspection.</p> <p>(3)Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep such records as the council may, by conditions attached to the grant of the licence, prescribe of the particulars of any private hire vehicle operated by him and shall produce the same on request to any authorised officer of the council or to any constable for inspection.</p> <p>(4)A person to whom a licence in force under section 55 of this Act has been granted by a district council shall produce the licence on request to any authorised officer of the council or any constable for inspection.</p> <p>(5)If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.</p>
Respondent 7			<p>16) Page 26, Bases outside of the Swale Area, I refer back to the ICars statements above, this situation completely goes against this policy point</p>	<p>Point 4.8 is to reduce the possibility of operators from outside of the borough encroaching on the business of operators within Swale. However if other authorities do not have the same requirement, they can licence vehicles within our borough through cross border hiring under the Deregulation Act 2015.</p>
Respondent 7			<p>17) Page 32, Taxi Ranks, Can you tell me why it is only the Sittingbourne Station that has to pay for a permit?</p>	<p>Sittingbourne Station is private land owned by Network Rail and as such this has no involvement with SBC.</p>
Respondent 7			<p>18) Page 38, Fire Extinguishers, I agree with this without a doubt however I was under the impression the rule was revoked?</p>	<p>With minor incidents, the driver having the tools with which to deal with the situation is considered good practice.</p>
Respondent 7			<p>19) Page 38, First Aid, Is this going to be the driver's responsibility to ensure the vehicle has one of the operators?</p>	<p>This is to be discussed between the driver and operator, however SBC would seek this to be the responsibility of both.</p>
Respondent 7			<p>20) Page 40, Carrying Dogs, as per my point above, No-one should refuse a guide dog but it is very rare that we get a fare with a guide dog normally it is just general public and their dogs. £1,000 fine, can you tell me where this fine derives from legally? I agree there should be a fine for any driver refusing the blind but I would like clarification. I feel that both points this one and the one above should be combined so that no member of the public could be confused.</p>	<p>As detailed within the policy, in section 37 of the Disability Discrimination Act 1995 drivers are required to carry assistant dogs unless they have a medical condition preventing them for doing so. The Act prescribes that any driver who fails to comply with this duty is guilty of a criminal offence and liable on summary conviction for a fine not exceeding level 3 of the standard scale which is £1000.</p>

CONSULTATION ON DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Evaluation of Representations and Responses received during consultation period of:

Respondent 7			21) Page 41, Taximeters, I feel that a re-think is required on the fact that it is not a requirement for Private Hire vehicles to be fitted with taxi meters, as they are all running on a regular full time basis now across the county I believe that they should have to have one for the safety of the public from being ripped off.	As per Local Government (Miscellaneous Provisions) Act 1976 private hire vehicle are not required to instal a taximeter, however there is no objection if drivers wish to do so for their own personal safety and public interest. If a taximeter is installed, this would have to conform to SBC's current tariff.
Respondent 7			22) Page 45, Alcohol, how is a driver supposed to know or enforce the age requirement of alcohol bought into the vehicle, this could put us in great danger, I do not on a personal rule basis allow and drink or food in my vehicle but if you get a rowdy person that refuses, which a lot of the kids are on a Saturday night how are we supposed to impose this? The same goes for media if they have an iphone of their own or pad.	This refers specifically to those operators who are supplying alcohol under the Licensing Act 2003 as part of their service eg limousines being used for hen/stag parties. It is not intended for vehicles being used for general taxi and private hire use where drivers may use their judgement to whether to accept a fare or not from somebody who appears intoxicated.
Respondent 7			23) Page 71, The points system, I really believe that this needs looking at from the big picture, some of these offences are more critical than others but get less points than something very minor. For instance it is actually illegal to carry more passengers than seatbelts but yet this is only 6-9 points? This should be instant suspension surely??? Yet Lending or parting with your licence is only 2-5 again surely this is illegal?	The Council takes into account the points raised. As many penalty points have been introduced in this draft policy, a watching brief will be kept to ascertain whether the points are appropriate as stated. If proved to be necessary this appendix may be amended accordingly, without the need for full consultation on the whole policy.
Respondent 7			A lot of these offences on this table are more legal offences that should be dealt with by the police rather than handing out points which make no difference. Also there are certain points which are ridiculous to follow from a drivers point of view and no form of enforcement is or should be able, Failure to wait after a deposit is paid, this particular point is down to company policy and not authorities, Company policy is you call the customer, or text, you inform them at the beginning of the journey that 10-15 mins only will be waited for their deposit, otherwise you could be waiting there all night and even then they don't turn up.	As above
Respondent 7			Refusal of a fare without reasonable excuse, how will this be justified, I don't necessarily want to carry someone who I have just seen throwing up or who is too drunk to stand, they will fall asleep in the cab, get in and not know where they are going and then you are stuck with them, they maybe sick and put he vehicle out of action for the night and not have the £50 to pay the fine, which hardly covers the valet let alone money lost.	A driver cannot refuse a fare without a reasonable excuse, for example refusal of a short journey is not a resonable excuse. However the Council does recognise that drivers must be able to make a decision to refuse a fare based on such matters as whether they feel their health and safety would be compromised.
Respondent 7			Using an unlicensed private hire vehicle surely this should not be a points offence it should be something more official and legal!	Penalty points gives the officers room for discretion and there may be an appropriate time when penalty points would be the best course of action, however penalty points do not replace legislation and where necessary a driver could be called before a Sub-Committee or legal proceedings may be pursued.

CONSULTATION ON DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Evaluation of Representations and Responses received during consultation period of:

Respondent 7			24) Page 76, Dress Code, Us, the original drivers have always faught this, I certainly go to work dressed smartly as I have some very posh and respectable passengers, and as proven in the past my father had letter written by regular passengers stating he was always smart but he wore black combat style trousers, this was because we actually do our jobs properly, carry shopping, help people into cars, load and unload wheelchairs, I am not doing these types of things in my sunday best which costs a lot of money. The Council gives no money for uniform, Biffa have a uniform, oh but their all employed, we are not employed we are self employed and as long as I am not a rather large man wearing baggy jogging bottoms whom, everytime he bends down or over you can see more than you require of his backside I believe I am trusted in my personal respect for myself to dress appropriately for my job and every eventuality it may entail, for instance having to change a tyre in the middle of the rain and a muddy road.	Swale BC consider that taxi drivers reputations are enhanced if they are dressed appropriately and therefore believe a dress code is a way of addressing this.
Respondent 7			Also if we are supposed to be helping the environment, I do not think it wise to be wearing sleeves on a blouse or dress in the height of summer and having to have the vehicle running for the aircon, otherwise we will start to smell.	The reference to sleeves can be short sleeves or long sleeves but the item must not have no sleeves.
Respondent 7			25) Page 76, Personal Hygiene, can you please tell me how you are regulating this? I got into a sittingbourne taxi during the snow week and could hardly breath due to the smell of body odour and when I got out I felt I should put my clothing on the fire due to the permeation!	If the Council became aware of this issue with a particular driver, we will address the situation by giving the appropriate advice.
Respondent 7			In all honesty I have not gone past page 76, there seems to be a lot of repitition throughout this policy and a lot of points which do not apply to either hackney carriage or private hire, I beleive there are atleast 3 policies within this one.	This being the first robust policy for SBC it was felt necessary for it to address as many issues as possible. However we take on-board the comments and if appropriate will take steps to condense any future revisions of the policy.
Respondent 7			I also feel the drivers would take more notice of this policy if it was more direct and concise, better suited to each hackney and private hire.	Comments noted
Respondent 8			I wish to make a proposal that Private Hire vehicles that are wheelchair accessible do not have to carry the wheelchair ramps permanently as these vehicles are pre booked so we would know that the ramps would be require way ahead of the commencement of the job. It is not like a Hackney carriage vehicle that could be flagged down if a wheelchair vehicle was require en route.	We accept that this is a resonable comment and will look to amend the policy accordingly.

General Licensing Committee Meeting	
Meeting Date	19 th April 2018
Report Title	Review of the Taxi Tariff
Cabinet Member	Cllr Alan Horton, Cabinet Member for Safer Families and Communities
SMT Lead	Mark Radford
Head of Service	Mark Radford
Lead Officer	Della Fackrell, Resilience & Licensing Manager
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Members determine whether they wish officers to proceed with the process to amend the current maximum scale of fares for licensed hackney carriages operating within the borough (taxi tariff) 2. If Members determine the Taxi tariff is to be amended that officers return to a future meeting of the General Licensing Committee so that Members can approve the proposals prior to formal consultation

1 Purpose of Report and Executive Summary

- 1.1 This reports requests Members to consider whether they wish to instruct officers to proceed with the process of proposing amendments to the taxi tariff after taking into account responses received from an initial public consultation exercise into whether there was any support for a change to tax fares.

2 Background

- 2.1 It is at the discretion of the Council as licensing authority to set a meter tariff for licensed hackney carriages operating within the borough if it chooses to do so.
- 2.2 Councils are not obliged to set a maximum fare for their area, they could decide instead to rely on market forces to establish the going rate and at the same time promote competition.
- 2.3 In the past Swale BC has chosen to set a tariff which represents the maximum fee that can be charged. The current tariff became effective on 6th October 2013 and is attached **Appendix I**.

- 2.4 The setting of fares applies only to hackney carriages and not to private hire drivers who can charge their own rates as statute allows.
- 2.5 Any driver has the option of charging less than any tariff that is set, as the tariff is the maximum that can be charged but is not obligatory.
- 2.6 Private Hire and Taxi magazine, a monthly magazine for the trade and licensing authorities, regularly publishes a 'league table' of tariffs set by licensing authorities (including Transport for London in relation to 'Black Cabs') from the highest to lowest based on the cost of a 2 mile journey. To assist Members the December 2017 figures relating to all Kent authorities is attached as **Appendix II**.

3 Proposals

- 3.1 Following consultation with the public there is a need to determine what changes, if any, should be made to the existing taxi tariff
- 3.2 If Members decide that the current taxi tariff is to be amended, officers will set about the process of revising the fares taking into account the legal requirements in setting a taxi tariff

4. Options

- 4.1 Members could decide that the current taxi tariff is fair and reasonable and to leave it as it is.
- 4.2 Members could decide that the current taxi tariff should be amended..
- 4.3 Members could decide not to set a taxi tariff at all and let hackney drivers set their own fares.

5 Consultation Undertaken

- 5.1 A consultation exercise of 4 weeks ran between 7th March – 6th April 2018.
- 5.2 The consultation asked two questions:
- Should taxi fares change?
 - What are your suggestions?
- 5.3 Methods of consultation included advertising on the council's website, by way of direct emails to drivers and operators, and where this was not possible, postal mailshots as well as advertising in the local newspaper. A taxi newsletter was also sent to the 460 licensed drivers of the borough and 50 licensed operators of the borough informing them of the consultation

- 5.4 As a result of the consultation 1 response was received from a member of the public who was against any increase to the taxi tariff. The comments are attached as **Appendix III**.
- 5.4 7 responses were received from licensed drivers of which 6 were in support of an increase in the tariff and 1 was against. Their comments are attached as **Appendix IV**.

6 Implications

Issue	Implications
Corporate Plan	The service is an important regulatory function undertaken to ensure safety of the private hire and hackney carriage vehicles used in the Borough and supports the achievement of corporate priorities, including “A council to be proud of”..
Financial, Resource and Property	The cost of consultation will be met from within existing budgets The cost of re-calibrating individual meters would be met by licensed drivers and operators
Legal and Statutory	<p>The authority for the Council to fix fares for hackney carriages is given under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. When a Council makes or varies a table of fares (Which may be by time and/or distance) it must publish in one local newspaper a notice setting out the table of fares, or variations to the table, specifying the period (not less than 14 days) within which objections to the table or variations can be made.</p> <p>A copy of the proposed tariff must be available at the Council’s offices for the public to inspect, free of charge, at all reasonable hours.</p> <p>If there are no objections the amended fares come in to effect as specified in the Notice.</p> <p>If there are objections the Council must set a further date, within two months after the first date specified, on which the table is to come into force with or without modification, as decided. Any such modification would be dealt with by the Cabinet Member for Safer Families and Communities and the Chair of the General Licensing Committee.</p>
Crime and Disorder	There are obvious links to community safety in ensuring an adequate supply of properly licensed taxis as a safe mode of transport for the public, particularly when other public transport is unavailable.
Environmental Sustainability	None identified

Health and Wellbeing	None identified
Risk Management and Health and Safety	An unreasonable increase in the level of fares could be a source of resentment amongst the travelling public. Equally an unreasonably low increase or no increase could be a source of resentment amongst the trade.
Equality and Diversity	None identified
Privacy and Data Protection	None identified

7 Appendices

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

- Appendix I: Current Swale taxi tariff
- Appendix II: Benchmarking of taxi tariffs within Kent
- Appendix III: Comment from a member of the public regarding the taxi tariff
- Appendix IV: Comments from taxi drivers regarding the taxi tariff

8 Background Papers

Local Government (Miscellaneous Provisions) Act 1976

Fares for Distance

MILEAGE:

(a) If the distance does not exceed 200 metres for the whole distance £2.80

(b) If the distance exceeds 200 metres – for the first 200 metres £2.80

For each subsequent 88 metres or uncompleted part thereof £0.10

WAITING TIME:

For each period of 1 minute or uncompleted part thereof £0.30

EXTRA CHARGES:

For hiring's begun between 11pm and 6am and for Bank Holidays (including Easter Sunday) and between 6pm and 11pm on 24th December (excluding 11pm 24th December to 6am 27th December and 6pm 31st December to 6am on 1st January).....+50% of above charges

The fares for distance will be DOUBLED between 11pm on 24th December and 6am on 27th December and between 6pm 31st December and 6am on 1st January.

A charge of up to £50 will be applied for the soiling of a vehicle should it be soiled to the extent that it has to be taken out of service to be cleaned.

For additional passengers in excess of 4, or for a specific request to hire a vehicle with more than 4 passenger seats (excluding wheelchair users accompanied by less than 4 other passengers) + 50%

When this Hackney Carriage is hired by distance it is an offence for the proprietor or driver to demand and take a fare greater than that shown on the taximeter. Any discount given to the customer must be discounted from the amount shown on the meter.

FARES FOR TIME

If the Hackney Carriage is hired by time the fare shall be agreed with the hirer at the commencement of the hiring

COMPLAINTS

If you have any complaints about this vehicle or driver please write to the Head of Service Delivery, Swale Borough Council, Swale House, East Street, Sittingbourne Kent ME10 3HT

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Taxi Tariffs

Council	Position in Country Wide League Table	Fare @ 2 miles	Last increase
Dartford	8	£7.00	2015
Tunbridge Wells	15	£7.00	2017
Sevenoaks	31	£6.74	2015
Medway	47	£6.60	2014
Maidstone	53	£6.50	2011
Ashford	60	£6.40	2017
Gravesham	62	£6.40	2012
Swale	87	£6.30	2013
Tonbridge & Malling	88	£6.30	2013
Shepway	106	£6.20	2012
Canterbury	130	£6.00	2008
Dover	134	£6.00	2012
Thanet	322	£5.00	2007

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12th March 2018

Licensing Department
Swale House
Sittingbourne
Kent
ME10 3HT

Dear Sir/Madam

RE: Consultation of Hackney Carriage Fares.

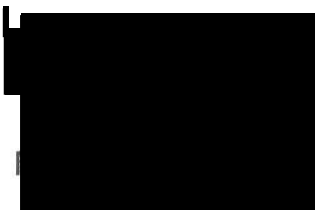
I write to express my concern and opposition to an increase in taxi fares in Swale.

I am a 84 year old man who is awaiting to have a knee replacement shortly and as a result have to travel by taxi quite a lot and I find once the £2.80 initial charge has started, from my residence to the A2 road which is a very short distance, possibly 500 yards, the fare has risen to at least £3.00 and if the cab has to wait to get out onto the main road the fare can escalate quite rapidly and the meter very quickly rises as it is in normal circumstances.

If taxi fares are increased it will force me on to public transport which whilst free to me with a KCC bus pass it does not take me near enough to the shops I wish to use, especially now the buses stop at the rear of the Forum instead of like they used to, in Sittingbourne High Street. Moreover, if I use a taxi it will obviously cost me more if the fares are increased.

Taxi drivers and their Employers should consider they have other competition now in Arriva "Click & Collect" mini buses which are cheaper than taxi's and other people may revert them. I personally feel the fare rate charged at present is sufficient. There are so many taxis standing idle outside the railway station and in the Forum car park at times that if they can't earn sufficient I wonder why so many of the drivers are still working as taxi drivers.

Yours sincerely,



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FARE INCREASE - DRIVERS

FOR	AGAINST
<p>Respondent 1 I am amazed you are asking this question. We need to return to the old system of a small fare increase every year. This provided stability for the taxi trade and was expected and accepted by the public. Now however, YOU have increased our costs by at least 100% and in some cases 400%. Very quickly and efficiently, with no consultation or justification. The fare increase should have been implemented at the same time, with equal efficiency. We need a large fare increase NOW just to help with these costs. Not to mention other costs and inflation. In the last five years, how much have wages increased for council employees? With ever increasing costs we are crippled with decreased profits and therefore wages. This means we cannot employ drivers and operators are forced to drive themselves, ever increasing hours, which is dangerous, both for the drivers and the public. There would be a national uproar if it were discovered that lorry drivers were being cornered into driving in excess of 75 hours a week! Many taxi drivers are doing this in order to earn enough money to survive. We do not need tired drivers on the road. What happened to the council that used to work with us to provide a good, efficient and safe public service! You are working against us now.</p>	<p>Respondent 2 In my opinion we DO NOT require a need to review the taxi fares. There really does not need to be an increase as we have enough competition currently with the New Arriva Buses and customers already feel that they are paying a lot. I believe I am not the only Driver who feels this way.</p>
<p>Respondent 3 It goes without saying that we are in desperate need of a fare increase as soon as possible. We have been 5 years without one! How much has the average salary increases in 5 years!</p>	
<p>Respondent 4 I think the start of the meter should be £3.00 time and a half would be £4.50 double time would be £6 and then should go up every 75 over the first 150 meters for up to 4 people</p>	

<p>4 or more people the meter should start at £5 at time and a half would be £7.50 and double would be £10 with the same distance All time and a half should start at midnight not 11pm the same with double time should be from midnight with the exception of xmas and new year it should be double as it is before from 6pm on the 31st Dec till 6am 1st Jan</p> <p>The soiling charge for any vehicle should be a minimum of £75 as the current £50 dose not take into account any loss of earnings for the vehicle driver or the company</p>	
<p>Respondent 5 Yes I think the taxi fares should be raised, it has been quite a few years since the last rate rise. The cost of living continues to rise with everything we purchase, the taxi vehicle licence has almost doubled, fuel prices rise almost monthly, not to mention cost of spares and repairs. The flag drop should stay the same, and a slight increase in the distance tarriff would be the fairest way to impose an increase therefore, the further you go the more you pay, thank you.</p>	
<p>Respondent 6 As fares have not increased for a number of years i believe an increase is well overdue, all household bills have increased, ie,council tax rent and fuel without any rise of income. Also there are far to many taxis in faversham reducing income further.</p>	
<p>Respondent 7 Following notice for cab fare increase consultations due very soon, I am writing to support fare increase.</p>	

Licensing Committee Meeting	
Meeting Date	19 th April 2018
Report Title	Draft Scrap Metal Dealers Policy
Cabinet Member	Cllr Alan Horton, Cabinet Member for Safer Families and Communities
SMT Lead	Mark Radford
Head of Service	Mark Radford
Lead Officer	Della Fackrell, Resilience and Licensing Manager
Key Decision	Yes/No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Members approve the draft Scrap Metal Dealers policy as attached as Appendix I for formal consultation. 2. That Members delegate authority to the Resilience and Licensing Manager to make any changes to the draft policy if Members require amendments.

1 Purpose of Report and Executive Summary

- 1.1 This report provides Members with information and guidance on a new draft Scrap Metal Dealers policy which requires Members comments and approval prior to formal public consultation.

2 Background

- 2.1 The Scrap Metal Dealers Act 2013 revised the regulatory regime for the scrap metal recycling and vehicle dismantling industries.
- 2.2 The 2013 Act repealed the Scrap Metal Dealers Act 1964 and the Vehicle Crime Act 2001, replacing them with a more robust licensing regime that gives a local authority the powers to refuse the grant of a licence where the applicant is deemed unsuitable; and the powers to revoke a licence should a licence holder become unsuitable.
- 2.3 The 2013 Act aims are to raise the standards across the scrap metal industry and to help achieve this, licensed operators have to keep detailed records of their transactions, and verify the identity of those selling scrap metal to them.

- 2.4 In addition to replacing the Scrap Metal Dealers Act 1964 and the Vehicle and Crime Act 2001, the 2013 Act revised the definition of a 'Scrap Metal Dealer' so as to take into account the modern way in which people collect and deal in scrap metal. The 2013 Act provides for two types of Scrap Metal Dealer licences. A 'Site Licence' and a 'Collector's Licence' both of which last for three years.

2.4.1 Site Licence

A site licence is applicable where the licence holder has a physical site(s) that they use to carry on their business as a scrap metal dealer. This licence allows the licence holder to accept scrap metal from any of the sites listed on the licence and to transport scrap metal to and from the sites listed on the licence.

2.4.2 Collectors Licence

A collector's licence is applicable where the licence holders business consists of collecting scrap metal, for example by going from door to door asking for scrap. This licence allows the licence holder to collect scrap metal from within the boundaries of the local authority within whose boundary a person wishes to operate.

- 2.5 At its meeting of 7th October 2013 the General Licensing Committee of Swale BC approved a scheme of delegations and a fee structure in order to administer the Councils' responsibilities under the 2013 Act.

- 2.6 Swale BC currently has 11 scrap metal site licences and 9 scrap metal collectors licences.

3 Proposals

- 3.1 There is no statutory requirement for a local authority to have a formal Scrap Metal Dealers licensing policy; however, a Council can choose to adopt such a policy. This is for the benefit of business owners as well as reassuring the general public and other public bodies. It also reinforces the Regulators Code when dealing with applications by promoting effective practice, and ensuring proportionate, consistent and targeted regulator activity, whilst also developing a transparent and effective dialogue and understanding between regulators and those we regulate.

4 Alternative Options

- 4.1 The Council could choose not to introduce a policy on Scrap Metal Dealers, however to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation.
- 4.2 The Committee could consider not consulting on the proposed policy; however this would not accord with good governance, giving interested parties an opportunity to consider the proposed policy and make any representations where they consider that changes might be made before adoption.

5 Consultation Undertaken or Proposed

5.1 It is proposed to undertake a 8 week consultation. The results of this will then be presented to the General Licensing Committee prior to formal adoption.

5.2. Consultees will be the following:

- Kent Police
- Kent Fire and Rescue
- Kent Trading Standards
- Environment Agency
- Swale BC Environmental Services
- Any relevant trade associations
- Neighbouring local authorities
- All existing licence holders

6 Implications

Issue	Implications
Corporate Plan	Making Swale a better place A Council to be proud of
Financial, Resource and Property	There are no direct financial implications for Swale Borough Council concerning this draft Policy as the consultation is being carried out by officers. However, if at any time in the future the policy was subject to legal challenge, there could be costs associated with this process
Legal and Statutory	The 2013 Act introduced a comprehensive licensing regime for all scrap metal dealers. In accordance with the Act the Council must licence all scrap metal dealers. The Council must determine the suitability of applicants to hold licences. The Council also has the powers to impose conditions on licences, revoke licences and take enforcement action against unlicensed operators. Whilst there is no statutory requirement for the Council to have a Scrap Metal Licensing Policy it provides the framework under which Swale BC will exercise its powers and duties under the 2013 Act and ensures that fair and equitable decisions are taken by Swale Borough Council
Crime and Disorder	It is important that Swale BC has a robust and accountable regulatory regime in relation to scrap metal in order to ensure fair trading, prevent crime and to protect consumers
Environmental	No implications

Sustainability	
Health and Wellbeing	No implications
Risk Management and Health and Safety	It is important that Swale BC has a robust and accountable regulatory regime in relation to scrap metal in order to ensure fair trading, prevent crime and to protect consumers
Equality and Diversity	<p>The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.</p> <p>When considering scrap metal applications, only issues provided for in the Scrap Metal Act 2013 and provided for in the Scrap Metal Dealers policy for Swale BC will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.</p>
Privacy and Data Protection	Normal data protection and privacy rules will apply. Under the 2013 Act the Council is obliged to provide certain information to the Environment Agency who compile and keep a public register.

7 Appendices

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

- Appendix I: Draft Scrap Metal Dealers Policy April 2018

8 Background Papers

Scrap Metal Dealers Act 2013 and related Guidance



SWALE BOROUGH COUNCIL
SCRAP METAL DEALERS POLICY
2018 -2021

This Scrap Metal Dealers Policy was prepared taking into account the Scrap Metal Dealers Act 2013

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SWALE BOROUGH COUNCIL - SCRAP METAL POLICY 2018 - 2021

1. Introduction

- 1.1. Metal theft over the last few years has had a significant impact upon our communities, businesses and the local authority. Such thefts have seen communications and the train networks disrupted, as well as significant costs to local authorities in relation to stolen drainage gully covers and stolen road signs.

The Scrap Metal Dealers Act 2013 (The Act) was introduced to address these issues, ensuring that the sale, collection, storage and disposal of scrap metal are carried out lawfully.

- 1.2 The Act identifies the local authority as the principal regulator and gives the Council the authority to regulate these industries by the ability to refuse licences to 'unsuitable' applicants and the power to revoke those licences held by licence holders who become 'unsuitable'.

- 1.3 This policy outlines the requirements of the Scrap Metal Dealers Act 2013. It also provides guidance to new applicants, existing licence holders and members of the public as to how the council will undertake its role in the administration and enforcement of the Act.

This policy is intended to reinforce the aims of the policy and the Regulators Code by promoting effective practice, ensuring proportionate, consistent and targeted regulator activity, whilst developing a transparent and effective dialogue and understanding between regulators and those we regulate.

- 1.4 Nevertheless, Swale Borough Council (the licensing authority) may depart from its own policy if individual circumstances warrant such a deviation.
- 1.5 The Council sees the licensing process as an integral part to its approach to achieving its strategic and corporate objectives which encompasses the visionary goals of:
- A Borough to be proud of
 - A Community to be proud of
 - A Council to be proud of

- 1.6 The policy will be reviewed every 3 years, and the following will be consulted
- a) Kent Police
 - b) Kent Fire and Rescue
 - c) Kent Trading Standards
 - d) Environment Agency

- d) Swale Borough Council Environmental Services
- e) Any relevant trade associations
- f) Neighbouring local authorities

1.7 Equalities

The Council is committed to ensuring that it tackles social inclusion and diversity issues across all its services and as an employer. We recognise that individuals may experience unlawful discrimination as a result of personal characteristics protected in law, and that individuals and communities may also experience discrimination and disadvantage on the basis of wider, social, economic and demographic characteristics. We believe that equality for all is a basic human right and actively oppose all forms of unlawful and unfair discrimination. We recognise and value the diversity of society and are striving to promote and reflect that diversity within this Council

2. Background

2.1.1 The Scrap Metal Dealers Act 2013 came into force on 1 December 2013. It repealed previous legislation and created a new regulatory regime for scrap metal recycling and vehicle dismantling.

2.1.2 The Act defines a “scrap metal dealer” if:

- (a) they wholly or partly buy or sell scrap metal (whether or not sold in the form it was bought); or
- (b) they carry on business as a motor salvage operator (see 2.4)

2.1.3 The selling of scrap metal as surplus materials or as a by-product of manufacturing articles is not to be regarded as ‘carrying on a business’ as a scrap metal dealer.

2.1.4 Motor salvage operation is defined in the Act is defined in the Act as a business that consists wholly or mainly of:

- (a) recovering salvageable parts from motor vehicles for re-use or sale and selling the remainder of the vehicle for scrap;
- (b) buying written-off vehicles, repairing and reselling them;
- (c) buying or selling motor vehicles which are to be the subject of any of the activities mentioned in (a) or (b)
- (d) wholly or mainly in activities falling within paragraphs (b) and (c)

2.2 Scrap metal includes:

- (a) Any old, waste or discarded metal or metallic material; and
- (b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holders as having reached the end of its useful life.
- (c) This definition does include platinum and other rare metals now being used in catalytic converters in vehicle exhausts.

2.3 Scrap metal does not include

- (a) Gold;
- (b) Silver;
- (c) Any alloy of which 2% or more by weight is attributable to gold or silver.

3. **Types of Licence**

3.1 In order for anyone to carry on a business as a scrap metal dealer, or collector they must have a licence. A licence is valid for three years from the date of issue and permits the holder to operate within the boundaries of Swale Borough. Trading without a licence is a criminal offence.

3.1.2 A person may hold more than one licence issued by different local authorities but may not hold more than one licence issued by any one authority.

3.1.3. Anyone wishing to operate a business as a scrap metal dealer will require either:

- (a) a site licence; or
- (b) a collector's licence

A dealer can only hold one type of licence in any one local authority.

3.2. Site Licences

A site under the Act is defined as 'any premises used in the course of carrying on a business as a scrap metal dealer, (whether or not metal is kept there). This means a dealer will require a licence for an office, even if they do not operate a metal store or yard from those premises. A site licence allows the holder to transport scrap to and from the site from any local authority area.

3.2.1 The site licence must include:

- (a) the name of the licensee;
- (b) the name of the authority;

- (c) all the sites in the authority's area at which the licensee is authorised to carry on business;
- (d) the name of the site manager of each site:
- (e) the date of expiry (which is 3 years from the date of issue)

A site licence must be displayed at each site identified on the licence, in a prominent place accessible to members of the public.

3.2.3 Collectors licences

The Act defines a 'collector' as a person who –

- (a) carries on business as a scrap metal dealer otherwise than at a site;
- (b) regularly engages, in the course of that business, in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door

This licence does not permit the holder to operate a scrap metal site, nor does it allow collection from outside the area of the issuing licensing authority. If a person collects scrap from numerous local authority areas, a collector's licence will be required from each authority he/she collects scrap within.

3.2.4 A collector's licence must include:

- (a) the name of the licensee;
- (b) the name of the authority;
- (c) the date of expiry (which is 3 years from the date of issue)

4. Applicant Suitability

4.1 The Council must determine if an applicant is a suitable person to carry on a business as a scrap metal dealer. 'Applicant' includes sole traders, partners of a partnership and directors, secretary and shadow directors of a company.

4.1.2 In determining a person's suitability the Council will have regard to:-

- (a) Statutory Guidance;
- (b) Its Policy

4.1.3 Notwithstanding the existence of this policy, the Council, when determining a person's suitability for the purposes of the Act, will treat each case on its own individual merits.

4.1.4 In determining suitability the Council will require the applicant to produce a Disclosure and Barring Services records check. Where the applicant has previously lived outside the United Kingdom the Council will not consider the grant of a licence until a relevant check has been completed with the relevant

country or countries and details of such check submitted to the Council. A Certificate of Good Conduct will need to be submitted in such cases.

4.1.5 As well as its policy and statutory guidance, the Council, when determining a person's suitability, may have regard to any other information it considers relevant, in particular, but not limited to:

- (a) whether the applicant or site manager has been convicted of any relevant offence;
- (b) whether the applicant or site manager has been the subject of any relevant enforcement action;
- (c) any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
- (d) any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal)
- (e) any previous revocation of a scrap metal licence (and the reasons for the revocation);
- (f) whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of the Act are complied with;
- (g) any relevant offences or relevant enforcement action listed under the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 as shown as Appendix A to this policy.

The Council must also have regard to any guidance on determining suitability which is issued from time to time by the Secretary of State.

4.1.6 When establishing the applicant's suitability, the Council may consult other persons regarding the suitability of an applicant, including, but not limited to:

- (a) any other local authority
- (b) the Environment Agency or any successor organisation
- (c) an officer of a police force
- (d) HM Revenues and Customs
- (e) Kent Trading Standards
- (f) Planning department of Swale Borough Council
- (g) Environmental Response team of Swale Borough Council

- 4.1.7 While the Act states that the Council must have regard to the relevant offences laid out in Appendix A of this policy, the Council is not limited to taking into account only those offences. As such the Council may consider other offences that, in the Council's opinion, may be relevant in determining an applicant's suitability.
- 4.1.8 Having regard to the objectives of the Act, the Council has determined it will consider the following offences, or enforcement actions relating to any person relevant to the licence, as being of particular relevance to the suitability of the licence holder:
- (a) written warning relating to scrap metal compliance;
 - (b) Waste regulations 2011 – enforcement, compliance and stop notices;
 - (c) Permitting regulations notices;
 - (d) Planning Breach of Condition/Enforcement notices;
 - (e) statutory nuisance abatement notice;
 - (f) breach of statutory nuisance abatement notice
- 4.1.9 Having regard to the objectives of the Act the Council has determined there will be a presumption to refuse an application where the applicant or any other person required to be named or identified in the application has been convicted of any of the relevant offences laid down in the Act or has been the subject of any of the following forms of enforcement action within the period of three years prior to the application:
- (a) closure notice pursuant to the Act;
 - (b) closure order pursuant to the Act;
 - (c) action for recovery of possession of out of date or discontinued licences
- 4.1.10 The authority is aware of its duty not to fetter its discretion and, notwithstanding the matters that the Council may take into account when determining a person's suitability, each case shall be treated on its own individual merits.

5. Application Procedure

- 5.1 An application form, available from the Licensing Department must be completed and submitted together with the correct fee and a current Basic Disclosure and Barring Service Criminal Convictions check (DBS). The DBS must be less than 3 months old from the date of issue. Information on convictions held by those having lived outside the United Kingdom will also be required.

5.2. The application form must detail the following:

- (a) full name of the applicant (if an individual), date of birth and usual place of residence;
- (b) name and registered number of the applicant (if a company) and registered office;
- (c) if a partnership – full name of each partner, date of birth and usual place of residence;
- (d) proposed trading name
- (e) telephone number and email address (if any) of applicant;
- (f) address of any site within any other local authority at which it is proposed to carry on business as a scrap metal dealer;
- (g) any relevant environmental permit or registration in relation to the applicant;
- (h) details of any other scrap metal licence issued to the applicant within a period of 3 years ending with the date of the application;
- (i) details of the bank account which is proposed to be used in order to comply with section 12 of the Act;
- (j) details of any relevant conviction or enforcement action taken against the applicant;

5.2.2 For a site licence, the applicant must also provide:

- (a) the address of each site proposed to be identified in the licence (or if renewal, each site identified for which renewal is sought);
- (b) the full name, date of birth and usual place of residence of each individual proposed to be named in the licence as a site manager (other than the applicant);
- (c) the information required under paragraph 12.2.(g) (h) (j) that relate to any individual being proposed as a site manager;

5.2.3 Please note that a collectors licence issued by Swale Borough Council allows a business or individual to operate within the Swale Borough area only, therefore individuals applying for a collectors licence and wishing to collect scrap metal across borough boundaries will be required to obtain a collectors licence from every local authority where they wish to collect and sell.

6. **Supply of Information**

- 6.1 The Council has a duty to pass on information in relation to an application for, or relating to a scrap metal licence when requested by:
- (a) any other local authority;
 - (b) The Environment Agency;
 - (c) An officer of a police force;

This does not limit any other power the Council may have to supply that information.

7 Register of licences

- 7.1 The Environment Agency maintains a register of scrap metal licences issued by authorities in England and each entry will record:
- (a) the name of the authority which issued the licence;
 - (b) the name of the licensee;
 - (c) any trading name of the licensee;
 - (d) the address of the site identified in the licence;
 - (e) the type of licence; and
 - (f) the date on which the licence is due to expire

The register is open for inspection by members of the public

- 7.1.2 The register will be up-dated by the Council after an application (new, renewal, variation, revocation etc) has been processed.

8. Notification of Requirements

- 8.1 An applicant for a scrap metal licence, or for the renewal, or for a variation to a licence, must notify the Council of any changes which materially affect the accuracy of the information which the applicant has provided in connection with the application.
- 8.1.2 A licensee who ceases in carrying on business as a scrap metal dealer must notify the Council within 28 days from the date they are no longer a scrap metal dealer.
- 8.1.3 If a licence is issued to a business under a trading name the licensee must notify the Council of any change to that name within 28 days of that change occurring.

9. Verification of Suppliers Identity

- 9.1 A scrap metal dealer must verify the name and address of any person they receive scrap metal from.

- 9.1.2 When verifying the person's name and address, the scrap metal dealer must do so by way of documents, data or other information obtained from a reliable and independent source.
- 9.1.3 In the course of collecting door to door, it may not be possible for a mobile collector to verify the name and address of the supplier if the waste materials are old, broken, worn out or defaced articles have been left on the roadside.
- 9.1.4 However, a mobile collector must record the description of the metal, including its type (or types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features and the date and time of its receipt.
- 9.1.5 If suitable verification is not obtained the scrap metal dealer, or site manager, or person who has been delegated responsibility shall be guilty of an offence.

10 Payment for Scrap Metal

10.1 Cash cannot be used by any scrap metal collector. It is an offence to buy scrap metal for cash under Section 12 of the Act and there are no exemptions.

10.1.2 Payment must only be made by either:

- (a) a cheque (which is not transferrable under Section 81A Bills of Exchange Act 1882); or
- (b) electronic transfer of funds (authorised by a credit, debit card or otherwise)

This will mean that the payment will be linked to a readily identifiable account for both the payee and the payer. Payment includes paying in kind with goods and services.

11. Records

11.1 The scrap metal dealer must keep three types of records:

- (a) Receipt of metal
- (b) Disposal of metal
- (c) Supplementary

11.2 Receipt of metal

If metal is received in the course of the dealer's business, the following must be recorded:

- (a) Description of the metal, including its type (or, types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features

- (b) Date and time of receipt;
- (c) The registration mark of the vehicle it was delivered by;
- (d) Full name and address of the person delivering it, and
- (e) Full name of the person making payment on behalf of the dealer

11.2.1 The dealer must keep a copy of the documents used to verify the delivery person's name and address

11.2.2 If payment is by cheque a copy of the cheque must be retained.

11.2.3 If payment is by electronic transfer a receipt identifying the transfer must be retained, or the details of the transfer.

11.3 Disposal of Metal

Disposal under the Act covers metal:

- (a) Whether or not it is in the same form when it was purchased
- (b) Whether or not it is to another person; or
- (c) Whether or not it is despatched from a site

11.3.1 Disposal records must be recorded, including:

- (a) description of the metal, including its type (types if mixed), form, weight
- (b) date and time of disposal
- (c) if to another person, their full name and address
- (d) if payment is received for the metal (sale or exchange) the price
- (e) other consideration received

11.3.2 If disposal is in the course of business conducted under a collector's licence, the dealer must record:

- (a) date and time of disposal
- (b) if to another person, their name and address

11.4 Supplementary

11.4.1 The information collected during receipt and disposal must be recorded in such a manner that allows the information and the metal to which it relates to be easily identified.

- 11.4.2 The records of receipt must be marked so as to easily identify the metal to which they relate.
- 11.4.3 Records must be kept for a period of three years beginning on the day of receipt, or disposal
- 11.4.4 If suitable records for the receipt or disposal of scrap metal are not kept then the scrap metal dealer, or site manager, or person who has been delegated responsibility by the dealer or site manager for keeping records, shall be guilty of an offence
- 11.4.5 A dealer or site manager may have a defence if they can prove arrangements had been made to ensure the requirement to keep records was fulfilled, or that they took all reasonable steps to ensure those arrangements were complied with.

12. Right of entry and inspection

- 12.1 A police officer or an authorised officer of the Council may enter and inspect a licensed site at any reasonable time, with notice to the site manager.
- 12.2 Entry and inspection without notice may occur, if:
- (a) reasonable attempts to give notice had been given and had failed; or
 - (b) entry to the site is reasonably required for the purpose of ascertaining whether the provisions of the Act are being complied with or investigating offences under it, and, in either case, the giving of the notice would defeat that purpose.
- 12.3 Sections 11.1 and 11.2 do not apply to residential premises.
- 12.4 An authorised officer of the Council is not entitled to use force to enter a premises, but may ask a justice of the peace to issue a warrant authorising entry, if they are satisfied there are reasonable grounds for entry to the premises and is reasonably required for the purposes of:
- (a) securing compliance with the provisions of the Act, or
 - (b) ascertaining whether those provisions are being complied with.
- 12.5 'Premises' under this section include:
- (a) licensed site, or
 - (b) premises that are not licensed, but there are reasonable grounds for believing the premises are being used as a scrap metal dealing business.
- 12.6 An authorised officer of the Council may use reasonable force in the exercise of the powers under a warrant obtained under section 11.4.

- 12.7 An authorised officer of the Council may require:
- (a) production of, and inspect, any scrap metal kept at any licensed premises, and
 - (b) require production of, and inspect, any records kept in respect of receipt and disposal of metal, and
 - (c) to take copies of or extracts from any such record
- 12.8 An authorised officer of the Council must produce evidence of their identity and evidence of their authority to exercise these powers, if requested by the owner, occupier, or other person in charge of the premises.

13. Display of a Licence

- 13.1 A copy of a site licence must be displayed at each site identified in the licence. The copy must be displayed in a prominent place, in an area accessible to the public.
- 13.2 A copy of the site licence will be available in every vehicle that collects metal in connection with a site licence.
- 13.3 A copy of the collector's licence must be displayed on any vehicle that is being used in the course of the dealer's business. This must be displayed in a manner which enables it easily to be read by a person outside the vehicle.

14. Variation of a Licence

- 14.1 A variation application can be made to vary the type i.e. a site licence to collector's licence or vice versa, content, details, site manager etc. on a licence.
- 14.1.2 A variation application can only be accepted in respect of an existing licence issued by Swale Borough Council.
- 14.1.3 A variation application cannot be used to transfer a licence from one person/partnership/company: this would require a new application for a site or collector's licence.
- 14.1.4 Any change of trading name must be notified to the Council within 28 days of the change

15. Renewal of a Licence

- 15.1 A renewal application must be received before the expiry of the current licence. A renewal application may be commenced three months before the expiration of a current licence and no later than two weeks before the licence expires.

16. Further information

- 16.1 The Council may request (at the time of application or later) any additional information it considers relevant for the purpose of considering an application.
- 16.2 Failure to provide such information may result in an application being declined.

17. Fee

- 17.1 An application must be accompanied by the fee, set by the Council.
- 17.1.2 Any fee set will take into account guidance from the Secretary of State.

18. Refusals and right to make representations

- 18.1 If the Council proposes to refuse an application or to revoke, or to vary a licence by imposing conditions, a notice must be issued to the licence holder setting out the Council's proposals and the reasons for their decision. The notice shall also state that, within the period specified, the applicant or licensee can either:
- (a) make representations about the proposal; or
 - (b) inform the authority that the applicant or licensee wishes to do so.
- 18.1.2 The period specified in the notice will not be less than 14 days beginning with the date on which the notice is given to the applicant or licensee.
- 18.1.3. Within the period specified in the notice the applicant or licensee must notify the Council whether the applicant or licensee wishes to make representations.
- 18.1.4 Should this period expire and the applicant or licensee has not made representations, or informed the Council of their wish to do so, the Council may refuse the application, vary the licence or revoke the licence.
- 18.1.5 If, within the period specified in the notice, the applicant or licensee informs the Council that they wish to make representations, the Council will allow a reasonable period to make representations and may refuse the application, vary the licence or revoke the licence if they fail to make representations within that period.
- 18.1.6 Where there is a representation a hearing will be arranged, and the case will be presented to a Licensing Sub-Committee. The applicant or licensee will be invited to attend. The Council will give at least 10 working days' notice of the date and time of the hearing to the applicant or licensee. The notice will include the appeal procedure.

19. Revocation and Imposing Conditions

- 19.1 The Council may revoke a scrap metal licence if it is satisfied the licence holder does not carry on a scrap metal business at any of the sites named on the licence.
- 19.2 The Council may revoke a scrap metal licence if it is satisfied the site manager named on the licence does not act as a site manager at any of the named sites on the licence.
- 19.3 The Council may revoke a scrap metal licence if it is no longer satisfied the licence holder is a suitable person to carry on the business.
- 19.4 If the applicant or any site manager has been convicted of a relevant offence, the Council may include in the licence one or both of the following conditions:
- (a) that the dealer must not receive scrap metal except between 09:00 and 17:00 on any day;
 - (b) that all scrap metal must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
- 19.5 A proposed revocation or a variation of a licence will be presented to a Licensing Sub-Committee. The applicant or licensee will be invited to attend. The Council will give at least 10 working days' notice of the date and time of the hearing to the applicant or licensee. The notice will include the appeal procedure.
- 19.6 A revocation or variation only comes into effect when no appeal under the Act is possible, or when such appeal has been determined or withdrawn.

20. Appeals

- 20.1 An applicant may appeal to magistrates' court against a refusal of an application or variation.
- 20.1.2 The licensee may appeal to the magistrates' court against the inclusion on the licence of a condition under Section 3(8) of the Act, or a revocation or variation of a licence under Section 4 of the Act.
- 20.1.3 The appeal procedure will be in accordance with current magistrates' court procedures and must be lodged within 21 days of receipt of the decision notice.
- 20.1.4 On appeal the magistrates' court may confirm, vary or reverse the Council's decision, and give such directions as it considers appropriate having regard to the provisions of the Act.

21. Closure of Unlicensed Sites

- 21.1. If an authorised officer of the Council is satisfied premises are being used by a scrap metal dealer in the course of their business and the premises are unlicensed, they may issue a closure notice.

A copy of the notice must be given to:

- (a) a person who appears to be the site manager, and
- (b) any person who appears to be a director, manager, or other officer of the business.

A copy may also be given to any person who has an interest in the business, a person who occupies part of the premises, or where the close may impede a person's access to that other part of the premises.

- 21.2 After a period of 7 days, the authorised officer may apply to a magistrate's court for a closure order.

The court must be satisfied the premises will continue to be used by a scrap metal dealer, or there is a reasonable likelihood that the premises will be.

A closure order will close the premises immediately, and the premises will remain closed to the public until the Council makes a termination of closure order by certificate. The scrap metal dealer must cease his business immediately. It will require the defendant to pay a sum in the court, which not released until the person has complied with the requirements of the order.

Such an order may have a condition relating to the admission of people into the premises, or may include a provision the court considers appropriate.

A copy of the order must be placed on the premises in a prominent position by the Council.

- 21.3 Once the requirements of the order have been complied with and the Council is satisfied the need for the order has ceased, a certificate maybe made. This ceases the order and the sum of paid into the court is released.

A copy of the certificate must be given to any person the closure order was made against, give a copy to the court and place a copy on the premises.

A copy must be given to anyone who requests one.

- 21.4 Anyone issued with a closure order may complain to a magistrate. The court may discharge the order, it is is satisfied there is no longer a need for a closure order.

The licensing authority may be required by the court to attend and answer the complaint made.

Notice of the hearing must be given to all people issued with the closure order,

21.5. An appeal may be made to Crown Court against:

- (a) a closure order;
- (b) a decision not to make a closure order;
- (c) a discharge order; or
- (d) a decision not to make a discharge order

Any appeal must be lodged within 21 days beginning on the day on which the order or decision was made.

Appeal (a) and (b) may be made by any person who was issued with an order. Appeal (c) and (d) may be made by the Licensing Authority.

21.6. A person is guilty of an offence, if they allow the premises to be open in contravention of a closure order, without reasonable excuse, or fails to comply with, or contravenes a closure order.

21.7 An authorised officer of the Authority may enter the premises at any reasonable time to ensure compliance with the order. They may use reasonable force if necessary.

21.8 An authorised officer must produce evidence of their identity or evidence of their authority to exercise the powers under the Act, if requested to do so.

22. Delegation of Functions

22.1 Where there are uncontested applications, or where there are no questions about the suitability of the applicant the determination will be dealt with by the Council Licensing Team.

22.2. Contested applications where there is relevant information from any of the consultees, or queries regarding an applicant's suitability, revocation of a licence or the imposition of conditions will be presented to the Licensing Sub-Committee.

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General Licensing Committee Meeting	
Meeting Date	19 th April 2018
Report Title	Kent & Medway Compliance and Enforcement Protocol
Cabinet Member	Cllr Alan Horton, Cabinet Member for Safer Families and Communities
SMT Lead	Mark Radford
Head of Service	Mark Radford
Lead Officer	Della Fackrell, Resilience & Licensing Manager
Key Decision	No
Classification	Open
Recommendations	1. That the General Licensing Committee agree to adopt the Kent & Medway Licensing Compliance and Enforcement Protocol attached as Appendix I as much as it applies to the activities carried out by the Licensing Team of Swale Borough Council in respect of only the relevant legislation and licences covered at any given time by this section of the Council.

1 Purpose of Report and Executive Summary

- 1.1 The Kent and Medway Licensing Compliance and Enforcement Protocol has been produced for use by all agencies involved with compliance and enforcement in respect of licensed premises. This report seeks approval for this Protocol to be adopted by Swale Borough to ensure that the Council operates with its partner agencies to seek an agreed and consistent approach to compliance and enforcement of licensed premises within the Borough.

2 Background

- 2.1 The Council's Licensing Team works closely in partnership with other agencies, local authorities and other departments of Swale Borough Council to deliver the statutory requirements of the Licensing Act 2003, Gambling Act 2005 and other areas of licensing legislation.
- 2.2 The Council has established protocols with officers they work in partnership with on licensing compliance and enforcement issues. The Kent & Medway Regulatory Licensing Steering Group, of which Swale is a member, have formalised these protocols including liaison agreements and effective practice by way of an agreement between all relevant parties.

3 Proposals

- 3.1 The Kent and Medway Licensing Compliance and Enforcement Protocol covers a wide range of licensable areas, some of which are not within this Council's Licensing Teams remit.
- 3.2 This report is seeking approval only for the range that is within the licensing teams remit:
- For alcohol, regulated entertainment and late night refreshment
 - For gambling
 - For sex establishments and sexual entertainment venues
 - For scrap metal dealers and motor salvage operators
 - For taxi licensing
 - For street collections
 - For house to house collections
 - For street trading
 - For pleasure boats
- 3.3 A copy of the Kent and Medway Licensing Compliance and Enforcement Protocol is attached as Appendix I for Members' consideration.

4 Alternative Options

- 4.1 The Council could choose not to adopt the Kent & Medway Compliance and Enforcement Protocol.
- 4.2 If the Licensing Committee were minded not to approve adoption of this protocol we could be seen to be in breach of the Regulators' Code of 2014 which is in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 which states that regulators must have regard to the Code.
- 4.3 The Regulator's Code is designed to promote proportionate, consistent and targeted regulatory activity so the regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to make challenge if these are not being fulfilled.

5 Implications

Issue	Implications
Corporate Plan	Having an adopted Licensing Compliance and Enforcement Protocol satisfies the corporate objective of: A Council to be proud of
Financial, Resource and Property	None
Legal and Statutory	The Council has produced its Statements of Policy as required by the Licensing Act 2003, Gambling Act 2005 and Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. This Protocol sets out how each business will be treated in a fair manner in line with the Regulators' Code 2014.
Crime and Disorder	No particular implications although the licensing regime supports the night time economy.
Environmental Sustainability	None
Health and Wellbeing	None
Risk Management and Health and Safety	This process provides clarity on the local authority approach to enforcement and assists consistency of the same. Each case will be dealt with on its own merits and in accordance with Swale's overarching common Enforcement Policy
Equality and Diversity	This Protocol will be applied to all businesses equally
Privacy and Data Protection	No

6 Appendices

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

- Appendix I: Kent and Medway Compliance and Enforcement Protocol

7 Background Papers

None

Kent and Medway Licensing Compliance and Enforcement Protocol

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1. INTRODUCTION

1.1 This joint Licensing Compliance and Enforcement Protocol seeks to cover all relevant licensing functions and all related topics, in as much as it applies to each individual organisation in Kent and Medway.

1.2 These include but are not exclusive to the following organisations:

Kent Police

Kent Fire and Rescue Service

Kent County Council Trading Standards

Gambling Commission

Securities Industry Authority

Public Health

Social Services

Licensing Operations at the Local Authorities in Kent and Medway

2. AIM OF THIS PROTOCOL

2.1 This protocol is intended to reinforce the aims of the published guidance to all relevant legislation (as shown in appendix A) by promoting effective practice, and the Regulators Code ensuring proportionate, consistent and targeted regulator activity, whilst developing a transparent and effective dialogue and understanding between regulators and those we regulate.

3. PRINCIPLES OF OPERATION

3.1 In adopting this document the parties agree to:

- Continue to promote the spirit of co-operation that exists between the relevant agencies;
- Recognise the benefits to be derived from developing close working relationships;
- Seek to enhance the understanding of the advantages and opportunities which joint activity can bring to effective enforcement and community safety;
- Promote the legitimate exchange of information and operational co-operation in support of shared objectives.

3.2 Each party to this protocol undertakes:

- To regularly consult with each other upon matters of policy and strategy;
- To ensure that the information it holds is accurate and up to date;
- That information disclosed by any party will be kept secure by the partner to whom it has been provided.

3.3 All parties to this protocol agree when handling the media:

- To be fair to other organisations and maintain their integrity;
- When providing information to do so honestly and fairly;
- Statements must reflect the multi-agency decision process or, clearly identify the statement as the independent position of an individual organisation;
- Consent of the data owner will be sought prior to releases of information to all third parties.

4. LIAISON ARRANGEMENTS

4.1 There will be regular contact and liaison between the parties to:

- Provide access to appropriate sources of information;
- Provide a consistent approach to communication, operations and investigations;
- Encourage early contact and liaison in specific cases;
- Allow for advice or guidance to be given in relation to a specific case;
- Ensure that any national or regional campaigns or investigations are considered;
- Enable relevant officers to be kept informed of the progress of cases that are being investigated;
- Ensure that information and intelligence being passed between the agencies is in accordance with the Kent and Medway Information Sharing Agreement (see Appendix B) and data protection legislation.

4.2 To this end, officers from parties will seek to:

- Ensure the effective exchange of information between the agencies;
- Consider the need for joint visits;
- Implement co-ordinated actions as necessary;
- Co-ordinate the supply of evidence and information to any other agency taking formal action;
- Work together where practicable, to promote stated objectives;
- Discuss and liaise in the event of uncertainty over lead roles.

5. EFFECTIVE PRACTICE

5.1 The parties to this agreement will ensure that they will carry out the work undertaken in accordance with the legislation, government guidance and all reasonable aspects of effective practice. In doing so each party will:

- Focus primarily on premises/activities that are determined by consultation between the parties to be a high risk of contravening the legislation and the objectives of the legislation;
- Ensure all guidance and information is in a clear, accessible and concise format, using media appropriate to the business;
- Ensure that service delivery is provided in a non-discriminatory manner;
- Highlight those matters that are legal requirements to separate them from matters that are recommendations or good practice;
- Provide information in a timely manner and where required, advise recipients of their legal rights in such matters;
- Ensure, wherever possible, that responsible persons do not undertake work that is unnecessary in terms of duplication with other legislation and has regard to cost/benefit; available technology; consistency in application with enforcement action proportionate to risk in each case;
- Deal with the public, licensees and businesses in a fair and honest way;
- Provide a courteous, efficient responsive and helpful service, responding promptly and appropriately to service requests and complaints;
- Attend court in support of partner agencies where it is agreed that evidence/information will be of mutual assistance having due regard to liability.

6. RISK RATING OF LICENSED PREMISES

6.1 The Licensing Authority will assess the risk rating of licensed premises and will base their regulatory activity on risk, prioritising high risk premises and activities.

7. COMPLIANCE

7.1 Parties will regularly discuss applications, reviews, complaints and intelligence that have been received concerning licensed premises and other matters.

7.2 Routine visits/inspections may be made on the basis of risk assessments, as well as intelligence led operations.

- 7.3 The parties when inspecting premises will draw the appropriate authority's attention to any contraventions of any relevant legislation which are found to exist.
- 7.4 Non compliance with the relevant legislation may lead to the appropriate proportionate enforcement action.

8 ENFORCEMENT

8.1 Enforcement action may include the following:

- No further action
- Verbal warning
- Written warning
- Prosecution
- Other legal action

8.2 The relevant organisation considering enforcement action will:

- Give an early indication to all relevant parties of their intended course of action.
- Liaise with those parties as necessary to ensure a co-ordinated and thorough approach.
- Have considered that alternative approaches to dealing with the situation have been previously attempted and/or deemed to be inappropriate.

9. REVIEW OF THIS PROTOCOL

9.1 The parties shall periodically review this Protocol, at least once every five years, to ensure that it maintains a suitably responsive and practical arrangement for all licensing functions.

Appendix A

Relevant legislation

The following list, though not exhaustive, details the legislation under which organisations issue licences, permits and registrations and enforce the same. The protocol used by Sevenoaks District Council will only apply to the legislation below which is dealt with by the Licensing Partnership.

For alcohol, regulated entertainment and late night refreshment

Licensing Act 2003

Criminal Justice and Police Act 2001

Policing and Crime Act 2009

Crime and Security Act 2010

Police Reform and Social Responsibility Act 2011

Live Music Act 2012

For gambling

Gambling Act 2005 (as amended)

For sex establishments and sexual entertainment venues

Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

For scrap metal dealers and motor salvage operators

Scrap Metal Act 2013

For taxi licensing

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) act 1976

Road Safety Act 2006

Transport Act 1985

Road Vehicles (Construction and Use) Regulations 1986

Various Road Traffic Acts

For street collections

Police, Factories etc. (Miscellaneous Provisions) Act 1916

For house to house collections

House to House Collection Act 1939

House to House Regulations 1947

For street trading, market stall licences and car boot sales

Local Government (Miscellaneous Provisions) Act 1982

For caravans and mobile homes

Public Health Act 1936

Caravan Sites and Control of Development Act 1960

Mobile Homes Act 2013

Pleasure Boats

Public Health Acts Amendment Act 1907

Animal Boarding

Animal Boarding Establishments Act 1963

Pet shops

Pet Animals Act 1951

Riding Establishments

Riding Establishments Act 1964

Zoo licence

Zoo Licensing Act 1981

Performing Animals registration

Performing Animals (Regulation) Act 1925

Food Premises registration

EC Regulations 852/2004 (Food Premises)

Tattooists, piercing and electrolysis licence

Local Government (Miscellaneous Provisions) 1982

Massage and special treatment premises licensing

Byelaw under the Local Government (Miscellaneous Provisions) act 1982

Hypnotism permit

Hypnotism Act 1952

Environmental permitting

Kent Licensing Compliance and Enforcement Protocol

Environment Permitting (England and Wales) Regulations 2007

Safety certificates for regulated stands at sports grounds

Part III of the Fire Safety and Safety of Places Sport Act 1987

Ability to place tables and chairs in the road, to use the street or pavement space for displays, licences and consents for structures over, along and under the highway and skip licences

Highways Act 1980

Other legislation and codes of practice to which organisations must have due regard when making licensing and enforcement decisions. Locally set byelaws may also apply.

Crime and Disorder Act 198

Human Rights Act 1998

The Anti-Social Behaviour Act 2003

The Equalities Act 2010

Environmental Protection Act 1990

Health Act 2006 and Smoke-free Regulations 2006/7

Legislative and Regulatory Reform Act 2006

Health and Safety (First Aid) Regulations 1981

Regulatory Reform (Fire Safety) Order 2006

Security Industry Act 2001

European Service Directive 2006/123/EC (Services in the Internal Market) and the Provision of Services Regulations 2009

Data Protection Act 1998

Freedom of Information Act 2000

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