

30 January 2019 at 6.00 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 22.01.19



Licensing Committee

Membership:

Chairman, Cllr. Mrs. Morris; Vice-Chairman, Cllr. Clark
Cllrs. Abraham, Dr. Canet, Clack, Esler, Halford, Kelly, Lake, McArthur, Parkin,
Pett and Raikes

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 1 November 2018, as a correct record.	(Pages 1 - 4)	
2. Declarations of interest Any interests not already registered		
3. Actions from the previous meeting (if any)	(Pages 5 - 6)	
4. Amendments to the Hackney Carriage and Private Hire Policy following Consultation	(Pages 7 - 112)	Jessica Foley Tel: 01732 227480
5. Hackney Carriage and Private Hire Licensing: Licensing Fees from April 2019	(Pages 113 - 120)	Jessica Foley Tel: 01732 227480
6. Gambling Act 2005: Licence Fees from April 2019	(Pages 121 - 126)	Jessica Foley Tel: 01732 227480
7. Local Government (Miscellaneous Provisions) Act 1982: Licence Fees from April 2019	(Pages 127 - 128)	Jessica Foley Tel: 01732 227480

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

LICENSING COMMITTEE

Minutes of the meeting held on 1 November 2018 commencing at 6.10 pm

Present: Cllr. Clark (Vice Chairman) (In the Chair)

Cllrs. Dr. Canet, Clack, Esler, McArthur, Parkin, Pett and Raikes

Apologies for absence were received from Cllrs. Abraham, Halford, Kelly, Lake and Mrs. Morris

Cllr. Firth was also present.

9. Minutes

Resolved: That the Minutes of the meeting of the Licensing Committee held on 9 July 2018, be approved and signed by the Chairman as a correct record.

10. Declarations of interest

No additional declarations of interest were made.

11. Actions from the previous meeting

There were none.

12. Gambling Act 2005 - Statement of Principles of Gambling Policy

The Head of the Licensing Partnership presented a report which sought a decision from the Committee on options for reviewing the Council's Statement of Gambling Policy, which expired on 30 January 2019. Following a consultation held between 20 August 2018 and 14 October 2018, the Committee was asked to assess the feedback received and decide upon any proposed amendments as set out in Appendix F to the report, before recommendation to Council. It was advised that the amendments would bring Sevenoaks in line with partners at Tunbridge Wells and Maidstone. Members considered written representations from various interested parties.

The Chairman brought the Committee's attention to minor errors within the draft policy, which the Committee agreed could be corrected, in consultation with the Chairman, before submission to Council.

The Committee also considered the section on Gambling Prevalence and Problem Gambling and questioned if enough was included on how the policy would tackle the issue of problem gambling.

It was suggested that an extra consideration could be added to Club Gaming Permits to include 'Whether the club operates a written policy to identify problem gamblers with a view to restricting their participation.'

Members questioned the accuracy of suggesting a club having shareholders indicated that it was a business venture when assessing Club Gaming Permits applications. It was agreed that the question should be changed to 'Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club.)'

The Chairman moved the recommendations as set out within the report subject to all the amendments discussed above and it was

Resolved: That

- a) it be recommended to Council that the revised Statement of Gambling Policy as amended by (b), (c) and (d) below be adopted as from 31 January 2019;
- b) a number of minor errors be amended in consultation with the Chairman, prior to Submission to Council;
- c) the sentence 'whether the club operates a written policy to identify problem gamblers with a view to restricting their participation.' be added as a consideration in assessing clubs on page 18 of the Policy; and
- d) the condition that currently reads 'Are there shareholders or members. Shareholders indicate a business venture rather than a non-profit making club,' be amended to read 'Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club.)', prior to submission to Council.

13. Amendments to The Hackney Carriage and Private Hire Policy

The Licensing Officer presented a report which sought approval for a 6 week consultation on amendments to the Hackney Carriage and Private Hire Licensing Policy which came into effect on 21 July 2016. The Council was required to regularly review its Taxi Licensing Policy. The results, consultation feedback and the draft amended policy would be reported to the next meeting.

The Chairman brought the Committee's attention to some minor errors within the report which it was agreed could be amended in consultation with the Chairman.

The Council's current practice was to pay for two thirds of the required annual medical tests for taxi drivers over 65 years of age. Officers advised that the other authorities in the partnership did not follow this practice and drivers who were self-employed should be able to reclaim the cost of medical tests through the tax

system. In addition to the cost of the medical tests, the Council incurred costs from a retainer with the contracted medical centre and the cost of processing the expenses. Drivers had previously reported long waiting lists for the contracted medical centre which was often further away than their local GP and would not have the drivers' full medical records.

Members discussed the proposal from a driver that the new Ultra Low Emission Vehicles (ULEVs) be exempt from the requirement for Wheelchair Accessible Vehicles. It was noted that electric vehicles and wheelchair accessibility vehicles which were significantly more expensive. Questions were raised regarding which testing practice was used to calculate fuel consumption and emissions for ULEVs. It was noted that from 1 September 2018 new cars were required to comply with the Worldwide Harmonised Light Vehicle Testing Procedure (WLTP). It was agreed that the consultation process for ULEVs should also refer to vehicle compliance with the WLTP.

The effects of the new proposal were discussed, considering the current low levels of wheelchair accessible Hackney Carriage vehicles. Members raised concerns about altering conditions which may further deplete the accessible Hackney Carriage stock. Despite accessible Hackney Carriage vehicles being below the average across the Licensing Partnership, the private hire stock in the Sevenoaks District had a much higher proportion of accessible cars. No complaints had been received by the Licensing Partnership relating to the accessibility of vehicles in the District. The benefits of electric vehicles were noted and also the likelihood of future regulations to monitor emissions output. Members were advised that any changes made could be reviewed in the future. Members were interested in the views of the public and drivers which would be sought in the consultation.

Action 1: The Head of the Licensing Partnership to monitor the condition currently in place aimed at increasing numbers of wheelchair accessible vehicles within the fleet and advise the Committee within the next year on how successful the policy has been.

Members considered each of the proposed Policy amendments in the report and agreed their inclusion in the consultation.

The Chairman moved the recommendations within the report subject to the amendments discussed above and it was

Resolved: That

- a) the draft amended Hackney Carriage and Private Hire Policy be approved for public consultation subject to minor amendments to be agreed in consultation with the Chairman;
- b) the proposed amendment to Wheelchair Accessible Vehicles as listed in the supplementary agenda be amended to ensure measurement against the Worldwide Harmonised Light Vehicle Testing Procedure (WLTP); and

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Licensing Committee - 1 November 2018

- c) the practice of the Licensing Authority paying for the annual medical tests for drivers aged over 65 cease, with effect from 31 March 2019.

14. Local Government (Miscellaneous Provisions) Act 1976, Section 65 Request to Increase Hackney Carriage Maximum Fares

The Licensing Officer introduced a report to consider a request from the Hackney Carriage trade to increase the maximum chargeable fares payable by the travelling public for Hackney Carriage journeys. After receiving the request for an increase from a Hackney Carriage Driver, all the Hackney Carriage drivers licensed by this Licensing Authority were balloted on the option, in addition to an option of no change to the current fares. The Committee noted that the last fare increase took place in 2015.

Members were advised that the option favoured by most of the Hackney Carriage Drivers (42 of the 78 who supported an increase in fares) was set out in Appendix C and would include increasing the maximum fare to £4.20 for the first 7/10 of a mile. It was noted the fare distance unit of measurement had been changed from metric to imperial as required by the law.

Resolved: That

- a) the proposed fare increase as set out in Appendix C to the report be agreed;
- b) the Chief Officer Environmental and Operational Services be authorised to publicise the proposed fare increase; and
- c) if no unresolved objections are received, the proposed fares take effect on 1 January 2019.

THE MEETING WAS CONCLUDED AT 7.15 PM

CHAIRMAN

ACTIONS FROM THE MEETING HELD ON 1 November 2018 (as at 02.01.19)

Action	Description	Status	Contact Officer
Action 1	The Head of the Licensing Partnership to monitor the condition currently in place aimed at increasing numbers of wheelchair accessible vehicles within the fleet and advise the Committee within the next year on how successful the policy has been.	Currently being monitored. Licensing team to feedback to Committee no later than the November 2019 meeting. 16.01.2019	Sharon Bamborough Ext. 7325

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**AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY
FOLLOWING CONSULTATION**

Licensing Committee - 30 January 2019

Report of Chief Officer Environmental and Operational Services

Status For Decision

Also considered by: Council - 26 February 2019

Key Decision No

Executive Summary: This report is following the 6 week consultation on amendments to the Hackney Carriage and Private Hire Licensing Policy. This authority is required to regularly review its Taxi Licensing Policy.

Portfolio Holder Cllr. Anna Firth

Contact Officer Jessica Foley, Ext. 7480

Recommendation to Licensing Committee:

That it be recommended to Council that the draft amended Hackney Carriage and Private Hire Policy that went out for a 6 week public consultation be approved.

Recommendation to Council:

That the draft amended Hackney Carriage and Private Hire policy be approved.

Reason for recommendation: To enable the Council to make decisions for Hackney Carriage and Private Hire licensing in accordance with the interpretation of the legislation.

Introduction and Background

- 1 Sevenoaks District Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the District of Sevenoaks. The existing policy was published in July 2016 and may be revised from time to time in keeping with the legislation.
- 2 The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change.

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- 3 At their meeting on 1 November 2018, the Licensing committee considered the proposed changes to policy and authorised the consultation on those proposed changes to be carried out.
- 4 The changes to the policy proposed are set out in a table attached to this report as Appendix A.
- 5 The table of consultation feedback is set out in Appendix B.
- 6 The draft Policy with the amendments made is attached as Appendix C.

Proposed Amendments

DVLA Mandates

- 7 *Appendix A, row B.* The policy states, 'Drivers will be required to sign a mandate form to allow the Licensing Authority to carry out the check with the DVLA.' The DVLA are changing their procedures and processes so the amendment is to delete the sentence.
- 8 *Appendix A, row C.* Hackney Carriage and/or Private Hire Driver Licence - New and Renewal applications. The policy states, 'DVLA mandate completed and signed by the applicant.' The amendment is to replace that with, 'Authorisation from driver that DVLA check can be carried out by the Licensing Team.'
- 9 *Appendix A, row E.* As above, DVLA processes are changing so the amendment is just to change the word 'Mandate' to 'check'.
- 10 **Consultation response:** no feedback on this proposed change

Medical Fitness

- 11 *Appendix A, row D.* Our current policy states that applicants must use the Council's appointed medical centre. The amendment is to require applicants to obtain the same medical standard but by a GP. This will give the applicant more freedom to get a medical. There is less chance of the applicant facing a waiting list and if the medical is carried out by the applicants own GP then the GP will have knowledge of their full medical history.
- 12 **Consultation response:** 19 in support of change, 4 against

Operator's Address

- 13 *Appendix A, row F.* It is currently not specified in the policy that the address must be within the District of Sevenoaks. The amendment is to add in the wording suggested in the table with 'grandfather rights' included for any Operators already licensed that are outside of the district.

14 **Consultation response:**

19 in support of requiring operators to have an address in our district, 5 against;

18 in support on grandfather rights, 5 against.

Amendments to the Policy

15 *Appendix A, row G.* The policy currently states ‘All changes to the Policy are made by the Licensing Committee only.’ However, this does not reflect the current legal position. Therefore it is proposed to amend it to say that ‘All changes to the Policy are currently approved by the Licensing Committee and then considered by Full Council.’

16 **Consultation response:** no feedback on this proposal

Vehicle Test Standards

17 *Appendix A, row H.* The Policy currently states ‘SDC will not licence any vehicle that is classed as a Category C insurance write off.’ The amendment is to change Category C to Category S as the terminology has now changed.

18 **Consultation response:** 23 in support of the change, 1 against

Legislative Changes

19 *Appendix A, row I.* The Policy currently sets out the penalty points that would be issued for failing to comply with the Disability Discrimination Act 1995. The proposed amendment is to ensure that the Policy reflects current legislation, namely the Equality Act 2010, concerning discrimination offences against disabled people.

20 **Consultation response:** 23 in support of the change, 1 against

Fees

21 *Appendix A, row J.* The Policy currently states ‘A holder of a Hackney Carriage Driver’s licence is able to drive a Private Hire vehicle. However, a holder of a Private Hire Driver’s licence **may not** drive a Hackney Carriage vehicle.’ The proposed amendment is to delete this paragraph as it is untrue. A Hackney Carriage Driver must also have a Private Hire Driver badge and certificate if they wish to drive a Private Hire Vehicle.

22 **Consultation response:** 17 in support of the change, 7 against

DSA (Driving Standards Agency)

23 *Appendix A, row K.* The Policy mentions the DSA (Driving Standards Agency) in a number of places. They no longer carry out driving standards tests for Taxi drivers and therefore we have a different approved provider. There may be more providers

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added to that so the proposed amendment is to change any part of the policy that states DSA to Driving Standards test or Council approved provider.

24 Consultation response: 22 in support of the change, 2 against

Wheelchair Accessible Vehicles

25 Appendix A, row L. The Policy currently states ‘From 1st September 2016 all additional Hackney Carriage vehicles requiring a new plate, must be wheelchair accessible. That is those that require the issue of a new HC plate number. (This does not apply to replacement vehicles, change of ownership of vehicles or vehicles that are replacing damaged vehicles). The amendment is to replace the statement in brackets with; ‘(This does not apply to replacement vehicles, change of ownership of vehicles, vehicles that are replacing damaged vehicles and ultra-low-emission vehicles [ULEV] that is vehicles that emit less than 75g/km of CO₂ under the WLTP)’ and include the following statement, ‘This exemption will be kept under regular review and may be time limited or removed in future reviews of the policy.’

26 Consultation response: 20 in support of the change, 4 against

Other Options Considered and/or Rejected

The council could choose to retain its current policy without changes but to do so could make the application process harder for applicants and current drivers regarding the medical centre. Compliance and enforcement as to Private Hire Operators addresses difficult and the wording within our policy, incorrect. Therefore keeping the existing policy without these amendments is not a course of action that is recommended.

Key Implications

Financial

Officers may incur additional costs and increased difficulties in enforcement should they need to visit Operators outside the district. Failure to ensure the Policy is compliant with current DVLA or insurance practices may mean that Officers spend more time defending a challengeable decision. Paying for yearly medicals for those aged 65 and over currently costs the council over £3000 per annum.

Legal Implications and Risk Assessment Statement.

Should parts of the industry believe the authority’s Taxi Licensing Policy is not sound it would be open to them to undertake judicial review proceedings.

Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from

different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper fall in line with the legislation and do not pose a risk to issues surrounding equality.

Conclusions

The current policy without changes could make the application process harder for applicants and current drivers regarding the medical centre. Compliance and enforcement as to Private Hire Operators addresses could be difficult due to distance and the wording within our policy could be incorrect. The changes recommended are to improve and correct our policy as well as change best practice to benefit the council.

The options available are to:-

1. agree all the amendments as detailed above;
2. agree to some of the amendments but leave others out; or
3. reject the suggested amendments to the policy and leave the Hackney Carriage and Private Hire Policy as it is.

Appendices

Appendix A - Table to show draft changes to the policy

Appendix B - Table of consultation feedback

Appendix C - Draft Policy Document

Background Papers

Sevenoaks District Council Hackney Carriage and Private Hire Policy

Richard Wilson

Chief Officer Environmental & Operational Services

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	Changes to section in policy	2015 policy	Draft policy
A	1. Introduction DVLA Mandates	“Drivers will be required to sign a mandate form to allow the Licensing Authority to carry out the check with the DVLA.”	<p>This sentence shall be deleted as the way in which DVLA checks are carried out is changing and may change again in the future.</p> <p>The policy will retain the statement, “DVLA checks of all drivers’ licences at first application and at renewal.”</p>
B	3. Hackney Carriage and/or Private Hire Driver Licence - New and Renewal applications	“DVLA mandate completed and signed by the applicant.”	“Authorisation from driver that DVLA check can be carried out by the Licensing Team.”
C	3.4 Medical Fitness	“All applicants will be required to obtain a Group 2 medical standards certificate signed by Sevenoaks District Council’s appointed surgery.”	“All applicants will be required to obtain a Group 2 medical standards certificate signed by a GP.”
D	3.6 Renewal of Licences	“At each renewal a current correct driving licence, DBS enhanced check, Medical and DVLA Mandate will be required.”	“At each renewal a current correct driving licence, DBS enhanced check, Medical and DVLA check will be required.”
E	5.8 Address from which an Operator may operate	Current Policy does not specify that an Operator must have an address in the district.	“The Council will not grant a licence to an operator whose premises are located outside the district of Sevenoaks. This is to ensure that proper regulation and enforcement measures may be

			<p>taken by the Council and is in no way intended to be a restraint of trade.</p> <p>“Operators based outside the district who have been granted a licence prior to the adoption of this amendment to policy (2018/19) will retain ‘grandfather rights’ providing the conditions of the licence are fully met.”</p>
F	11. Amendments to the Policy	“All changes to the Policy are made by the Licensing Committee only.”	“All changes to the Policy are currently approved by the Licensing Committee and then considered by Full Council.”
G	Appendix 2 - Vehicle Test Standards	“SDC will not licence any vehicle that is classed as a Category C insurance write off.”	“SDC will not licence any vehicle that is classed as a Category S insurance write off.”
H	Legislative Changes	Disability Discrimination Act 1995.	All references will be amended to the Equality Act 2010.
I	3.1 Fees	A holder of a Hackney Carriage Driver’s licence is able to drive a Private Hire vehicle. However, a holder of a Private Hire Driver’s licence may not drive a Hackney Carriage vehicle.	This paragraph shall be deleted to ensure consistency with legislative framework.

J	DSA - Driving Standards Agency	DSA centre or Council approved alternative.	All references will be amended to Driving Standards test or Council approved provider.
K	Wheelchair accessible vehicles	‘From 1 st September 2016 all additional Hackney Carriage vehicles requiring a new plate, must be wheelchair accessible. That is those that require the issue of a new HC plate number. (This does not apply to replacement vehicles, change of ownership of vehicles or vehicles that are replacing damaged vehicles).	The amendment is to replace the statement in brackets with; ‘(This does not apply to replacement vehicles, change of ownership of vehicles, vehicles that are replacing damaged vehicles and ultra-low-emission vehicles [ULEV] that is vehicles that emit less than 75g/km of CO2)’ and include the following statement, ‘This exemption will be kept under regular review and may be time limited or removed in future reviews of the policy.’

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Consultation Feedback form for the Hackney Carriage and Private Hire Policy

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
Page 17	1. Introduction DVLA Mandates	“Drivers will be required to sign a mandate form to allow the Licensing Authority to carry out the check with the DVLA.”	<p>This sentence shall be deleted as the way in which DVLA checks are carried out is changing and may change again in the future.</p> <p>The policy will retain the statement, “DVLA checks of all drivers’ licences at first application and at renewal.”</p>	24x Agree 0x Disagree	No comments.		
B	3. Hackney Carriage and/or Private Hire Driver Licence - New and Renewal applications	“DVLA mandate completed and signed by the applicant.”	“Authorisation from driver that DVLA check can be carried out by the Licensing Team.”	24x Agree 0x Disagree	No comments.		

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
Page 18	3.4 Medical Fitness	“All applicants will be required to obtain a Group 2 medical standards certificate signed by Sevenoaks District Council’s appointed surgery.”	“All applicants will be required to obtain a Group 2 medical standards certificate signed by a GP.”	19x Agree 4x Disagree	*This once again would incur extra cost for over 65 yr olds if a medical is required every year.		
					*Because your own doctor could be bias towards you.	Your own GP will have your full medical history. Professionals should not be bias, only make factual decisions based on all the relevant information.	

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
					*GP's are already overworked. Do not cause them extra work. If need-be make a policy that applicants pay the SDC or the approved surgery direct.		
					*The current policy works well. I see no point in changing it.		
Page 19	3.6 Renewal of Licences	“At each renewal a current correct driving licence, DBS enhanced check, Medical and DVLA Mandate will be required.”	“At each renewal a current correct driving licence, DBS enhanced check, Medical and DVLA check will be required.”			Just a change of word. ‘DVLA Mandate’ to ‘DVLA Check’.	

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
E	5.8 Address from which an Operator may operate	Current Policy does not specify that an Operator must have an address in the district.	“The Council will not grant a licence to an operator whose premises are located outside the district of Sevenoaks. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.	19x Agree 5x Disagree	*Because these kinds of operators advertise they are in the borough that they are not licensed and charge local and tourists extremely high prices. They also can have an advantage of not playing by the same rules. IE having older vehicles etc.		
					*There should be equal opportunities for everybody, irrespective of where they live.		

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
					*We have had a licence before but let it expire we may wish to re apply at the change would prevent us doing so.		
					*I want uber.		
Page 21					*We don't need to support kind of big firm like uber who is don't care a local people and don't care them on staff even they just care the profit and they are not spending in local.		
					*It's prescriptive and will prevent drivers from just outside the borders being able to work in the district. It is not enforceable in reverse - i.e. taxi home from London will utilise drivers from outside the district.		

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
					*I feel that no grandfathers rights should be agreed and any operator that wishes to operate within Sevenoaks should be part of Sevenoaks. Past and present applications.		
Page 22			“Operators based outside the district who have been granted a licence prior to the adoption of this amendment to policy (2018/19) will retain ‘grandfather rights’ providing the conditions of the licence are fully met.”	18x Agree 5x Disagree	Question and comments linked in with above.		

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	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
F	11. Amendments to the Policy	“All changes to the Policy are made by the Licensing Committee only.”	“All changes to the Policy are currently approved by the Licensing Committee and then considered by Full Council.”			Just a correction of wrong information in the policy.	
G	Appendix 2 - Vehicle Test Standards	“SDC will not licence any vehicle that is classed as a Category C insurance write off.”	“SDC will not licence any vehicle that is classed as a Category S insurance write off.”	23x Agree 1x Disagree	*S category don't mean that car is got that kind of repair to states to not license.		
H	Legislative Changes	Disability Discrimination Act 1995.	All references will be amended to the Equality Act 2010.	23x Agree 1x Disagree	*In fact I agree but I want to use this box to flag up the number of cases where drivers have illegally refuse to carry guide dogs. Can we help with extra policy in this matter.	Any cases of guide dogs being refused need to be reported to the Licensing team. This is already in our policy and drivers would either be issued points or would be... (P.T.O)	

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
						...brought before the Licensing Committee.	
I Page 24	3.1 Fees	A holder of a Hackney Carriage Driver's licence is able to drive a Private Hire vehicle. However, a holder of a Private Hire Driver's licence may not drive a Hackney Carriage vehicle.	This paragraph shall be deleted to ensure consistency with legislative framework.	17x Agree 7x Disagree	*Strongly disagree. Those who hold a Hackney Carriage license have to go through all tests and checks that a Private Hire driver goes through PLUS some additional tests, such as knowledge test. Deleting this paragraph will mean council will be charging loads of money for printing just a card.	Currently, a HC driver that wishes to drive a PH vehicle has to just pay for the additional badge and paper licence. This is already happening so the amendment is just to correct the Policy.	
					*Should be dual licence as standard.		

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
					*The way I read this if you have a hackney badge you will need another badge to do private hire work.	You would need another badge to drive a PH vehicle, not just to carry out PH work in your HC vehicle.	
Page 25					*Hackney carriage drivers are more qualified to drive PH vehicles therefore should be able to drive one. But PH drivers not Hackney vehicles.	A HC driver would just need to pay for the additional badge and paper licence, no further tests are required. PH drivers cannot do this to drive HC vehicles. They would have to sit a HC knowledge test.	

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
					*Who is have a hc licences they can do the same job like ph if they're not in the street hire. Plus we know more better the knowledge aa well, and between this two licenses that was a different!		
Page 26					*It creates additional requirements for drivers.	This is already happening, it is just an amendment to correct the Policy.	
					*A Hackney carriage driver is tested on their local knowledge and is quite suitable to drive a Private hire vehicle but I understand a private hire driver is not tested on knowledge.	A HC driver would just need to pay for the additional badge and paper licence, no further tests are required. PH drivers cannot do this to drive HC vehicles. They would have to sit a... (P.T.O)	

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	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
						...HC knowledge test. PH drivers are tested on their knowledge but not to the same extent.	
J	DSA - Driving Standards Agency	DSA centre or Council approved alternative.	All references will be amended to Driving Standards test or Council approved provider.	22x Agree 2x Disagree	*Would only agree to alternative provider is consistent standard could be guaranteed.	All of our providers are contracted to provide the same standard.	
					*We done ones already!	This is for new drivers. We are aware that drivers that are already licenced have already passed this.	

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
<p>Page 28</p>	<p>K Wheelchair accessible vehicles</p>	<p>‘From 1st September 2016 all additional Hackney Carriage vehicles requiring a new plate, must be wheelchair accessible. That is those that require the issue of a new HC plate number. (This does not apply to replacement vehicles, change of ownership of vehicles or vehicles that are replacing damaged vehicles).</p>	<p>The amendment is to replace the statement in brackets with; ‘(This does not apply to replacement vehicles, change of ownership of vehicles, vehicles that are replacing damaged vehicles and ultra-low-emission vehicles [ULEV] that is vehicles that emit less than 75g/km of CO2)’ and include the following,... (P.T.O)</p>	<p>20x Agree 4x Disagree</p>	<p>*Not enough demand for wheel chair accessible vehicles to warrant all vehicles must be accessible.</p>	<p>That is not the question here. This is adding in an alternative to getting a wheelchair accessible vehicle with the option to get a ULEV vehicle instead.</p>	

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
Page 29			<p>...statement, 'This exemption will be kept under regular review and may be time limited or removed in future reviews of the policy.'</p>				
					<p>*Why cannot we simply make it a requirement that any vehicle plying for hire and reward is from a certain date in say the next six months have access for wheelchairs. Otherwise drivers/owners can take easy steps to ensure they do not comply with this regulation.</p>		

	Changes to section in policy	Current 2015 Policy	Draft amendment to Policy	Survey results	Survey comments	Officer comments	Decision by Licensing Committee on 30 01 19
Page 30					<p>*I have worked for Sevenoaks as an Hackney carriage vehicle for over 20 years. In all that time I have probably seen 2-3 wheelchairs come down to the rank and all these were able to get in the cars. If the wheelchair is too big then there are enough on taxi firms to be called forward to carry such persons. Sevenoaks is not like most towns and do not have the necessity most have for such use.</p>		

Comments from Mick Madden - Dunbrik workshop	Officer comments
<p>1. Engine size - Considering the change in engineering, a 1.3 vehicle nowadays is just as powerful as a 1.8 five years ago; should the limitation of engine size be removed and the vehicle be assessed on a case-by-case basis.</p>	<p>The policy does state, 'To help consider the environmental impact, any petrol electric vehicle with an engine size under 1400cc will be considered to be licensed on a case by case basis. Sevenoaks District Council suggests that, in order to promote a greener environment, any vehicle that promotes cleaner fuel emissions may be entitled to pay a reduced fee at the time of having the vehicle tested by Sevenoaks District Council's appointed workshop.'</p> <p>We could use this to judge each vehicle on a case by case basis.</p>
<p>2. Blacked out windows: There isn't a clear guide for what level of visibility is acceptable by SDC and it would be helpful if this is clearer.</p>	<p>We do have a minimum for Hackney Carriage vehicles but I will need to look into if there is a maximum standard.</p>
<p>3. CCTV: Although not a requirement, it would be helpful if in Policy we could say that any CCTV equipment installed is advised to be situated on the left hand side (passenger side) next to the rear view mirror.</p>	<p>Although we could 'advise' on location as it is not a mandatory requirement, they can put their own cameras where they want.</p>
<p>4. Meter Testing for PHV: While there is nothing stopping a PHV from having a meter installed, Dunbrik don't want to carry out the meter calibration as part of the vehicle test; they said that it should be the PH Operators responsibility to ensure these are calibrated to whatever fare they want - to include meter testing as part of the Vehicle Test for PHV will add too much time and be a strain on Dunbrik's resources.</p>	<p>My understanding was that if a Private Hire Vehicle has a meter, it must be tested by us against their own fare chart. They pay the same as a HC vehicle test and I think it is a very small number of PH vehicles that even have meters.</p>

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DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

DRAFT



Agenda Item 4

Effective from **DATE**

The Role of Licensing: Policy Justification

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

For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver is “fit and proper” and that the vehicle is safe. However, on the other hand if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person’s safety might be put at risk by having to wait on streets late at night for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

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

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1. Introduction

The Licensing Authority at Sevenoaks District Council (“the Council”) is responsible for processing all applications for hackney carriage and private hire licences including drivers, vehicles and private hire operators. The team also deals with complaints and compliance in relation to hackney carriage and private hire matters.

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

- That all licensed drivers/proprietors and operators are “fit and proper” persons to ensure the highest levels of public safety and good practice.
- That all licensed vehicles are roadworthy and fit for use.
- To encourage the use of environmentally friendly vehicles.
- To encourage the use of vehicles that are accessible to persons who have disabilities.

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

- Up to three yearly licensing of drivers including medical checks, criminal record clearance, an appropriate level of driving ability and a sound knowledge of the area.
- DVLA checks of all drivers’ licences at first application and at renewal.
- Five yearly licensing of private hire operators from April 2016. Until the new fees are set, three year licences will be available.
- Annual licensing of vehicles, with routine inspections by council officers. Checks of documentation such as insurance certificates and strict mechanical testing;
- Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council’s enforcement policy statement.
- Ongoing training, development and monitoring of the Council’s Licensing staff.
- Provision of information to the private hire and hackney trades and members of the public through press releases and publications, the Council website and attendance at relevant forums.

2.1 Legislation

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

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equalities Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Regulators Code

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

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

2.3 Consultation

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

- ▶ Representatives of Sevenoaks licensed hackney & private hire drivers
- ▶ Representatives and trade groups of Sevenoaks taxi proprietors and private hire vehicle licence holders.
- ▶ Representatives of the district's taxi and private hire operators
- ▶ Sevenoaks District Councillors
- ▶ Town and Parish Councils
- ▶ Neighbouring Authorities
- ▶ Community Safety Unit
- ▶ Access Group
- ▶ Local businesses and residents

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- ▶ The National Private Hire Association
- ▶ The National Taxi Association
- ▶ Members of the Public through the Council Website
- ▶ Public Health Kent
- ▶ Chamber of Commerce
- ▶ Kent Police
- ▶ Kent County Council Traffic & Road Safety
- ▶ Kent County Council (School Contracts)
- ▶ Citizens Advice Bureau
- ▶ Age UK

The Policy and associated documentation are available for inspection on the Council's website and a hard copy can be viewed at Sevenoaks District Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG.

The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change.

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

2.4 Online Forms

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

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

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

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

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

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

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

All applicants must read the Council's Statement of Policy about Relevant Convictions before considering whether to apply for a Hackney Carriage or Private Hire Vehicle driver's licence.

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

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

- Correct application form provided by the Council, completed in its entirety and signed by the applicant.
- The appropriate fee. The current fees are available online <http://www.sevenoaks.gov.uk/services/business/licence-and-permits/Taxis-and-Private-Hire>
- The applicant's original DVLA driving licence. Applicants must have held a full DVLA or EU licence for at least 1 year. (para.3.2) for a new application
- A completed medical certificate (para.3.4)
- Driving Standards practical taxi test and wheelchair test (where applicable)
- Evidence of passing Sevenoaks District Council's knowledge test/alternative suitability and knowledge test for all new hackney carriage drivers
- One recently taken, colour, passport sized photograph of the applicant (no sunglasses and, unless they are worn for religious reasons, no hats).

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- Authorisation from driver that DVLA check can be carried out by the Licensing Team.
- Application for a Disclosure and Barring Service Enhanced Check completed by the applicant with accompanying identification or a current valid disclosure certificate completed within 1 month and obtained via an approved body which will allow an update service check to be performed (para.3.5). This must include a check for with adults and child workforce.
- For all applicants who have lived in the United Kingdom for less than 5 years continuously, a certificate of good conduct from the appropriate embassy is required (new applications only) (para.3.5).
- For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate Embassy/Authority. The Licensing Authority may also contact the Home Office to carry out immigration checks when it is appropriate to do so.
- All applicants must provide documentary evidence confirming their right to live and work in the UK. Any licence granted to drivers whose leave to remain in the UK is time limited will only be valid for the period which they are entitled to work in the UK. In order for the licence to be extended, drivers must produce further evidence to prove that they have the right to work in the UK
- Two items confirming the applicant's address
- Documentary proof of the applicant's National Insurance number.

3.1 Fee

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

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

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

3.2 Driving Standards

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

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

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

All new applications for a driver's licence will be required to successfully undertake a Driving Standards practical taxi test from the Council approved provider without exception.

Drivers of a wheelchair accessible vehicle must have undertaken the enhanced Driving standards practical taxi test which includes the wheelchair exercise. If a driver changes his vehicle to a wheelchair accessible one then they must undertake the element that includes the wheelchair exercise.

Driver assessments can be taken by the Council's approved Driving Standards test provider (details of which will be available on the website).

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

3.3 Age

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

3.4 Medical Fitness

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

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

Sevenoaks District Council supports the widely held view that Group 2 medical standards should also be applied by local authorities to HC/PHV drivers.

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All applicants will be required to obtain a Group 2 medical standards certificate signed by a GP.

Once licensed, a new medical will be required to be undertaken at renewal (every 3 years) or annually once the driver reaches the age of 65 years.

The Group 2 medical standards now include the licensing of drivers with insulin treated diabetes. It is the policy of Sevenoaks District Council to apply the standards to taxi and PHV drivers with insulin treated diabetes. The criteria is summarised in Appendix 3.

Should concerns arise regarding the health of a licensed driver, the Council at any time may request further information or a further medical examination to be carried out and submitted. The Council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out his/her duties as a licensed driver.

3.5 Criminal Record

Prior to consideration of any application, the Council will obtain from the applicant a Disclosure & Barring Service Enhanced Certificate in respect of the applicant, to be assessed in accordance with the Council's statement of policy about relevant convictions. This must include a check for working with adults and children.

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

Existing drivers will be required to submit an Enhanced Certificate, which includes whether an applicant is barred from working with children or adults, every 3 years at renewal unless they are signed up to the online service which will enable the Licensing Department to check directly with the DBS. The licence holder will be responsible for paying the relevant fee. All applicants are strongly advised to sign up to the DBS online checking service as the cost every 3 years is less, the certificate is portable and may be taken to another Licensing Authority and applications for the renewal of their taxi driver's licence may be made more easily online without the need to make an appointment to see a Licensing Officer.

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

A licence will generally not be granted to any applicant who does not comply with the minimum requirements as set out in the Council's Statement of Policy about Relevant Convictions (see Appendix 2). Where several minor offences have been committed the Council will take into consideration any pattern of offending. The Council can also take

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

A licence may be suspended 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.

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

Where an existing driver commits an offence and/or breaches the licence conditions/byelaws, the nature and number of incidents will be taken into consideration when considering if the driver continues to be considered "fit and proper".

Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt. Although where a further warning is issued during this period, the original warning will be kept on file from the date of the most recent warning. Where a licence is revoked for persistent breach of licence conditions a period of 3 to 5 years should generally elapse before a further application is favourably considered.

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

3.6 Renewal of Licences

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

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

Any licence that is not renewed within 1 month following expiry will not be renewed and a new application in full will be required. A Driving Standards pass certificate will

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also need to be provided. Any licence that is renewed within the 1 month grace period may be subject to a late fee.

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

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

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

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

Applicants are encouraged to make their renewal application online.

3.7 Change of Type of Licence

Licensees wishing to change from holding a private hire licence to a hackney carriage licence will be required to undertake a knowledge test and the wheelchair element of the Driving Standards Assessment (or equivalent) before the licence is issued. The required fee will need to be paid with the application and no refund will be payable in respect of an existing licence.

3.8 Surrender/Suspension/Revocation of Licence or Failure to Complete Application

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

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

3.9 Driver's Dress Code

Sevenoaks District Council is committed to encouraging the professional image of the hackney carriage and private hire trade, and considers that drivers of licensed vehicles are vocational drivers. Therefore, the Council considers that drivers should conform to a minimum standard of dress, as set out in Appendix 4, in order to raise and maintain the profile of the licensed trade. The Authority does not impose such standards by way of conditions to any licence. However, it is expected that such standards will be maintained at all times.

3.10 Right of appeal

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

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

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

3.11 Duration of Drivers' Licences

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).

4. Hackney Carriage / Private Hire Vehicle Licences

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

4.1 Environmental Considerations

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

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the District by, in particular, reducing the levels of CO₂ emitted from petrol vehicles and the equivalent from diesel. There is a movement towards the use of alternative fuels and in many areas LPG

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conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

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

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

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

4.2 Taximeters

The Authority requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The taximeter shall be of a type which is EU approved or specifically authorised by the Council.

A Private Hire vehicle may be fitted with a taximeter. If a taximeter is fitted it shall be of a type which is EU approved or specifically authorised by the Council.

4.3 Roof Signs

The Authority requires all Hackney Carriage vehicles to be fitted with working roof-mounted signs. If the illuminated roof lights have red in them, they must be fitted so that the red light is only visible from the rear. If the vehicle is available for hire the roof light must be illuminated.

The Authority requires that no Private Hire vehicle be fitted with a roof-mounted sign of any kind.

4.4 Numbers Limit

At the moment there is no restriction on how many hackney carriage vehicles can be licensed, Sevenoaks District Council will seek to address this matter when the need

arises and may carry out a demand survey to seek clarification whether there is unmet demand for Hackney carriage vehicles within the whole district.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is:

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

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

Sevenoaks District Council will not permit dual plating, therefore once a vehicle is licensed by Sevenoaks District Council it cannot be licensed with any other authority or Transport for London.

4.5 Wheelchair Accessible Vehicles

From 1st September 2016 all additional hackney carriage vehicles requiring a new plate, must be wheelchair accessible. That is those that require the issue of a new Hackney Carriage plate number. (This does not apply to replacement vehicles, change of ownership of vehicles, vehicles that are replacing damaged vehicles and ultra-low-emission vehicles (ULEV) that is vehicles that emit less than 75g/km of CO₂ under the WLTP). This exemption will be kept under regular review and may be time limited or removed in future reviews of the policy. From 1st January 2018 all vehicles that reach the end of their life with respect to being eligible for licensing as a licensed vehicle (i.e. 10 years since the date of its first registration) must be replaced by a wheelchair accessible vehicle. (This does not apply to change of ownership of vehicles or vehicles that are replacing damaged vehicles or a total loss.)

Wheelchair accessible vehicles may be either rear or side loading.

4.6 Applications

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All applications submitted for the initial grant of a licence are advised to apply **at least 10 working days before** the licence is required to allow time for the vehicle to be tested and the licence to be processed.

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

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

- Application form provided by the Council completed in its entirety and signed by the applicant and operator where relevant.
- Original vehicle registration document showing the applicant to be the registered keeper or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles).
- When a renewal application is made online the authority will accept scanned documentation or a photograph of the documentation.
- Original documentation will only be required for new vehicles or if there is a discrepancy between the scanned copy held on file by the authority and the scanned/photograph submitted with an online renewal application.
- Certificate of insurance for the vehicle which covers the activity required (i.e. public or private hire - para.4.2) and which is valid on the date that the licence is due to come into force. With online applications we will accept emails from the insurance company sent to licensing@sevenoaks.gov.uk

4.7 Licence Fee

- All applications must be accompanied by the appropriate fee as prescribed by the Council; the current scale of fees is available from the Council or at <http://www.sevenoaks.gov.uk/services/business/licence-and-permits/Taxis-and-Private-Hire>

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

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

4.8 Insurance

All hackney carriage and private hire vehicles must be insured for public hire and reward, such insurance to provide cover for fully comprehensive.

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

4.9 Testing of vehicles

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

Where concerns arise during the period of the licence regarding the mechanical fitness of a licensed vehicle the Council may request a further test to be undertaken. However, the Licensing Authority cannot require a vehicle to have more than 3 tests per year.

Where an application for a vehicle renewal is made 28 days after the expiry of the licence the application will be considered as a new application and any age restrictions will apply.

Any vehicle failing its examination test will be required to undertake and pass a further examination test before it can be licensed or, in the case of an existing licensed vehicle, before it can continue to be used as a licensed vehicle. This further examination is known as a retest. The proprietor is responsible for the cost of the retest and it must be paid in full prior to further testing taking place.

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

4.10 Re-allocation of Expired Hackney Carriage Vehicle Plates

If, when a hackney carriage licence expires, the vehicle is not re-licensed within twenty-eight days and the owner does not take steps to inform the Council of his/her intentions, then the plate will be re-allocated. A letter will be sent to the owner of the vehicle advising them that the licence has expired.

4.11 Type of vehicle

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

In order to be considered suitable to be licensed as a Hackney Carriage the vehicle must comply with the basic specification set out in Appendix 5A and 5B and pass the Council's vehicle inspection test.

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

4.12 Vehicles Powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

In exceptional circumstances the Council's basic requirements for vehicles may be waived to facilitate the licensing of Novelty Vehicles although confirmation should be sought from the Licensing Office prior to any application being made. All applications for Novelty Vehicles will be considered on their own merits.

In addition to meeting the relevant vehicle specifications all Private Hire Vehicles, including Novelty Vehicles, will have to comply with the private hire vehicle conditions (Appendix 5C). In the case of novelty vehicles further specific conditions may be applied to the licence.

4.13 Seating Capacity

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

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

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

4.14 Seating dimensions

Passenger seats must be at least 400mm wide for each passenger measured along the front of each seat. This criteria also applies where there are folding arms. The front seat of the vehicle next to the driver will be regarded as a seat for one passenger only.

Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

4.15 Tinted windows

The Authority will not license a hackney carriage vehicle if any window of it contains glass which has been treated so that less than 50% of light is transmitted through it. The area within the vehicle where there is no seating and is used for luggage only may have tinted glass as per manufacturing but must not be 'blacked out'.

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision.

The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle, and/or the operator, to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's records required to be kept by licence condition.

It is good practice to always advise a person making a booking for a private hire vehicle of the vehicle type and description, including whether it has tinted windows - without prejudice to the Road Vehicles (Construction & Use) Regulations 1986.

5. Private Hire Operators Licence

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.

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.

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All applicants for initial grant of a licence should allow at least four weeks before the licence is required to enable the local authority to undertake the necessary vetting procedures as detailed in this document.

Planning consent may be required and all applicants must ensure that they obtain all the correct and necessary permissions before trading.

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

Applications will only be acceptable if they include the following:

- 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 <http://www.sevenoaks.gov.uk/services/business/licence-and-permits/Taxis-and-Private-Hire>

5.1 Criminal Records Checks

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.

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

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

5.2 Record Keeping

It is a requirement for operators to keep comprehensive records of each booking. All bookings will be kept for a period of 6 months.

5.3 Licence Duration

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

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

5.4 Fees

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

5.5 Operation

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

All three licences:

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

must be issued by the same Licensing Authority.

5.6 Conditions

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

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

5.7 Insurance

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

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

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

5.8 Address from which an Operator may operate

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

The Council will not grant a licence to an operator whose premises are located outside the district of Sevenoaks. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

Operators based outside the district who have been granted a licence prior to the adoption of this amendment to policy (2018/19) will retain 'grandfather rights' providing the conditions of the licence are fully met.

5.9 Gaming Machines

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

6. Penalty Points Scheme

Any vehicle that is approached by an Authorised Officer of Sevenoaks District Council in order to carry out a vehicle inspection/driver check must remain until the inspection has been carried out. An exemption to this is if a fare arrives, which the driver is obliged to take or the driver informs the officer of a pre-booked fare prior to the inspection taking place.

Alternatively an Authorised Officer of Sevenoaks District Council may request that you attend the Council offices with the licensed vehicle in order to carry out an inspection.

Sevenoaks District Council has implemented a Penalty points system in order to regulate enforcement and any action required.

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 the appendix. 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.
- Penalty points will only be imposed where the licensee agrees the breach or offence has taken place. Where the licensee does not agree that the breach or offence has taken place, the matter will be referred in the first instance to the Licensing Manager for consideration regarding further action. The Licensee may be required to appear before the Licensing Committee.
- 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.
- When issued, the penalty points will remain "live" for a period of one year from the date they are imposed so that only points accumulated in a rolling twelve month period will be taken into account.
- There is no financial penalty associated with the system and the licensee may continue to work. However, the licensee may be asked to attend either a meeting with the Licensing Manager or attend a hearing of the Licensing Committee if 12 penalty points are imposed on an individual licence in any one 12 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 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.

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- 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.
- 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 10 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.

7. Taxi ranks

7.1. Appointed Stands

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

7.2 Waiting on Stands

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

8. Plying for Hire

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

9. Taxi/Private Hire Meetings

The Council wishes to encourage discussions between the trade and the Licensing Authority, in order to promote a successful working relationship taxi/private hire liaison meetings will take place.

10. Departure from the Policy

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

11. Amendments to the Policy

All changes to the Policy are agreed by the Licensing Committee and then considered by Full Council.

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Appendix 1 - Statement of policy about relevant convictions

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

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

If you would like to discuss what effect a conviction might have on your application you may telephone the Licensing Department, in confidence, on 01732 227004 for advice.

General

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

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

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

"Fit and proper" person

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

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

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

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

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

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

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

Honesty and trustworthiness

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

Professionalism

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

Good and safe driving ability

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

Protecting the Public

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

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

Driving Offences

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

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

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

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

In cases of seven penalty points or more on an applicant's DVLA driving licence, an application may be referred to the Licensing Committee for decision.

Major traffic offences

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

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

If the applicant has been convicted of more than one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least five years free from conviction. Where the combination of offences are considered to be of increased risk to the public, a period longer than five years may be substituted by the Council dependant on the extent of the risk to the public.

“Totting Up” under section 35 of the Road Traffic Offenders Act 1988

Where an applicant has been disqualified from driving by the courts under the “totting up” procedure, the Council will normally refuse an application until there has been a period of three years free of relevant convictions.

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

Motor Insurance Offences

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

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

Failure to Declare Motoring Offences

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

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

Drunkenness

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

In Charge of a Motor Vehicle

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

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

If there is a suggestion that the applicant is an alcoholic, a special medical examination is likely to be required before the application is considered. If the applicant is confirmed

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as an alcoholic, a period of three years must elapse after treatment is complete before an application can be considered.

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

Not in Charge of a Motor Vehicle

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

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

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

Drug Offences

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

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

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

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

Sexual or Indecency Offences

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

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

Major Sexual or Indecency Offences

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

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

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

Violent Offences

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

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

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

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

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

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Multiple Offences

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

Possession of a Weapon

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

Dishonesty

Hackney carriage and private hire drivers are expected to be persons of trust. It is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become vulnerable to an unscrupulous driver. Equally, any customers can be defrauded by a driver taking them by any other than the shortest route or by them retaining lost property left in the vehicle.

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

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

Other Offences

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

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

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

Outstanding charges or summonses

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of

proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration may be made at committee.

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

Non-conviction information

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

Cautions

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

Summary

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

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

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

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

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Existing Licence Holders

Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of convictions. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.

Principles of the Rehabilitation of Offenders Act 1974 (“the 1974 Act”)

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

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

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

Appendix 2 - Vehicle Test Standards

Sevenoaks District Council will not licence any vehicle that is classed as a Category S insurance write off.

Licence Plates - currently licensed vehicles

Where vehicles are presented with licence plates affixed such licence plates in the case of both Hackney Carriages and Private Hire vehicles shall be securely affixed as follows;

External Plate – should be fixed under the rear number plate. Elsewhere on the rear exterior bodywork is acceptable (i.e. bumper, boot) subject to the agreement of the Council, provided always that the plate is fixed in the vertical plane; the external plate should never be displayed inside the rear window of the vehicle.

Internal Plate - inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.

Internal Drivers Badge - inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.

Fare Plate or Chart - securely affixed inside the vehicle in such a position that it is clearly visible to passengers and shall contain a copy of the current maximum Hackney Carriage Fare Tariff as currently adopted by the Council (or, if vehicle is Private Hire, the Operator's fares if they are displayed). The vehicle plate number will be shown on the fare chart together with details of how the passenger(s) can make a complaint regarding the vehicle or driver.

Insurance

A valid copy of the insurance certificate appertaining to the tested vehicle shall be available inside the vehicle.

The Standard of the Test

Any vehicle tested must reach the standards specified within this appendix and be certified roadworthy to MOT standards.

Vehicles of a class that are not subject to EU Type approval, and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the safety of the passenger. Costs of such additional testing must be paid by the person wishing to licence the vehicle. In addition the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

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Exterior Bodywork and Wheel Trims

The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Minor paint chipping, scuffmarks or very small dents may be accepted, provided that their extent does not impinge materially on the overall appearance of the vehicle. Wheel trims must be fitted to all road wheels where part of a manufacturer's original

Upholstery

All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable if greater than 25 mm in any dimension. Upholstery includes seats, headrests, armrests, carpets and other trim.

Fittings

All fittings shall be properly maintained and in good working order. Fittings include clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fittings where the vehicle is to be licensed to carry wheelchair bound passengers.

'No Smoking' signs

In accordance with legislative requirements a 'No Smoking' sign(s) will be exhibited within the vehicle and such sign(s) will be of the approved type.

Roof and Floor Coverings

Shall be clean and in good condition. No tear or other damage shall exceed 25 mm in length.

Number of Passengers allowed (the term "passenger" or "person" includes a child or young person)

At the time of testing a vehicle, the number of passengers which may be carried, (up to a maximum of 8 persons), will be calculated as follows subject to there being one seat belt provided per passenger:

- a. where separate seats for each person are provided, one person for each seat;
- b. where continuous seats are fitted, one person for each complete length of 400mm measured along the front of each seat, and this criterion also applies where there are folding arms;
- c. where there is no separate seat for the driver, i.e. there is a continuous seat, for a right hand drive vehicle, the driver's seat shall comprise so much of the seat as extends from the right hand edge of the seat to a point 450 mm left of the point on the seat directly in front of the centre of the steering column.

Taximeters (and Fare Tables for Private Hire Vehicles)

All Hackney Carriage vehicles licensed or to be licensed shall have a taximeter fitted. Private Hire vehicles, licensed or to be licensed, may have a taximeter fitted. Any vehicle fitted with a meter shall be tested on the road by reference to a measured distance to establish that the taximeter is accurate. In relation to Hackney Carriages the test shall be to establish that the meter does not produce a fare in excess of the maximums prescribed the current Hackney Carriage Fare Tariff approved by the Council. In relation to Private Hire vehicles the test shall be to establish that the meter does not produce a fare in excess of the operator's current fares. Where a Private Hire Vehicle is fitted with a taximeter a table showing the current fares of the operator shall be displayed inside the vehicle in such a position that it is clearly visible to passengers. In all cases taximeters shall be fitted in such way that they are visible to passengers.

Taximeters fitted to Hackney Carriages (and Private Hire vehicles, if provided with one), must be EU approved or specifically approved by the Council.

Disabled Person's Facilities

Where a vehicle is fitted with any facilities to assist disabled persons in entering or exiting the vehicle (i.e. swivel seats or similar or wheelchair facilities) such facilities shall be checked for proper operation. Wheelchair lifting equipment must comply with the Lifting Operations Lifting Equipment Regulations 1998 B.

Roof Signs

A Hackney Carriage must have a roof "TAXI" sign. Such wording shall be displayed conspicuously in either the front or the rear of the roof mounted display facing either the front or the rear. The sign may be in any position on the roof. The sign shall be illuminated and capable of being turned on and off (preferably via the meter but manual off/on is acceptable). No "TAXI" sign is allowed inside a vehicle. In addition to the word "TAXI" the sign may also contain the words "for Hire" and a taxi firm's telephone number and name. If the vehicle is available for hire the roof light must be illuminated.

A Private Hire vehicle shall not have any roof-mounted sign, or any similar sign inside the vehicle, or any other "thing" which may be mistaken/construed as a Hackney Carriage sign.

Doors

A vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included;

or

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A vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior)

Windows

All windows designed to open shall operate in accordance with manufacturer's specification.

The Authority will not license a hackney carriage vehicle if any window of it contains glass which has been treated so that less than 50% of light is transmitted through it. The area within the vehicle where there is no seating and is used for luggage only may have tinted glass as per manufacturing but must not be 'blacked out'.

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision. The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle, and/or the operator, to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's Records required to be kept by licence condition. It is good practice to always advise a person making a booking for a private hire vehicle of the vehicle type and description, including whether it has tinted windows. (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986).

Company Advertising

For saloons and estate cars all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).

For transit and people carrier type vehicles all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.

Subject to the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail/social media address or web site, or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and maximum of 150mm.

No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

In the case of Private Hire Vehicles company advertising is subject to the specific exclusion of the words "taxi" or "cab" the use of which is not permitted.

Advertising, not relating to a hackney carriage vehicle's proprietor or company, is allowed under certain circumstances and will have been approved by the Council in writing. The written approval must be carried in the vehicle. No such advertising is permitted on a private hire vehicle

Luggage Space - Vehicle Boots (and spare wheel in LPG powered vehicles)

The space provided in the vehicle for luggage stowing whether or not the vehicle has a separate luggage boot shall be clean and tidy with space available for luggage to be stowed.

If the vehicle is powered by Liquid Petroleum Gas and the LPG fuel tank has been installed in the boot space there shall remain free an amount of space for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result of the tank installation must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

Any vehicle adapted or constructed for the use of liquid petroleum gas must be examined to ensure such adaptation or construction complies with the guide lines as laid down by the L P Gas Association and the appropriate certificate(s) and window display is shown.

Driving Position

The vehicle must be right hand drive unless the vehicle is a 'stretched limousine'.

Mechanical Person Lift

If a mechanical person lift is fitted to the vehicle a current test certificate showing compliance with the Lifting Operations Lifting Equipment Regulations 1998 B must be produced at the time of the vehicle compliance test.

Taximeters for Private hire vehicles

A Private Hire vehicle may be fitted with a taximeter. If a taximeter is fitted it shall be of a type which is EU approved or specifically authorised by the Council.

Roof Signs

The Authority requires that no Private Hire vehicle be fitted with a roof-mounted sign of any kind.

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Appendix 3 - Assessing applicants and existing drivers for a Hackney Carriage/Private Hire Driver

Assessing applicants and existing drivers for a Hackney Carriage Private Hire Vehicle driver licence in accordance with group 2 standards.

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

The criteria are:

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

Appendix 4 - Drivers voluntary dress code.

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

Acceptable Standards of Dress

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

Unacceptable Standard of Dress

The following are deemed unacceptable:

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

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Appendix 5 - Specifications relating to Hackney Carriage Vehicles

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

Licences: All Vehicle Licences shall be valid for a standard term of one year (unless for administrative reasons a shorter period is appropriate).

Age

Subject to the exceptions below;

- The Authority will not license a vehicle, for the first time, if it is more than 6 years old and/or has travelled greater than 100,000 miles.
- The Authority will not re-license a vehicle if it is more than 10 years old (15 years for wheelchair accessible vehicles).

Exceptions

Subject to a vehicle being considered mechanically fit for a further year of service the following types of vehicle are exempt:

- Purpose built taxis
- Wheelchair accessible vehicles (these vehicles will be licensed until they are 15 years old but not older than 15 years old)
- Limousines, which must have a minimum engine capacity over 3,000 cc/Specialist Vehicles

Type Limitations

The Authority will not license a vehicle unless it meets the following criteria:-

- (a) The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior). Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.
- (b) The vehicle is right-hand drive unless the vehicle is one known as a 'stretched limousine' licensed for private hire use and paragraphs (a), (c) and (d) of this part of the policy will be construed accordingly.
- (c) The vehicle must have E.U Type Approval

- (d) if (c) cannot be satisfied then a Department of Transport Certificate of Single Vehicle Approval must be produced.

The Authority will allow advertisements to be placed upon a vehicle subject to the following conditions:

- For saloons and estate cars all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).
- For transit and people carrier type vehicles all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.
- Subject to the above, a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail/social media address or web site but lettering height must be a minimum of 75mm and maximum of 150mm.
- No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.
- In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which is not permitted.
- Advertising, not relating to the vehicle's proprietor or company, may, under certain circumstances, be allowed on a hackney carriage vehicle on submission of a written request and details of the advertisement to the Council. Each request will be considered entirely on its own merits and, if approved, the written authority must be carried in the vehicle. No such advertising is permitted on a private hire vehicle.

Licence Plate Content

The external and internal licence plate issued by the Authority will include the following information;

- a. Licence No.
- b. Registration No.
- c. Vehicle make/Type.
- d. Licence expiry date.
- e. No. of passengers.

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Minimum Number of Passengers to be carried

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

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

Vehicle Test Standards

The Authority will not license a vehicle unless the person examining it (for the Authority) has confirmed that it meets the standards specified in Appendix 1 and, at the same time, the vehicle has been certified roadworthy to MOT standard.

Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the passenger. Costs of such testing must be paid by the person wishing to licence the vehicle. In addition, the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

A vehicle is required to be re-examined, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to above.

Vehicles Powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

TINTED WINDOWS (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986)

The Authority will not license a hackney carriage vehicle if any window of it contains glass which has been treated so that less than 50% of light is transmitted through it, unless it was first licensed prior to 1 November 2005.

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision. The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle, and/or the operator, to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's Records required to be kept by licence condition. It is good practice to always advise a person making a booking for a private hire vehicle of the vehicle type and description, including whether it has tinted windows.

Matters relating to Hackney Carriage vehicles only

Accessibility

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 which recognised 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.

Sevenoaks District Council is committed to promoting inclusive and accessible environments and ensuring a wide range of opportunities are available to residents with disabilities 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, Sevenoaks District 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. This Authority will therefore keep this section of the policy constantly under review.

Sevenoaks District Council is aware of the Government's proposals to implement the provisions of the Equality Act 2010 in relation to hackney carriages. The Government announced its proposals for taxis in 2003 and since that time 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 options, both regulatory and non-regulatory approaches are being considered.

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The ECMT-IRU recommendations for taxi vehicle accessibility are based on two design levels:

- Type One: Wheelchair Accessible Taxis: accessible vehicles capable of carrying the majority, but not all, passengers who travel in their wheelchair as well as people with other disabilities;
- Type Two: Standard Accessible Taxis: vehicles with features designed to make use by disabled people easier, but which would only be able to carry a wheelchair user who can transfer to a taxi seat.

Restriction on Numbers of Licensed Vehicles

Although at the moment there is no restriction on how many hackney carriage vehicles can be licensed, Sevenoaks District Council will seek to address this matter when the need arises and may carry out a demand survey to seek clarification whether there is unmet demand for Hackney carriage vehicles within the whole district.

Re-allocation of Expired Hackney Carriage Vehicle Plates

If, when a hackney carriage licence expires, the vehicle is not re-licensed within twenty-eight days and the owner does not take steps to inform the Council of his/her intentions, then the plate will be re-allocated. A letter will be sent to the owner of the vehicle advising them that the licence has expired.

Taximeters

The Authority requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The taximeter shall be of a type which is EU approved or specifically authorised by the Council.

The Authority requires all Hackney Carriage vehicles to be fitted with working roof-mounted signs. If the illuminated roof lights have red in them, they must be fitted so that the red light is only visible from the rear. If the vehicle is available for hire the roof light must be illuminated.

Appendix 5A - Hackney carriage vehicle conditions

Meanings

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“proprietor” means a person who is the holder of a licence issued by the Council under section 37 of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976

“vehicle” means the vehicle that is specified on that licence

Fixing of vehicle plates

The proprietor must ensure that the identification plate and fare chart, which have been supplied by the Council, are fixed and maintained in the positions specified and are kept in a clean and legible condition.

Plate etc.	Position
External Licence Plate	Under the rear registration number plate or, in exceptional circumstances, another position near that location subject to the Council's prior approval.
Internal Licence Plate	Inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.
Fare Chart With Plate Number	In a conspicuous position inside the passenger compartment of the vehicle so that it can be read by passengers.

Roof signs

The Authority requires all Hackney Carriage vehicles to be fitted with working roof-mounted signs. The proprietor must fix a sign on the roof of the vehicle of a design acceptable to the Council. The sign must have the word TAXI printed on it. It may also have printed upon it the words FOR HIRE and the name and/or telephone number of the proprietor’s taxi firm. If the illuminated roof lights have red in them, they must be fitted so that the red light is only visible from the rear. If the vehicle is available for hire the roof light must be illuminated.

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Advertising and other signs

The proprietor must not permit any advertising on or in the vehicle which is not advertising his/her taxi firm unless authorised to do so by the Council in writing.

The proprietor must not permit any sign or mark other than those required or allowed in paragraphs 1 and 2 except with the express consent of the Council.

Advertisement of the proprietor's taxi firm must be in accordance with the following criteria:

1. For saloons and estate cars all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).
2. For transit and people carrier type vehicles all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.
3. Subject to (1) and (2) the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail address or Web site, or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and maximum of 150mm.
4. No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

No smoking

In accordance with legislative requirements a 'No Smoking' sign(s) will be exhibited within the vehicle and such sign(s) will be of the approved type.

Spoilage of the interior of the vehicle by passengers

Where a passenger has spoiled the interior of the vehicle any dispute in this respect including any claim for damages shall be a matter between the proprietor and the passenger.

The above wording shall be reproduced in plainly visible lettering on the fare chart.

Wheelchair signs

Subject to the provisions of paragraph 2 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.

Carriage of animals other than guide/hearing/assistance dogs

The proprietor has discretion as to whether the vehicle is used to convey an animal other than a guide or hearing dog within the meaning of Section 173 of the Equality Act 2010. When a guide/hearing/assistance dog etc. is conveyed, no extra charge shall be made. Conveyance of a guide or hearing dog etc. may only be declined if the driver of the vehicle has been granted a statutory exemption on medical grounds.

Production of certain documents

The proprietor must at any time by demand of an officer of the Council produce for inspection any or all of the following documents;

- A current, valid, certificate of motor insurance, or cover note valid for at least 28 days for the vehicle that provides insurance cover for it as a Hackney Carriage;
- A current, valid, MOT test certificate for the vehicle as required by S47 of the Road Traffic Act 1988;
- The current proprietor's Hackney Carriage Vehicle licence for the vehicle; and
- The vehicle's V.5 Registration Document.

Motor insurance certificate

The proprietor must at all times ensure that the vehicle is properly insured for use as a Hackney Carriage and a copy of the insurance certificate should be available inside the vehicle whilst it is licensed as a Hackney Carriage.

Damage to the vehicle

The proprietor must, in the event of any damage to the vehicle materially affecting its safety, performance, appearance or comfort or convenience of passengers, report the occurrence to the Council with 72 hours in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the vehicle must not be used for hire again without the approval of the Council.

Taximeter

The proprietor must ensure that the vehicle is fitted with an EU or Council approved taximeter and the taximeter:

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- Is calibrated at all times with a tariff not higher than the current Hackney Carriage Fare Tariff approved by the Council.
- Is not tampered with in any way so as to effect the production of a fare that exceeds the maximum fare laid down by the current Hackney Carriage Fare Tariff approved by the Council.
- When its machinery is in action, records on its face, in figures clearly legible and free from ambiguity, the fare which the driver is entitled to demand and take for the hiring of the carriage.
- Has the word ' fare' printed on its face in plain letters so that the word clearly applies to the fare recorded thereon.
- Is positioned so that all letters and figures on its face are plainly visible to any passengers and for that purpose the letters and figures are suitably illuminated during any period of hiring.

Maximum fare

When the vehicle is hired the proprietor must not in any circumstances require or cause to be charged a fare which is greater than that authorised by the Council's current Hackney Carriage Fare Tariff.

Drivers

The proprietor must ensure that each person who drives the vehicle;

- holds a current and valid Hackney Carriage Drivers Licence issued by the Council.
- is acquainted with and understands their licence conditions and related statutory provisions.
- observes Council Byelaws and related statutory provisions.

Breakdowns etc.

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) and report the occurrence to the Council within 24 hours.

Lost property

In relation to property which has been left, or may have been left, in the vehicle by passengers the proprietor must;

- search the vehicle daily to establish whether or not there is any such property;
- if any such property is found, notify the Council within 72 hours and provide a description of the property;
- take reasonable steps to secure the return of the property to its owner.

Presentation of the vehicle for inspection

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 Hackney Carriage without the Council's approval.

Disclosure of convictions/cautions

The proprietor must notify the Council in writing of any convictions or cautions imposed on him/her whilst the licence is in force. Such notification must occur within 21 days of the imposition of a conviction/caution.

Transfer of hackney carriage interest in the vehicle.

If the proprietor, or part proprietor, transfers his/her Hackney Carriage interest in the vehicle to another person or persons the proprietor, or part proprietor, must notify the Council within 14 days of the date of the transfer and specify the name and address of each person to whom the interest has been transferred. (The Council may, with reasonable cause, revoke, suspend or review the licence if it considers any transferee is not a suitable person to hold a Hackney Carriage Vehicle Licence).

A fee and change of ownership form must also be submitted to the Council with a valid insurance document, V5 registration document and a current MOT test certificate whenever a vehicle is sold to another licensed driver.

Complaints by hirers

The proprietor of the vehicle must ensure that, should any complaint be made regarding the vehicle or its driver, then sufficient information must be given to the complainant for that person to be able to identify the driver and/or the vehicle and the means of pursuing such complaint with the Council if necessary by giving the details of the Officer Licensing 'Taxis' his/her office address, name and telephone number.

Use of trailers

The vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall;

- comply with the towing weights specified by the vehicles' manufacturer;
- provide secure and weatherproof stowage for the luggage; and

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- have displayed, upon its rear, the vehicle's licence plate.

The vehicle is not permitted to have a trailer in tow whilst it is standing on a taxi rank.

Other matters

The proprietor must ensure that;

- the vehicle is provided with sufficient means by which passengers may communicate with the driver and such means of communication are maintained.
- the vehicle is maintained in a clean, comfortable, safe, watertight, mechanically sound and roadworthy condition.
- at all times windows that are designed to open shall do so in accordance with manufacturer's specifications.
- at all times, the area designed for the stowage of luggage is kept clear and available for the purpose.

Tinted windows

The Hackney Carriage, once it has been licensed, is not permitted to have any treatment to its windscreen or windows which would cause the light transmission through the glass to be less than 50%.

Appendix 5B - Specifications relating to Private Hire Vehicles

Licences: All Vehicle Licences shall be valid for a standard term of one year (unless for administrative reasons a shorter period is appropriate).

Age

Subject to the exceptions below;

- The Authority will not license a vehicle, for the first time, if it is more than 6 years old and/or has travelled greater than 100,000 miles.
- The Authority will not re-license a vehicle if it is more than 10 years old (15 years for wheelchair accessible vehicles).

Exceptions

Subject to a vehicle being considered mechanically fit for a further year of service the following types of vehicle are exempt:

- Purpose built taxis
- Wheelchair accessible vehicles (these vehicles will be licensed until they are 15 years old but not older than 15 years old)
- Limousines, which must have a minimum engine capacity over 3,000 cc/Specialist Vehicles

Type Limitations

The Authority will not license a vehicle unless it meets the following criteria:-

- (a) The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior). Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.
- (b) The vehicle is right-hand drive unless the vehicle is one known as a 'stretched limousine' licensed for private hire use and paragraphs (a), (c) and (d) of this part of the policy will be construed accordingly.
- (c) The vehicle must have E.U Type Approval

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- (d) If (c) cannot be satisfied then a Department of Transport Certificate of Single Vehicle Approval must be produced.

Environmental Considerations

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

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

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

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

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

Advertising

The Authority will allow advertisements to be placed upon a vehicle subject to the following conditions:

- (a) For saloons and estate cars all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a

vehicle it must be contained within the area between the centres of the wheels (wheel base).

(b) For transit and people carrier type vehicles all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.

(c) Subject to the above, a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail address or Web site, but lettering height must be a minimum of 75mm and maximum of 150mm.

(e) No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

(f) In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which is not permitted.

(g) Advertising, not relating to the vehicle's proprietor or company, may, under certain circumstances, be allowed on a hackney carriage vehicle on submission of a written request and details of the advertisement to the Council. Each request will be considered entirely on its own merits and, if approved, the written authority must be carried in the vehicle. No such advertising is permitted on a private hire vehicle.

Licence Plate Content

The external and internal licence plate issued by the Authority will include the following information;

- a. Licence No.
- b. Registration No.
- c. Vehicle make/Type.
- d. Licence expiry date.
- e. No. of passengers.

Minimum Number of Passengers to be carried

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

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

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Vehicle Test Standards

The Authority will not license a vehicle unless the person examining it (for the Authority) has confirmed that it meets the standards specified in Appendix 1 and, at the same time, the vehicle has been certified roadworthy to MOT standard.

Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the passenger. Costs of such testing must be paid by the person wishing to licence the vehicle. In addition, the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

A vehicle is required to be re-examined, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to in (a) above.

Vehicles Powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

Tinted windows

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision. The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle, and/or the operator, to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's Records required to be kept by licence condition. It is good practice to always advise a person making a booking for a private hire vehicle of the vehicle type and description, including whether it has tinted windows. (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986)

Appendix 5C

Private Hire Vehicle Conditions

MEANINGS

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“proprietor” means a person who is the holder of a licence issued by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

“vehicle “ means the vehicle that is specified on that licence

Fixing of licence plates etc.

The proprietor must ensure that the following plates etc. have been supplied by the Council and is responsible for their fixing and maintenance in the positions specified and keeping them in a clean and legible condition.

Plate etc.	Position
External Licence Plate	Under the rear registration number plate or, in exceptional circumstances, another position near that location subject to the Council's prior approval.
Internal Licence Plate	Inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.
Fare Chart and Plate Number when meter fitted	In a conspicuous position inside the passenger compartment of the vehicle so that it can be read by passengers.

Advertising and other signs

- (a) the proprietor must not permit any advertising on or in the vehicle which is not advertising his/her taxi firm;
- (b) the proprietor must not permit any sign or mark other than those required or allowed in paragraph 1 except with the express consent of the Council;
- (c) advertisement of the proprietors taxi firm must be in accordance with the following criteria

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1. For saloons and estate cars all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).
2. For transit and people carrier type vehicles all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of front the wheels and the rear light cluster.
3. Subject to (i) and (ii) the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail/social media address or web site, or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and maximum of 150mm.
4. No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

No smoking

'No Smoking' signs will be fixed inside the vehicle in accordance with current legislative requirements.

Spoilage of the interior of the vehicle by passengers

- (a) Where a passenger has spoiled the interior of the vehicle any dispute in this respect including any claim for damages shall be a matter between the proprietor and the passenger.
- (b) The wording in (a) above shall be reproduced in plainly visible lettering within the vehicle (on or next to the fare chart if fitted).

Wheelchair signs

Subject to the provisions of paragraph 2 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.

Carriage of animals other than guide/hearing/assistance dogs

The proprietor has discretion as to whether the vehicle is used to convey an animal other than a guide/hearing or assistance dog within the meaning of Section 173 of the Equality Act 2010. When a guide or hearing dog etc. is conveyed no extra charge shall be made. Conveyance of a guide/hearing or assistance dog etc. may only be declined if the driver of the vehicle has been granted a statutory exemption on medical grounds.

Production of certain documents

The proprietor must at any time by demand of an officer of the Council produce for inspection any or all of the following documents;

- (a) a current, valid, certificate of motor insurance or cover note valid for at least 28 days for the vehicle that provides insurance cover for it as a Private Hire Vehicle;
- (b) a current, valid, MOT test certificate for the vehicle as required by S47 of the Road Traffic Act 1988;
- (c) the current proprietor's Private Hire Vehicle licence for the vehicle; and
- (d) the vehicle's V.5 Registration Document.

Insurance certificate

The proprietor must at all times ensure that the vehicle is properly insured for use as a Private Hire Vehicle and a copy of the insurance certificate should be available inside the vehicle whilst it is licensed as a Private Hire Vehicle.

Damage to vehicle

The proprietor must, in the event of any damage to the vehicle materially affecting its safety, performance, appearance or comfort or convenience of passengers, report the occurrence to the Council with 72 hours in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the vehicle must not be used for hire again without the approval of the Council.

Taximeter

If a taximeter is fitted to the vehicle;

The proprietor must ensure that the taximeter is EU type approved or specifically authorised by the Council and the taximeter;

- is calibrated at all times to include the current fare tariff of the Operator;
- is not tampered with in any way so as to effect the production of a fare that exceeds the maximum fare laid down by the current fare tariff of the Operator;
- when its machinery is in action, records on its face, in figures clearly legible and free from ambiguity, the fare which the driver is entitled to demand and take for the hiring of the carriage;
- has the word 'fare' printed on its face in plain letters so that the word clearly applies to the fare recorded thereon;

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- is positioned so that all letters and figures on its face are plainly visible to any passengers and for that purpose the letters and figures are suitably illuminated during any period of hiring.

Drivers

The proprietor must ensure that each person who drives the vehicle;

- (a) holds a current and valid Private Hire Driver's Licence issued by the Council;
- (b) is acquainted with and understands their licence conditions and related statutory provisions;
- (c) observes their licence conditions and related statutory provisions.

Breakdowns etc.

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.

Lost property

In relation to property which has been left, or may have been left, in the vehicle by passengers the proprietor must;

- search the vehicle daily to establish whether or not there is any such property.
- if any such property is found, notify the Council within 72 hours and provide a description of the property.
- take reasonable steps to secure the return of the property to its owner.

Presentation of vehicle for inspection

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.

Disclosure of convictions or cautions

The proprietor must notify the Council in writing of any convictions or cautions imposed on him/her whilst the licence is in force. Such notification must occur within 21 days of the imposition of a conviction/caution.

Transfer of private hire interest in the vehicle

If the proprietor, or part proprietor, transfers his/her Private Hire interest in the vehicle to another person or persons the proprietor, or part proprietor, must notify the Council within 14 days of the date of the transfer and specify the name and address of each person to whom the interest has been transferred. (The Council may, with reasonable cause, revoke, suspend or review the licence if it considers any transferee is not a suitable person to hold a Private Hire Vehicle Licence).

Complaints by hirers

The proprietor of the vehicle must ensure that, should any complaint be made regarding the vehicle or its driver, then sufficient information must be given to the complainant for that person to be able to identify the driver and/or the vehicle and the means of pursuing such complaint with the Council, if necessary, by giving also the details of the Officer licensing private hire vehicles, his/her office address, name and telephone number.

Use of trailers

The vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall;

- comply with the towing weights specified by the vehicle's manufacturer;
- provide secure and weatherproof stowage for the luggage; and
- have displayed, upon its rear, the vehicle's licence plate.

Other matters

The proprietor must ensure that;

- the vehicle is provided with sufficient means by which passengers may communicate with the driver and such means of communication are maintained;
- the vehicle is maintained in a clean, comfortable, safe, watertight, mechanically sound and roadworthy condition;
- at all times windows that are designed to open shall do so in accordance with manufacturers specifications;
- at all times, the area designed for the stowage of luggage is kept clear and available for the purpose.

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Tinted windows

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision. The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle, and/or the operator, to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's Records required to be kept by licence condition. It is good practice to always advise a person making a booking for a private hire vehicle of the vehicle type and description, including whether it has tinted windows. (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986).

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Appendix 6

Private Hire Driver Conditions

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“driver of a private hire vehicle “ means a person who has been granted a licence by the Council under section 51 of the Local Government (Miscellaneous Provisions) Act 1976

A driver of a private hire vehicle shall: -

- not wilfully or negligently cause or suffer the licence plate of the vehicle to be concealed from public view while the vehicle is licensed; and
- not cause or permit the vehicle to be used, whilst licensed, with any such plate so defaced that any figure or material particular is illegible.

The driver of a private hire vehicle provided with a taximeter shall: -

- when not hired, keep the machinery of the taximeter inactive so that no fare is recorded on the face of the taximeter;
- before beginning a journey for which a fare is charged bring the machinery of the taximeter into action and keep the machinery of the taximeter in action until the termination of the hiring; and
- cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

A driver of a private hire vehicle shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.

Where a vehicle is equipped with a taximeter and where such taximeter is to be used to record the fare for a hiring, the driver shall -

- ensure, during the continuance of such hiring, that the dial of the taximeter is not concealed in any manner or by any means and that such dial is distinctly and plainly visible and legible to any person hiring or being conveyed in the vehicle;
- cause the dial of the taximeter to be kept properly illuminated throughout the hiring;
- report immediately to the Council and to the Operator any failure of the taximeter;

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- not wilfully or negligently cause or suffer the table of the Operator's fares to be inverted or detached or altered or the letters or figures on such table to be in any manner or by any means concealed at any time.

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

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

A driver of a private hire vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the licence plate affixed to the vehicle.

If a badge has been provided by the Council and delivered to the driver of a private hire vehicle he shall, when working as such and when hired, wear that badge in such position and manner as to be plainly visible.

The driver of a private hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle: -

- convey a reasonable quantity of luggage;
- afford reasonable assistance in loading and unloading; and
- afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

The driver of a private hire vehicle shall be entitled to demand and take for the hire of the vehicle only;

- such fare as may be shown on the face of any taximeter provided in the vehicle (where the fare for the hiring is charged by reference to the Operator's table of fares) save for any extra charges authorised by the Operator which it may not be possible to record on the face of the taximeter; or
- such other fare as may have been agreed with the hirer prior to the commencement of the hiring

The driver of a private hire vehicle bearing a table of the Operator's fares shall not wilfully or negligently cause or suffer the letters or figures in that table to be concealed or rendered illegible at any time while the vehicle is licensed.

The driver of a private hire vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

The driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: -

- carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- be entitled to receive from any person to whom the property shall be re-delivered an amount equal to ten pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than twenty five pounds.

Private Hire Driver must comply at all times with the current legislation relating to no smoking in the vehicle whether it is used for the conveyance of the public or not.

Informative

If you accept bookings for the private hire vehicle, which you are driving, direct from a hirer you must ensure that you have a Private Hire Operator's Licence, as it is unlawful for you to accept bookings without such licence.

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Appendix 7

Private Hire operator Conditions

In these conditions, unless otherwise indicated

"the Council" means the "Sevenoaks District Council",

"the Operator" means the holder of a licence and

"Licence" means a licence granted by the Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 to operate private hire vehicles.

Record keeping

The operator shall keep (in a non-erasable form) comprehensive records as follows;

A. Drivers

The Operator must keep up to date records of the names and addresses of all licensed drivers who are used and shall notify the Council;

- when any new driver begins service,
- when any driver's service ceases; and
- of any change of address of any driver in service,
- if he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties.

B. Vehicles

- of all vehicles operated and the dates and times during which they are operated;
- the maintenance history of each vehicle, including details of all repairs carried out;

C. Bookings

All bookings made for private hire vehicles shall be recorded the same calendar day and kept for 6 months. The record of each booking must include;

- the source from which the booking came and the time it was received
- pick-up point and the time the journey commenced;
- destination point and the time the journey ended;
- the vehicle used;
- the driver employed;

- by whom the entry was made in the record
- the fare quoted (if quoted) at the time of booking
- the fare actually charged
- the reason(s) why the fare actually charged was different if it was different
- any other relevant information.

Disclosure of convictions

The operator shall immediately disclose to the Council in writing details of any convictions imposed on him during the currency of this licence.

Taximeters

Where a taximeter is used to record the fare for hiring, the Operator shall ensure that a table showing his/her current fare scale is displayed inside the vehicle in a position so that it is plainly and easily visible to any person being conveyed in the vehicle and that the table is kept in clean and legible condition.

Advertisement of business

The operator must not use in any advertisement of his/her business the words "Hackney Carriage", "Taxi" or "Cab" if licensed Hackney Carriages cannot be supplied.

Surrender of licence

If at any time during the period of the licence the operator for any reason does not wish to retain the licence (which is not transferable) or if at any time during the period of the licence it is suspended or revoked he must immediately surrender and return the licence to the Council.

Notification of accidents

If any vehicle (licensed by the Council) which is used by the Operator is involved in an accident the Operator must notify the Council within 72 hours.

Running of a business

The Operator shall;

- provide a prompt, reliable and efficient service to the public at all reasonable times and in particular ensure that the premises to which the public have access for the purpose of making bookings or waiting for cars etc. are kept clean and provided with adequate seating facilities;
- ensure that the use of the premises which is used for the running of his/her business has no detrimental effect on the neighbourhood.

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- notify the Council within 21 days of any change of business address or change of company or trading name.

Public liability insurance

If the 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 those premises.

Driver – Medical fitness

The Operator must not knowingly permit a driver to drive a licensed vehicle if he/she is aware that the person is suffering from any illness, disability or condition which may affect their ability to safely carry out their duties.

Vehicle with tinted windows

If a Private Hire Vehicle with tinted windows which have less than 50% light transmission through any of them is used for the carriage of children or young persons without adult supervision then it is the responsibility of the Operator to ensure that, when the booking for the vehicle is taken, the person accepting the booking has sought the knowledge and consent of the child or young persons parent or guardian for the journey and such knowledge and consent whether verbal or written is recorded in the Operator's 'Record of Journeys' as required by these licence conditions.

Informative

The Operator shall be aware that a booking accepted by telephone, or otherwise verbally, is a lawful agreement and he/she may be liable for breach of contract if a booking is not honoured. The accurate recording of booking details is a means of protecting yourself if such circumstances arise.

Appendix 8

Hackney Carriage Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the District Council of Sevenoaks with respect to hackney carriages in the District of Sevenoaks.

INTERPRETATION

1. Throughout these byelaws “the Council” means the District Council of Sevenoaks and “the district” means the District of Sevenoaks.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE, CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.

2. The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

A proprietor or driver of a hackney carriage shall: -

- not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
- not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

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

3. The proprietor of a hackney carriage shall: -

- provide sufficient means by which any person in the carriage may communicate with the driver;
- cause the roof or covering to be kept water-tight;
- provide any necessary windows and means of opening and closing not less than one window on each side;
- cause the seats to be properly cushioned or covered;
- cause the floor to be provided with a proper carpet, mat or other suitable covering;
- cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

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- provide means for securing luggage if the hackney carriage is so constructed as to carry luggage;
- provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say: -

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

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES.

5. The driver of a hackney carriage provided with a taximeter shall: -

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the

taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise, and also at any other time at the request of the hirer.

6. A proprietor or driver of a carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -

(a) proceed with reasonable speed to one of the stands appointed by the Council;

(b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

(c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and

(d) from time to time, when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. At no time is smoking permitted in any Hackney Carriage or Private Hire Vehicle.

9. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

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

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

12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

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14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage: -

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading; and
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES.

15. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that, where a hackney carriage furnished with a taximeter shall be hired by distance and time, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

16.(a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS SECURING THE SAFE CUSTODY AND REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.

17. The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge on his giving a receipt for it; and

(b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to ten pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever is the greater) but not more than twenty five pounds.

PENALTIES

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

REPEAL OF BYELAWS

The byelaws relating to hackney carriages referred to in the following schedule are hereby repealed.

SCHEDULE

Date of Byelaws	By Whom Made	Date of Confirmation	By Whom Confirmed
17th December 1964	Sevenoaks Urban District Council	5th April 1965	An Assistant Under Secretary of State

GIVEN under the COMMON SEAL OF THE DISTRICT COUNCIL OF SEVENOAKS this 7th day of October 2004

Agenda Item 4

Appendix 9

PENALTY POINTS SYSTEM

LIST OF OFFENCES/BREACH OF LICENCE CONDITIONS

Town Police Clauses Act 1847		
Section	Offence	Penalty Points
40	Giving false information on application for HC proprietor's licence.	12
44	Failure to notify change of address of HC proprietor.	2
45	Plying for hire without HC proprietor's licence.	8-12
47	Driving a HC without HC driver's licence.	8-12
47	Lending or parting with HC driver's licence.	4
47	HC proprietor employing unlicensed driver.	12
48	Failure by HC proprietor to hold HC driver's licence for person driving the vehicle.	6
48	Failure by HC proprietor to produce HC driver's licence.	3
52	Failure to display HC plate.	4
53	Refusal to take a fare without reasonable excuse	6-12
54	Charging more than the agreed fare.	6-12
55	Obtaining more than the legal fare. (Failure to refund)	6-12
56	Travelling less than the lawful distance for an agreed fare.	6-12
57	Failure to wait after a deposit to wait has been paid.	6-12
58	Charging more than the legal fare.	12
59	Carrying other person than the hirer without consent of hirer	8
60	Driving HC without proprietor's consent.	6-12
60	Allowing another to drive HC without proprietor's consent.	6-12
62	Driver leaving HC unattended.	2
64	HC driver obstructing other HC's.	3
Local Government (Miscellaneous Provision) Act 1976		
Section	Offence	Points
46(1)(a)	Using an unlicensed private hire vehicle	12
46(1)(b)	Driving a private hire vehicle without a private hire drivers" licence	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8-12
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	8-12
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire operator.	8-12

48(6)	Failure to display a private hire vehicle plate	4
49	Failure to notify the transfer of a HC proprietor's licence.	3
50 (1)	Failure to present a HC for inspection, as required.	6-12
50 (2)	Failure to inform the Authority where the HC is stored.	3
50 (3)	Failure to report an accident to the Authority within 72hours.	6
50 (4)	Failure to produce the HC proprietor's licence and insurance cert	4
53 (3)	Failure to produce HC driver's licence.	3-4
54(2)	Failure to wear a private hire driver's badge	3-4
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(4)	Failure of a private hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a HC driver's licence.	12
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting any vehicle other than a HC to wait on a HC stand.	6
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	6-12
67	Charging more than the meter fare when HC used as PH vehicle.	6-12
69	Unnecessarily prolonging a journey.	6-12
71	Interfering with a taximeter with intent to mislead.	12
73(1)(a)	Obstruction of an authorised Officer or Constable.	12
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	6-12
73(1)(c)	Failure to give information or assistance to an authorised Officer or	6-12

Agenda Item 4

	Constable.	
Equality Act 2010		
Section	Offence	Points
165	Failure of a driver of a designated hackney carriage to comply with duties relating to passengers in wheelchairs, or another person who wishes to be accompanied by a disabled person who is in a wheelchair	12
165	Failure of a driver of a designated private hire vehicle to comply with duties relating to passengers in wheelchairs, or another person who wishes to be accompanied by a disabled person who is in a wheelchair	12
168	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	12
168	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	12
170	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	12
170	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	12
Transport Act 1980		
Section	Offence	Points
64(2)(a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64(2)(b)	Causes or permits a vehicle to have a sign above its roof which consists of or includes the word "taxi" or "cab" whether alone or part of another word	10

These points are dependant on adopting proposed conditions as per appendices

Private Hire Driver's Licence Conditions - Appendix 9		
Section	Offence	Points
	Not being respectably dressed and clean & tidy in appearance	2
	Failure to wear a badge.	4-6
	Failure to behave in a civil, polite and orderly manner.	3
	Failure to ensure the safety of passengers.	4
	Concealing or defacing a licence plate.	4
	Failure to attend on time for pre-arranged booking without sufficient cause.	3
	Conveying a greater number of passengers than permitted.	6
	Failure to give assistance with passenger's luggage.	3
	Soliciting for hire or accepting a fare that is not pre-booked.	6 -12
	Operating a vehicle that is not clean and tidy	2-6

	Driving without the consent of the proprietor.	5- 6
	Drinking or eating in the vehicle without permission of passenger.	2-3
	Causing excessive noise from any radio or sound-reproducing instrument, which annoys anyone in or outside the vehicle.	2
	Operating the horn as a means of signalling that the vehicle has arrived.	3
	Allowing the vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	6
	Using a non-hands free mobile phone whilst driving	8
	Failure to provide medical certificate or not notifying a medical condition	6-12
	Failure to provide a receipt when requested.	2
	Failure to operate the meter from commencement of the journey and charging more than the fixed charge for hire of Hackney Carriages.	4-12
	Failing to notify changes within 14 days.	3
	Failure to produce a copy of the licence.	4
	Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	3
	Failure to show the private hire driver's licence to the proprietor at the beginning of an employment.	2
	Failure to surrender a driver's licence, badge or plate on cessation of employment.	6
	Failing to notify of change of address of any amendment to the details of a licence within 14 days	3
	Failing to disclose convictions within 7 days.	8 -12
	Failure to search vehicle daily or failure to take found property to the Council Offices within 72 hours of finding it.	3
	Failure to report an accident within 72 hours	3
	Carrying an animal other than one with passenger.	2
	Carrying an animal not safely restrained.	3
	Failure to carry assistance dog without an exemption certificate.	5-6
	Failure to comply with wheelchair carriage requirements.	5-6

Vehicle Specifications & Conditions of Licence – Appendix 5D

Section	Offence	Points
	Operating a vehicle which does not comply with the Councils Vehicle Specification where such offence is not otherwise specified below	2 - 6
	Operating a vehicle, which is not maintained in a sound and roadworthy condition.	6
	Operating a vehicle, which is not maintained in a clean and safe condition inside and out.	3
	Modifying a vehicle without the consent of the Council	4
	Failure to display or maintain external licence plates which indicate the	4

Agenda Item 4

	maximum number of passengers who may be conveyed.	
	Hackney vehicle signage not in accordance with council requirements.	4
	Affixing or displaying on a private hire vehicle any roof sign.	6
	Displaying on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB or FOR HIRE	4
	Displaying a sign or advertisement that does not comply with Council requirements or is not authorised by the Council.	3
	Taximeter which does not comply with the Council's Vehicle Specification.	5
	Trailer which does not comply the Council's Vehicle Specification	3
	Operating a vehicle which does not comply with the Council's policy requirements	6
	Operating a vehicle, which does not comply the Council's Vehicle Specification in respect of window tint.	4
	No insurance or inappropriate insurance for the vehicle.	12
	Failing to notify vehicle change or transfer within 14 days.	3
	Failing to make the vehicle licence available for inspection.	3
	Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	8
	Failure to properly report an accident to the Authority.	3
	Permitting the vehicle to be used for any illegal or immoral purposes.	12
PRIVATE HIRE OPERATORS		
Local Government (Miscellaneous Provisions) Act 1976		
Section	Offence	Points
56 (2)	Failing to keep proper records of all bookings or failing to produce them. (also breach of conditions see below)	6
56 (3)	Failure to keep records of PH vehicles or failing to produce them. (also breach of conditions see below)	6
56 (4)	Failing to produce PH Operator' licence on request. (also breach of conditions see below)	4
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	12
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	5
Breach of Conditions attached to Operator's Licence - Appendix 7		
	Failure to provide a prompt, efficient and reliable service at all reasonable times.	3
	Failure to ensure that office staff employed by operator act in a civil and orderly manner at all times.	3
	Failure to ensure that a vehicle attends punctually at the appointed time and	4

	place unless prevented by some sufficient cause.	
	Failure to keep the premises clean, adequately heated, ventilated, lit, and in accordance with the requirements of licence conditions.	3
	Failure to properly keep or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced. (see LGMP s56(2) & (3) above)	6
	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer.	4
	Failure to notify the Council of any changes, including change of address from where the business operates within 14 days.	3
	Failure to disclose in writing within 7 days details of any conviction or police caution imposed on him to the licensing section.	12
	Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	6
	Failure to obtain appropriate public liability insurance for the premises or to produce the same.	4
	Failure to ensure that every driver has a private hire licence and badge.	4
	Failure to keep a copy of the conditions at the premises or to make the same available for inspection by passengers.	4
	Failure to make the Operator's licence available for inspection. (see LGMP s56 (4) above)	6

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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENCE FEES FROM APRIL 2019

Licensing Committee - 30 January 2019

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Key Decision: No

This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy

Portfolio Holder Cllr Anna Firth

Contact Officer Jessica Foley, Ext. 7480

Recommendation to Licensing Committee:

That the Licensing Committee approve the fee levels as set out in paragraph 8 of the report are appropriate for consultation with the taxi trade.

If following consultation there are no adverse comments to the proposed levels the recommendation is that the proposed fees and charges are implemented from 1 April 2019 and no further report is required to confirm the fees.

Reason for recommendation:

To ensure that the Council complies with its statutory duty and ensure that the 'Taxi Licensing' service remains self-financing, in accordance with the Council's Service and Budget Plan.

Introduction and Background

- 1 This taxi licensing service is required to be self-financing and the proposed increases to fees will ensure this is maintained.
- 2 The licence fees and associated costs of 'taxi' licensing are proposed to be increased in line with the Council's Service and Budget Plan. A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used to calculate the fees and charges. The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet to calculate costs for each type of activity.

Agenda Item 5

- 3 Careful monitoring of income and expenditure has been carried out over the current financial year and the income from licence fees and associated costs, together with expenditure has been in accordance with the objectives laid out in the budget plan. There are minimal changes to the fees this year due to efficiency savings that have been made within the Licensing Partnership. Only an inflationary increase of 2.5% is proposed.
- 4 The type of tasks involved in taxi licensing applications include assistance to applicant, checking of an application upon receipt, processing the application. Once processed determining the licence or arranging a hearing and holding a hearing, notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing. Compliance tests of drivers, vehicles and operators. Training of Officers and Members has also been included, as well as the cost of consumables.
- 5 In September 2016 all Council Chief Executives were contacted by the Driving Standards Agency (DVSA) to advise them that they were withdrawing the service of testing the driving standards for new drivers. The Council found alternative tests which cost applicants less money but maintain the standards of the previous test. All new drivers are required to take the test in accordance with the Council's 'Taxi Licensing Policy'. The fee is paid by the applicant directly to the provider. They can now choose between TG Training, Green Penny or Blue Lamp Trust. The cost varies from providers and depends on what day they wish to be tested.
- 6 The Cedars Surgery at Swanley is the current approved Centre for medical examinations with respect to Driver Licence applications in accordance with the Taxi Licensing Policy. From 1st April 2019 drivers will need to obtain a medical from their own GP and pay them directly. This fee will vary and is out of our control. One of the reasons for drivers to use their own GP for the medical is that they will have their full medical history.
- 7 The fee for the Disclosure Barring Service (DBS) Enhanced Search remains the same at £44. However, applicants can register online when they apply for a DBS search. The registration lasts for one year and costs £13 per year. This would save an applicant £5 over three years. It allows applicants to take their search certificate from one job to the next and removes the need for an enhanced search to be carried out upon renewal. The Licensing Team promotes the uptake of the online checking service as it assists in streamlining the online form application process.

8

	Application for a new HC driver licence	Renewal of a HC driver's licence	Application for a new PH driver licence	Renewal of a PH driver's licence
Computerised Knowledge test	£47.00	Not applicable	£47.00	Not applicable
Application	£194.00	£106	£158	£106
DBS enhanced search	£44.00	£44.00	£44.00	£44.00
Medical (From 1 st April drivers will go to their own GP for this).	N/A	N/A	N/A	N/A
Driving Standards Assessment test (Price dependant on provider driver chooses)	£70 to £127	Not applicable	£70 to £127	Not applicable
Total	£355 to £412	£150	£319 to £376	£150

	Existing Fees	New Fees from April 2019
Hackney Carriage Driver Licence		
Computerised Knowledge test	£46	£47
On initial application	£189 (excluding knowledge test fee) for three years	£194 (excluding knowledge test fee) for three years

Agenda Item 5

	Existing Fees	New Fees from April 2019
Disclosure Barring Service search fee	£44 every three years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee and Knowledge test fee)	£279 for three years	£285 for three years
On renewal	£103 for three years	£106 for three years
Disclosure Barring Service search fee	£44 every three years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£147 for three years	£150 for three years
Hackney Carriage Vehicle Licence	£333 for one year	£341 for one year
Private Hire Operator Licence		
On initial application - 5 year licence	£492 for five years	£504 for five years
On renewal - 5 year licence	£477 for five years	£489 for five years
On initial application - 3 year licence	£338 for three years	£346 for three years
On renewal - 3 year licence	£323 for three years	£331 for three years
On initial application - 1 year licence	£185 for one year	£190 for one year
On renewal - 1 year licence	£174 for one year	£178 for one year
Private Hire Driver Licence		
Computerised knowledge test	£46	£47

	Existing Fees	New Fees from April 2019
On initial application	£154 (excluding knowledge test fee) for three years	£158 (excluding knowledge test fee) for three years
Disclosure Barring Service search fee	£44 every three years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee and Knowledge test fee)	£244 for three years	£249 for three years
On renewal	£103 for three years	£106 for three years
Disclosure Barring Service search fee	£44 every three years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£147 for three years	£150 for three years
Private Hire Vehicle Licence	£333 for one year	£341 for one year
Additional Costs		
Change from Hackney Carriage to Private Hire	£72	£74
Change from Private Hire to Hackney Carriage	£92	£94
Replace vehicle plate	£24	£25
Replace driver badge	£10	£10
Vehicle re-test	£54.85	£54.85
Vehicle partial re-test	£27.43	£27.43
Change of ownership of licensed vehicle	£71	£73

Agenda Item 5

	Existing Fees	New Fees from April 2019
Failure to attend in time for the vehicle test (10 minutes prior to the test start time)	£54.85	£54.85
Failure to attend with correct documentation	£54.85	£54.85
Copy of existing paper licence	£12	£12
Change of address details for a replacement licence	£12	£12
Change of name for a vehicle or operator licence	£12	£12
Change of name and address for a driver badge	£22	£23
Medical fee for a new and renewal driver licence for Hackney Carriage and Private Hire From 1 st April 2019 payable directly to The Drivers GP.	£45 for three years payable directly to the surgery	? for three years payable directly to the drivers own GP.
<p>Replacement Vehicles</p> <p>If a licensed vehicle is replaced during the valid licence period then the cost of licensing the replacement vehicle will be £303. However, if the vehicle is replaced within six months of the issue of the licence then the fee will be reduced by £60.</p> <p>If a licensed vehicle is replaced temporarily for up to 2 months because of damage to it then the fee will be £103 to test and licence the replacement vehicle and a further £103 to test and re-licence the original vehicle.</p>		

- 9 The figures provided for the types of licence are as a result of using the spreadsheets as detailed above. This provides us with a far more accurate method of determining whether the Council is covering its costs for the Taxis and Private Hire Licensing service.

- 10 The Licensing Partnership will email those Hackney Carriage Proprietors, Private Hire Operators and Drivers where we have their email addresses to advise them of the proposed fees. Should adverse comments be received regarding the fees a further Licensing Committee meeting will be held to provide them the opportunity to make comment. A Notice will also be available on the Council's website.

Other Options Considered and/or Rejected

- 11 If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council's Service and Budget Plan or ensure the Taxi Licensing Service was self-financing.

Key Implications

Financial

- 12 The cost of licence fees takes into account the need to maintain a 'self financing' position for the service. The proposals contained in this report will achieve this.

Legal Implications and Risk Assessment Statement.

- 13 Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a judicial review proceeding. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

Equality Impacts

- 14 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices None

Background Papers None

Richard Wilson

Chief Officer Environmental and Operational Services

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GAMBLING ACT 2005: LICENCE FEES FROM APRIL 2019

Licensing Committee - 30 January 2019

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Key Decision: No

This report supports the Key Aim of Safe Communities to aid in the reduction of crime within the District.

Portfolio Holder Cllr. Anna Firth

Contact Officer Jessica Foley, Ext. 7480

Recommendation to the Licensing Committee:

That it be recommended to approve the appropriate fee levels as set out in Appendix A.

Reason for recommendation: to ensure that the Council complies with its statutory duty and ensure that the licensing of Gambling premises is self financing, in accordance with the Council's Service and Budget Plan. A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used.

Introduction and Background

- 1 The Gambling Act 2005 Section 212 gives the Secretary of State power to make regulations prescribing the fees payable to the Licensing Authority. It also gives the power to devolve to Licensing Authorities in England and Wales the freedom to set fees for premises licence applications, subject to any constraints the Secretary of State may prescribe which includes a maximum fee level. The government has decided that for England and Wales, Licensing Authorities will determine their own fees for gambling premises licences but that the Secretary of State will prescribe the maximum fee payable for each category of licence.
- 2 The maximum levels have been included in Appendix A in brackets for comparison purposes. The previous years fees are printed in italics for your information. Those cells that are shaded in the body of the table are where we have reached the maximum fee level that may be set.
- 3 There is an initial fee to cover the cost of application and an annual fee.

Agenda Item 6

- 4 Licensing Authorities have been asked to set fees to ensure full cost recovery and that the fee levels represent fairness and value for money for the gambling industry. All Licensing Authorities must set their fees upon a cost recovery basis only and will be required to review their fee levels on an annual basis to ensure this.
- 5 Fees must be set for all types of premises licences and Temporary Use Notices (TUN's).
 - Premises type
 - Casinos
 - Bingo
 - Betting (off-course)
 - Tracks (on-course betting)
 - Adult Gaming Centres
 - Family Entertainment Centres
- 6 Fees must be set by each Licensing Authority for the following:
 - Application for a (new) premises licence
 - Application to vary a premises licence
 - Application to transfer the licence
 - Application for re-instatement of the premises licence
 - Application for a provisional statement
 - Application for a premises licence for a premises which already has a provisional statement
 - Fee to accompany a request for a copy of the premises licence
 - Fee to accompany a notification of change of circumstances (only relevant change is that of address)
 - Fee to accompany a temporary use notice
- 7 The District currently has six betting premises that will be affected by the proposed fee increases. There are no other gambling premises currently operating in the District. The betting premises are:
 - William Hill - Swanley
 - Betfred - Swanley

- Ladbrokes - Swanley
- Coral - St. John's Hill, Sevenoaks
- Coral - London Road, Sevenoaks
- Coral - Edenbridge

- 8 The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 6 The type of tasks involved in Gambling premises application include assistance to applicant, checking of an application upon receipt, processing the application, assess representations for relevance, undertake informal mediation, undertaking site visits where necessary. Once processed determining the licence or arranging a hearing and holding a hearing, notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing.
- 7 The costs associated with an appeal and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring is entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of our partners within the Licensing Partnership.
- 8 The result of the calculations is set out in Appendix A of the report. There are three figures for each licence type/fee. The figure in bold font is the new proposed fee, the figure in brackets is the maximum fee set by the legislation and the figure in italics is the existing fee. Those cells that are shaded in the body of the table are where we have reached the maximum level of fee that can be set.

Other Options Considered and/or Rejected

- 9 If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council's Service and Budget Plan or ensure the licensing of Gambling premises was self-financing.

Key Implications

Financial

- 6 The cost of licence fees takes into account the need to maintain a 'self financing' position for the service. The proposals contained in this report will achieve this. The current number of premises that will be subject to Gambling Act 2005 fees is six betting shops, whose annual fees will generate £3,558.

Agenda Item 6

Legal Implications and Risk Assessment Statement.

Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a judicial review proceeding. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

Appendix A - Gambling Act 2005 - Fees

Background Papers

None

Richard Wilson

Chief Officer Environmental and Operational Services

Appendix A

SEVENOAKS DISTRICT COUNCIL'S GAMBLING ACT 2005 - FEES
From April 2019

Premises Type	New Application			Annual Fee		
	£			£		
Existing Casinos	n/a			n/a		
	Proposed	cap	<i>existing</i>	Proposed	cap	<i>existing</i>
New Small Casino	8000	(8,000)	8000	4560	(5000)	4449
New Large Casino	9456	(10,000)	9225	7360	(10000)	7180
Bingo Club	2332	(3500)	2275	820	(1000)	800
Betting Premises (excluding Tracks)	2932	(3000)	2860	593	(600)	579
Tracks	1829	(2500)	1784	820	(1000)	800
Family Entertainment Centres	1829	(2000)	1784	672	(750)	656
Adult Gaming Centre	1829	(2000)	1784	820	(1000)	800
Temporary Use Notice	237	(500)	231	N/A		

	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional Statement holders)	Copy Licence	Notification of Change
	£	£	£	£	£	£	£
BOLD = proposed fee (figure) = statutory CAP Italics =existing fee Blue / shading = cap reached							
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a)	n/a)
New Small Casino	4000 (4000) <i>3916</i>	1728 (1800) <i>1686</i>	1728 (1800) <i>1686</i>	8000 (8000) <i>8000</i>	2952 (3000) <i>2880</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
New Large Casino	4492 (5000) <i>4382</i>	2150 (2150) <i>2142</i>	2150 (2150) <i>2142</i>	9461 (10000) <i>9230</i>	4334 (5000) <i>4228</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Bingo Club	1750 (1750) <i>1712</i>	1200 (1200) <i>1200</i>	425 (1200) <i>415</i>	2332 (3500) <i>2275</i>	1200 (1200) <i>1200</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Betting Premises (excluding tracks)	1500 (1500) <i>1500</i>	1200 (1200) <i>1200</i>	405 (1200) <i>395</i>	1829 (3000) <i>1784</i>	1200 (1200) <i>1200</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Tracks	1250 (1250) <i>1250</i>	950 (950) <i>950</i>	405 (1200) <i>395</i>	1780 (2500) <i>1737</i>	950 (950) <i>950</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Family Entertainment Centres	1000 (1000) <i>1000</i>	950 (950) <i>950</i>	410 (950) <i>400</i>	1821 (2000) <i>1777</i>	950 (950) <i>950</i>	12 (25) <i>12</i>	30 (50) <i>29</i>
Adult Gaming Centre	1000 (1000) <i>1000</i>	1200 (1200) <i>1200</i>	410 (950) <i>400</i>	1821 (2000) <i>1777</i>	1200 (1200) <i>1200</i>	12 (25) <i>12</i>	30 (50) <i>29</i>

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Appendix A

SEVENOAKS DISTRICT COUNCIL'S GAMBLING ACT 2005 - FEES
From April 2019

Temporary Use Notice	n/a	n/a	n/a	n/a	n/a	12 <i>(25)</i> <i>12</i>	30 <i>(50)</i> <i>29</i>
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The proposed new fees as shown in bold type in the table above. For ease of reference the maximum fees identified by DCMS that could be charged are shown in brackets and last year's fees are in italics. Those cells that are shaded in the body of the table are where we have reached the maximum level of fee that can be set.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982: LICENCE FEES FROM APRIL 2019

Licensing Committee - 30 January 2019

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Key Decision: No

This report supports the Key Aim of Safe Communities to aid in the reduction of crime within the District.

Portfolio Holder Cllr. Anna Firth

Contact Officer Jessica Foley, Ext. 7480

Recommendation to the Licensing Committee:

That it be recommended to approve the appropriate fee levels as set out in paragraph 4.

Reason for recommendation: to ensure that the Council complies with its statutory duty and ensure that the licensing of Sex Establishments is self financing, in accordance with the Council's Service and Budget Plan. A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used.

Introduction and Background

- 1 The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2 The type of tasks involved in Sex Establishment premises application include assistance to applicant, checking of an application upon receipt, processing the application, assess representations for relevance, undertake informal mediation, undertaking site visits where necessary. Once processed determining the licence or arranging a hearing and holding a hearing, notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing.
- 3 The costs associated with an appeal and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring is entered into the final calculations. The risk of appeals and hearings

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occurring has been based on the experience of our partners within the Licensing Partnership. This has been increased in likelihood following the applications at Maidstone Borough Council.

- 4 The result of the calculations is that a fee of £3,762 is set for a new application or a renewal application. The experience of our partners is that as many representations are received for a new and renewal application. However, there is less likely to be a hearing for a transfer of an application and therefore this cost is set at £1,886. *The existing fee is £3,670 for new/renewal and £1,840 for transfers. An inflationary increase has been applied in recognition that general staffing and overhead costs will increase next year.*

Other Options Considered and/or Rejected

- 5 If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council's Service and Budget Plan or ensure the licensing of Sex Entertainment Venue premises was self-financing.

Key Implications

Financial

- 6 The cost of licence fees takes into account the need to maintain a 'self financing' position for the service. The proposals contained in this report will achieve this. However, there are no Sex Entertainment Venues within the District at the moment.

Legal Implications and Risk Assessment Statement.

Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a judicial review proceeding. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices None

Background Papers None

Richard Wilson

Chief Officer Environmental and Operational Services