



Agenda

Meeting: **Overview and Scrutiny Committee**
Date: **9 June 2020**
Time: **7.00 pm**
Place: **Remote Meeting**

To: **All members of the Overview and Scrutiny Committee**

The committee will consider the matters, listed below, at the date and time shown above. The meeting will be open to the press and public and will be streamed live at bit.ly/YouTubeMeetings.

If members have any particular questions on the reports it would help the management of the meeting if they could send these on to committee@folkestone-hythe.gov.uk or by contacting the report author. Members can raise matters in the meeting of course, however, knowledge of the areas of any concern prior to its commencement will aid the running of the meeting.

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 3 - 4)**

Members of the committee should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes (Pages 5 - 12)**

To consider and approve, as a correct record, the minutes of the meeting held on 19 May 2020.

Queries about the agenda? Need a different format?

Contact Kate Clark – Tel: 01303 853267
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

4. **Update for discussion on the development of the New Corporate Plan 2021 - 2031 (Pages 13 - 20)**

Report OS/20/04 provides an overview of the work of the Corporate Plan Working Group and the development of the key themes emerging for the new Corporate Plan for the Council. The report seeks feedback from the Overview & Scrutiny committee on the emerging key themes of the proposed Corporate Plan.

5. **COVID-19 Response to Date and Recovery Plan Framework (Pages 21 - 32)**

Report C/20/08 report provides an overview of the Council's response to date in relation to COVID-19 and seeks approval of a framework which will guide the development and delivery of the Council's COVID-19 Recovery Plan.

6. **Customer Access Strategy (Pages 33 - 50)**

A central part of the Council's transformation programme is the relationship with the customer. The Customer Access Strategy seeks to set out the Council's future approach to that relationship enhancing new technology and the benefits of the digital age whilst also ensuring those most in need are not excluded. This is the draft strategy which sets out this approach and the move to channel shift and will form the basis of how the relationship on the future.

7. **Revised Hackney Carriage and Private Hire (Taxi) Licensing Policy (Pages 51 - 128)**

Report OS/20/02 sets out proposed revisions to the Council's Hackney Carriage and Private Hire (Taxi) Licensing Policy. The policy was last reviewed in 2012 and whilst not time limited it is good opportunity to refresh the policy. The new policy will be sent for public consultation and then to Planning and Licensing Committee for approval. The purpose of this report is to give the Overview & Scrutiny Committee the opportunity to review the proposed changes and give feedback that can be incorporated in the development of the final policy.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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Minutes

Overview and Scrutiny Committee

Held at:	Remote Meeting
Date	Tuesday, 19 May 2020
Present	Councillors Miss Susan Carey, Laura Davison, Gary Fuller, Peter Gane, Michelle Keutenius (Vice-Chair), Terence Mullard, Patricia Rolfe, Rebecca Shoob (Chairman) and John Wing
Apologies for Absence	None
Officers Present:	Andy Blaszkowicz (Director of Housing and Operations), Kate Clark (Case Officer - Committee Services), James Hammond (Strategic Policy Officer), Amandeep Khroud (Assistant Director), Aaron McKinney (Building Surveyor), Susan Priest (Chief Executive), Adrian Tofts (Strategy, Policy & Performance Lead Specialist) and Jemma West (Committee Service Specialist)
Others Present:	Councillors David Monk, Jenny Hollingsbee, John Collier, Tim Prater and Lesley Whybrow

1. **Declarations of Interest**

Councillors Rolfe, Gane and Mullard declared a disclosable pecuniary interest with regard to Agenda item 4 (Proposed changes to the O & S Committee) as they are Directors of Oportunitas Ltd. Dispensations have been applied.

Councillor Patricia Rolfe made a voluntary announcement with regard to Agenda item 5 (Play Strategy) as she is a member of New Romney Town Council.

Councillors Peter Gane and Michelle Keutenius each made a voluntary announcement with regard to Agenda item 5 as they are members of Folkestone Town Council.

Councillor Gary Fuller made a voluntary announcement with regard to Agenda item 5 as he is a member of Sandgate Parish Council.

Councillor Miss Susan Carey made a voluntary announcement with regard to Agenda item 6 (CIL Governance Framework) as she is a member of Kent County Council.

All councillors took part in discussions and affirmations for the duration of the meeting.

2. **Minutes**

The minutes of the meeting held on 18 February 2020 were agreed and approved. The Chairman agreed that her electronic signature could be added to these minutes.

3. **Proposed changes to the Overview & Scrutiny Committee**

Councillors Rebecca Shoob, Chairman of this committee, went through the points in the presentation. She explained that in light of the current situation timeframes had changed and further training and briefings had been put on hold at the present time.

Members were advised that further work and support would be arranged with the Centre for Public Scrutiny in helping them to refine skills needed in questioning, shaping and responding to topics brought forward. It is vital that a clear methodology is used showing how and why topics are chosen.

Members recognised that the Coronavirus pandemic has raised further topics for discussion and this may mean subsequent changes to what is currently listed on the potential Overview & Scrutiny work plan.

Dr Susan Priest, Chief Executive, assured members that Ian Parry (from the Centre for Public Scrutiny), in attending the previous Governance Working Group, was fully aware of the decisions made so far and that the information provided in tonight's presentation represented good practice.

Generally, members felt this was a positive step forward, however keeping in mind that scrutiny of Cabinet decisions is also an important part of the committee's functions. Councillor Shoob reminded members that the 'call in' function should be seen as an important tool, to be used as circumstances dictated.

Proposed by Councillor Rebecca Shoob
Seconded by Councillor Patricia Rolfe

RESOLVED:
To receive and note the presentation.

The Chairman sought and received affirmation from all members present.

4. **Play Area Strategy 2020-2030 - Consultation Responses and Outcome**

Report No. C/19/48 considered the draft Play Area Strategy 2020-2030 as presented to Cabinet on 11/12/2019. The report detailed how high quality play areas will be provided and maintained throughout the District over the next ten years. Cabinet resolved:

1. That report C/19/48 be received and noted
2. That the suggestion of sites to be sold in respect of non-strategic play areas be removed
3. That the principles of the draft Play Area Strategy 2020-2030 and associated action plan be approved
4. To proceed to formal consultation
5. That a report be brought back to Cabinet following formal consultation with a view to approving the Strategy from 1 April 2020

These resolutions have been actioned with the formal consultation beginning 20/12/2019 and concluding on 31/01/2020. Report C/20/04 summarised the consultation responses and minor amendments to the strategy.

Mr Andy Blaszkowicz, Director – Housing and Operations, presented this report and advised members the consultation results have been published on the Council's website.

Councillor Gane noted Densole Way LEAP will be adopted by Folkestone Town Council, this is incorrect and Mr Blaszkowicz is aware and will amend accordingly. He also mentioned that any reference to Cheriton Park should read Cheriton Recreation Ground and that South Cheriton Action Group no longer exists.

Councillor Mullard raised a query about the three play areas in St Mary in the Marsh, two of which are closed. He mentioned a new housing development in the area and consideration be given to the regeneration of these closed areas. Mr Blaszkowicz gave assurance that an officer would be in contact.

Further points raised by members:

- Dowry payments. S106 monies will take precedence if they were available as they are larger sums.
- Timescales; a suggestion for reviews every three years, however this strategy will be under constant review. .
- Consultation timings spanned over Christmas and New Year with a deadline at the end of January 2020 which seemed impractical. Members had received comments from consultees that this time of the year is not ideal.
- Play deprivation – this needs to be borne in mind in current situation.
- Deprivation Indices used in report are from 2015 however 2019 figures are available.
- The importance of green spaces especially at the present time, members asked if there is a guarantee that these would not be developed for

housing in the future. It was confirmed there are no plans for development at present and that this is not a focus for this strategy.

- Parish and Town Councils are encouraged and empowered to provide facilities in their local area and are best placed to do this.
- Currently, transfers are taking place with Folkestone Town Council, Sandgate Parish Council, New Romney Town Council and conversations are taking place with Lydd Town Council. Any other strategic play areas that are not adopted by Town or Parish Councils will be reviewed at a later date.
- The Play Strategy is due to be approved by Cabinet shortly and notwithstanding the current situation work will continue on transfers.
- The £20K budget mentioned in the report, this was clarified as funding across the whole district for maintenance of play areas, however it does not include labour costs, the Coastal Park or the Royal Military Canal Play areas, these have their own budgets. .
- A member raised a concern regarding Hawkinge not having a designated Priority Play Area. It was confirmed that Hawkinge had many play areas but none of them were big enough to be designated as PPA's. Officers are always keen to work with Town Councils over future development of existing play sites.

Councillor Miss Susan Carey submitted a question, prior to the start of this meeting, which is detailed below along with a response.

The capital cost of play equipment can often be found from grants and local fundraising efforts but maintenance, regular health and safety inspections and replacement of older equipment are significant ongoing costs. During the quarantine for Covid-19 play areas were out of bounds to reduce the risk of transmission of the virus although it seems children are both less susceptible to catching or transmitting it and that being in the open air also appears to reduce transmission. Whilst the document before us tonight is a strategic one, are there considerations about play equipment, hygiene and social distancing that we should be taking account of in the light of the ongoing pandemic?

Mr Aarron McKinney, Building Surveyor, read out the following response.

The council has worked closely with community groups, charitable organisations, local and County Council grant funding to provide major play area projects in recent years. Most notably the Radnor Park Community Group successfully lobbied and fundraised for the renovation of Radnor Park play area and the subsequent accessible swing and fitness area. The council will continue to work closely with our partners to deliver key projects going forward.

The ongoing maintenance of play areas is a challenge recognised with the Play Area Strategy, FHDC will work closely with Town & Parish Councils throughout the asset transfer and will provide a 5 year maintenance dowry. It is clear that Town & Parish Councils are uniquely positioned to provide and maintain high quality play areas as demonstrated in our district.

Throughout this challenging time FHDC are continuing to work closely with our partners and are following government guidelines at every step, unfortunately this has required us to close play areas and outdoor gyms. We look forward to the opportunity to re-open these sites but are fortunate that our district has brilliant green spaces to be enjoyed.

Mr Blaszkowicz added that daily updates on the pandemic are provided to the Council from the Kent Resilience Forum. Play areas will remain closed at present and reviews on opening will be taken once further guidance is received.

Proposed by Councillor Rebecca Shoob
Seconded by Councillor Patricia Rolfe and

RESOLVED:
To receive and note report C/20/04.

The Chairman sought and received affirmation from all members present.

5. **Community Infrastructure Levy (CIL) Governance Framework**

Report OS/20/01 set out the proposed CIL Governance Framework for the committee's consideration.

Mr James Hammond, Strategic and Policy Senior Specialist, presented this report. He also gave a presentation which is attached to these minutes.

As planned two questions provided by Councillor Martin Whybrow were read out by Mr Hammond, after the Chairman had sought affirmation from members.

The questions and answers are provided below:

The first question related to (3.5, page 150 of the agenda pack) where the report stated: "the District Council is to prepare an IFS in conjunction with the County Council, and other stakeholders, the scheme prioritisation process for the allocation of CIL spend is to cross-reference the IFS once this document has been prepared and has been endorsed by the District Council".

Question 1: What will be the involvement of town and parish councils and elected county, district and town/parish councillors in helping to identify and prioritise schemes for allocation of CIL spend?

The CIL Governance Framework has been drafted to enable a balance of infrastructure to be provided across three broad scales in accordance with prevailing legislation:

1. **Town and parish level** infrastructure – through the 15-25% allocation of CIL revenue for the town/parish in which the development occurs;
2. **District-scale infrastructure** – projects that could benefit a number of towns and parishes in the district; and

3. **County-level infrastructure** within Folkestone & Hythe district – education, waste, transport and other infrastructure provided by Kent County Council within the district.

There is considerable freedom for Parish and Town Councils to spend their proportion of CIL on the things that address the impacts of development on their area.

It is the opinion of officers that the appropriate means of identifying and prioritising the spend of CIL receipts on infrastructure projects shall be through cross-reference to the IDP documents that have already been prepared, and through re-engagement with service providers as part of ongoing work to prepare the first IFS. The IFS document itself will be something of a 'fact check' exercise, but presents a real opportunity to set out in a clear and transparent manner the infrastructure that they have, and may be funding, through CIL and section 106 planning obligations.

Nonetheless, it will be important to ensure that town and parish councils and elected county, district and town/parish councillors are kept informed of the key infrastructure items to be captured within the IFS. In terms of opportunities for active participation/engagement in the consideration of what CIL funding could support in terms of local infrastructure needs, the production of a Town or Parish Infrastructure Delivery Plan (IDP) can be a useful starting point for local prioritisation (at the town or parish council level) of infrastructure projects. This is perhaps the best opportunity to allow local infrastructure requirements to be captured within future IFS documents, and which could include prioritisation of future CIL spend on some projects defined at the local scale. The key point is having evidence presented to demonstrate

Those town and parish councils that are in receipt of CIL monies (at the time of writing Hythe town council is the only example), are required to prepare an Annual CIL Report for each financial year (1 April to 31st March) they receive CIL.

Question 2: Whether CIL spend will be wholly in the area that it was collected?

For example, will CIL collected from developments in, say, Dymchurch be used solely for schemes in Dymchurch (this is over and above the percentage that is allocated to a town or parish councils) on the basis that it is intended to alleviate the impact of developments on local communities?

It is understood that Cllr Whybrow is referring to the strategic component of collected CIL receipts that is held and where the allocation of spend is controlled by the district council. The purpose of the strategic CIL component is to support the delivery of strategic and local infrastructure improvements on a district wide basis. Given the scale of some items of strategic infrastructure that are needed in order to support development across the district, it is likely that a significant proportion of receipts received in any year will be accumulated for larger projects.

Accordingly, these monies are not proposed to be 'ring-fenced' for associated spend in the area in which the CIL receipt arose. CIL cannot be used to fund solutions to existing problems i.e. traffic calming/management or on repairs to existing infrastructure in an area that hasn't experienced housing growth.

However, officers are to profile the expected future CIL receipts by town or parish area to provide a broad indication as to what monies could be reasonably expected to be made to the district council each year until 2031, and from that the local apportionment shall flow to town or parish councils. This will give town and parish councils a level of foresight as to the expected flow of CIL monies under the Neighbourhood allocation, and from that the priorities of a Town or Parish Council can responding accordingly within the local Infrastructure Delivery Plan.

Councillor Mullard raised a question regarding a large property development in the ward of St Mary in the Marsh, where, he believes the CIL payment was made to New Romney. Mr Hammond advised he would look into this query.

Members raised the following points:

- Fairness and transparency when allocating funding is paramount. Internal oversight will be apparent and the IFS statements will set out overall objectives for direction. The IFS Framework statement is designed for the next ten years however, the Council will carry out annual reviews.
- Collaboration with town and parish councils including partners such as coastal community teams and local CCGs to be encouraged in highlighting potential projects for receipt of CIL monies.
- Town and parish councils will be offered support by the District Council in identifying allocation of funds into the local community, however the Council would, ultimately, receive a bigger portion of CIL monies.
- Parish wards with a neighbourhood plan are awarded a higher amount of funding, at present, there is only one ward in the district with a plan.

Overall members were keen to encourage town and parish councils to carefully consider how CIL funding is spent with the support of the district council. A gap exists in large housing and infrastructure projects which needs to be rectified. Ultimately this will mean more houses being built.

Proposed by Councillor Rebecca Shoob
Seconded by Councillor Gary Fuller and

RESOLVED:
To receive and note report OS/20/01.

The Chairman sought and received affirmation from all members present.

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This Report will be made public on 1 June 2020



Report Number **OS/20/04**

To: Overview & Scrutiny Committee
Date: 9 June 2020
Responsible Officer: Charlotte Spendley, Director of Corporate Services
Cabinet Member: Councillor David Monk, Leader of the Council

SUBJECT: Update for discussion on the development of the New Corporate Plan 2021 - 2031

SUMMARY: This report provides an overview of the work of the Corporate Plan Working Group and the development of the key themes emerging for the new Corporate Plan for the Council. The report seeks feedback from the Overview & Scrutiny committee on the emerging key themes of the proposed Corporate Plan.

RECOMMENDATIONS:

1. To receive and note report OS/20/04.
2. To provide feedback to the Working Group on the proposed key themes for the Corporate Plan.

1. BACKGROUND

- 1.1 The Future Corporate Priorities Task & Finish Group first met on 23 September to discuss the development of a new Corporate Plan for the Council. The work of the cross party group was necessary as the existing Corporate Plan ran from 2017 – 2020, and a new plan was required to reflect the Council's priorities and aspirations for the district over the coming years.
- 1.2 The 2017 – 2020 Corporate Plan had six strategic objectives under a vision of "Investing for the next generation - delivering more of what matters". The strategic objectives were:
- More Homes – Provide and enable the right amount, type and range of housing
 - More Jobs – Work with businesses to provide jobs in a vibrant local economy
 - Appearance Matters – Provide an attractive and clean environment
 - Health Matters – Keep our communities healthy & safe
 - Achieving Stability – Achieve financial stability through a commercial and collaborative approach
 - Delivering Excellence – Deliver excellent customer service through commitment of staff and members
- 1.3 The Corporate Plan Working Group replaced the Task & Finish Group and first met on 6 November 2019.

2. Corporate Plan Working Group

- 2.1 The Corporate Plan Working Group has a scope of :
- To contribute to the drawing up of the Council's 10 year Corporate Plan.
 - To advise on how best to engage citizens in the process.
 - To consider the views of third parties to the Council's proposals.
 - To keep councillors informed about progress on the development of the Plan.
- 2.2 The Working Group is advisory and has six members. The current membership has representation from all political groups represented on the Council and currently comprises of Councillors Monk, Whybrow, McConville; Prater; Mrs Hollingsbee and Meyers.
- 2.3 To date the Task and Finish & Working Group have considered the following areas during their work:
- Organisational visions and examples of other Local Government vision statements
 - The golden thread

- The term of the plan and agreed that a 10 year plan should be proposed
- Brain stormed objectives for the plan
- Identified emerging corporate priority ideas & themes informed by cross party input
- Considered the work already underway within the Council that contributes towards the proposed priorities
- Discussed and fed back to the working group individual group input
- Considered how to engage with the district and a resident's survey
- Considered trends in economic data to inform priority areas

2.4 The group were well advanced with preparations for a resident's survey when COVID-19 reshaped activities. It has been agreed that we will pause the resident's survey work and instead seek feedback from the Overview & Scrutiny committee at this time.

3. Proposals for the Corporate Plan 2021 - 2031

3.1 It is proposed that the new Corporate Plan is built on 5 key strategic themes. Each theme has a number of priority areas within it, and officers currently have work underway to explore the actions proposed to be considered to achieve these priorities.

3.2 All aspects of the plan remain a work in progress at this time. Wider member input is sought through the Overview & Scrutiny committee at this stage to help inform the shaping of the plan. Feedback from the committee will be discussed at the next Working Group meeting on 1 July.

3.3 In addition, work commenced in March to consult with staff on the current emerging plan, and this work will continue with workshops planned for the coming months.

3.4 The emerging themes and priority areas currently being proposed are:

**DEVELOP GREEN
INFRASTRUCTURE FOR
OUR DISTRICT**

**INCREASE THE
PROVISION OF
HOUSING**



**HOUSING &
INFRASTRUCTURE**

**IMPROVE THE
QUALITY OF
HOUSING
AVAILABLE**

**IMPROVE OUTCOMES
& SUPPORT FOR
HOMELESS
HOUSEHOLDS**

**DELIVER A
SUSTAINABLE
OTTERPOOL PARK
DEVELOPMENT**

**REINVIGORATE OUR
HIGH STREETS**



**IMPROVE SKILLED
EMPLOYMENT
OPPORTUNITIES FOR
OUR RESIDENTS**

**PROVIDE SUPPORT
FOR BUSINESSES IN
OUR DISTRICT**

**PROVIDE AN
EXCELLENT
ENVIRONMENT FOR ALL**



**ACTIVELY WORK
TOWARDS
BECOMING A 'GREEN
EXEMPLAR' COUNCIL**

**PROVIDE HIGH QUALITY
PUBLIC FACILITIES**



**PROACTIVELY
COLLABORATE WITH
OTHERS TO ACHIEVE
THE BEST OUTCOMES
FOR OUR RESIDENTS**

**WASTE &
RECYCLING**

**IMPROVE THE
HEALTH &
WELLBEING OF
OUR COMMUNITIES**

**COMMUNICATE MORE
EFFECTIVELY WITH OUR
COMMUNITIES**



**TRANSPARENCY,
STABILITY &
ACCOUNTABILITY**

**MAINTAIN OUR
FINANCIAL
STABILITY**

**BALANCE OUR
RESOURCES TO
DELIVER OUR
PRIORITIES AGAINST
REASONABLE
LEVELS OF COUNCIL
TAX FOR OUR
RESIDENTS**

**REFRESH HOW WE
CONSULT WITH OUR
COMMUNITIES**

4. Corporate Plan Alignment to the COVID-19 Recovery Plan

- 4.1 The Council's response to COVID-19 and its resulting Recovery Plan will be a significant focus for the authority for the next 2 years. It is therefore essential that the Corporate Plan and Recovery Plan are aligned. A separate paper is being tabled to Overview & Scrutiny on framework of the Recovery Plan.
- 4.2 The Corporate Plan is proposed to span 10 years to 2031. The framework of the Recovery Plan focuses on the Community, Economy, Council Operations and Council Finances. It is felt that this framework could work well within the proposed priority areas of the Corporate Plan of Housing & Infrastructure, Economy, Environment, Community Focused Services and Transparency, Stability and Accountability.
- 4.3 If adopted it is proposed that the recovery plan actions are the focus for the initial 1-2 years of the corporate plan actions with wider actions incorporated over the full term of the Corporate Plan's ten year life span.

5. Next Steps

- 5.1 The feedback from Overview & Scrutiny will be tabled and discussed with the Working Group on 1 July. In addition work will continue with staff of developing suitable actions to deliver the priorities identified, and future engagement with the committee, residents, businesses and wider stakeholders will continue to be developed.

6. RISK MANAGEMENT ISSUES

6.1

Perceived risk	Seriousness	Likelihood	Preventative action
The Council fails to set a clear strategic direction for its future	High	Low	The development of a new Corporate Plan is underway and is being contributed to by all political groups represented on the Council
The Council has insufficient resources to deliver the proposed plan	High	Medium	The working group have identified suggested priority areas so that the plan is focused. The plan will also be aligned to the MTFS
The Council fails to consider what the District want from its plan	High	Low	The draft proposals are based on insight from all political groups within the Council. The draft plan once agreed will be subject to consultation with a wider range of stakeholders.
The Council fails to consider the impact of COVID-19 in its future strategic planning	High	Low	The Council is already making plans for its recovery phase and member consultation is happening on the proposed framework. In addition there are plans to incorporate this work within the early actions of the Corporate Plan

7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer's Comments (AK)

There are no direct legal implications of this report.

7.2 Finance Officer's Comments (CS)

There are no direct financial implications of this report.

7.3 **Diversities and Equalities Implications (CS)**

Whilst there are no direct diversities and equalities issues arising from this report the shape and direction of the Corporate Plan will need to consider its impact in due course. A full evaluation will be undertaken before the final plan is drafted and presented to members for adoption.

8. **CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Charlotte Spendley, Director of Corporate Services

Telephone: 07935 517986

Email: charlotte.spendley@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendices:

None

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This Report will be made public on 16 June 2020



Report Number: **C/20/08**

To: Cabinet
Date: 24 June 2020
Status: Key Decision
Responsible Officer: Ewan Green, Director of Place
Cabinet Member: Councillor David Monk, Leader of the Council

SUBJECT: COVID-19 Response to Date and Recovery Plan Framework

SUMMARY: This report provides an overview of the Council's response to date in relation to COVID-19 and seeks approval of a framework which will guide the development and delivery of the Council's COVID-19 Recovery Plan.

REASONS FOR RECOMMENDATIONS (*Cabinet only*):

Cabinet is asked to agree the recommendations as the development and delivery of a Recovery Plan in response to COVID-19 will be a priority for the Council as the country moves into recovery phase. The Recovery Plan will include actions in four key areas which the Council has both direct and / or indirect responsibility to address: Community, Economy, Council Operations and Council Finance.

The Framework will establish a set of principles which will underpin the development of the Recovery Plan with due consideration, and alignment with, the emerging Corporate Plan, council service delivery and strategic priority programmes and projects.

RECOMMENDATIONS:

1. To receive and note report C/20/08.
2. To note the Council COVID-19 response to date and key issues arising from this.
3. To reaffirm the priority themes within the emerging Corporate Plan
4. To agree the COVID-19 Recovery Plan Framework and related Underpinning Principles.

1. BACKGROUND

- 1.1 The emergency response to COVID-19 is led nationally by Government, regionally by the Kent Resilience Forum (KRF) and then locally by the Council and partners such as Kent County Council, Police, the Kent & Medway Clinical Commissioning Group and voluntary sector organisations.
- 1.2 In accordance with the Civil Contingences Act 2004 there is a declared state of emergency at national and local level in response to the coronavirus pandemic. The Act requires local public services to form Local Resilience Forums. In Kent it is known as the Kent Resilience Forum (KRF), which is formed by the emergency responders and specific supporting agencies and is required to plan for emergencies. The Council is an active member of the KRF.
- 1.3 A Gold-Silver-Bronze command structure is used to establish a hierarchical framework for the command and control of emergencies and disasters. Officers of the District Council will therefore participate in Gold (Strategic Planning) and Silver (Tactical Planning) command briefings throughout the emergency e.g. by participation in the strategic meetings (known as SCGs) and tactical meetings (known as TCGs).
- 1.4 In response to the coronavirus pandemic, all partners in the Kent Resilience Forum are operating the above “command and control” structure to provide the county wide strategic oversight, and co-ordinate the tactical response.
- 1.5 The Council continues to play a central role in the emergency response and engages with partners through the KRF at a regional level and with Government through national networks.
- 1.6 We deploy staff to the daily meetings on the SCG and TCG. We are also active participants in a number of themed “cells” focussing on specific activities.
- 1.7 We are also actively involved in a wide range of conference calls with the Ministry for Housing, Communities and Local Government and other agencies/ forums involved in responding to the pandemic.
- 1.8 Notwithstanding this formal structure the Council is designated as a Category 1 Responder under the Act and we have a statutory responsibility to initiate our own response also.
- 1.9 Within this overall context the response across the District to date has focused on supporting those most vulnerable and ‘at risk’ residents, facilitating grants and advice to businesses, ensuring community safety and providing essential services.

2. Managing the Council Response to Date

- 2.1 The Corporate Leadership Team (CLT) gave early consideration to what steps we should plan for, both in respect of the continued delivery of our services and any actions we may need to take in response to the pandemic.
- 2.2 The previous decisions Members have made in relation to transformation, including the investment in more agile working solutions for staff through the replacement of PC's with laptops, meant we were well placed to ensure that in general staff could work from home.
- 2.3 To manage our response we initiated daily "Business Continuity" virtual meetings, with an extended senior team to include key staff leading on a number of themes relating to our own service delivery and to initiate our response to requests from the government and the KRF.

The key themes that formed the daily agenda for the meeting are as follows:

- Situation Update
- Staff
- Members and Democratic Process
- Council Services & Finance
- Support for Businesses
- Support for Communities
- Communications

- 2.4 The following provides an overview of the Council response:

2.4.1 Support for Communities - In line with Government guidance, the Council has established three Community Hubs to support residents, particularly those on the NHS extremely vulnerable "shielded" list and also others who may be considered vulnerable and in need of additional support.

There are 3 Hubs in operation to ensure that there is a District wider coverage:

- Folkestone Community Hub is being run by the Three Hills Sports Park
- Hythe Community Hub is being run by Age UK Hythe & Lyminge
- Romney Marsh Community Hub is being run by the Romney Marsh Day Centre

All three Community Hubs are being supported by Folkestone & Hythe District Council staff and resources.

Key activities undertaken through the Hubs are:

- Telephone contact to those residents on the 'shielded list'
- Provision of food for those not able to get or prepare it themselves
- Assistance with the collection and delivery of food orders
- Collection and delivery medical supplies

- Walks for dogs and other pets
- Offer someone to talk to for advice and reassurance

Contact has been made with residents included on the NHS shielded list (to date this is around 18,500 people, but the list is updated and added to on a daily basis). Checks are made to confirm that they have support in place from either family, friends or neighbours and that they have adequate food supplies and any medication that is required. Where residents require support appropriate action is taken including onward signposting to specialist and local community support networks such as Parish Council support and community volunteers. This ensures practical local support that can be sustained for as long as required.

In relation to the provision of food parcels and meals, there have been over 12,500 deliveries made to residents across the District.

2.4.2 Support for Businesses - The overall support given by the council to local businesses to date has covered a number of key strands:

1) Covid-19 Helpline: In partnership with Kent County Council and the other Kent Districts and Boroughs, a local Covid-19 Helpline was set up to give local businesses much needed guidance during the crisis and to explain the Government's Business Support Package. The helpline, run by the Kent & Medway Growth Hub, has been very well used - with 143 phone calls and 79 webchats Folkestone & Hythe businesses using the service between 25 March and 22 May 2020. It will continue to run until at least 30 June 2020.

2) Communicating directly with Business: this includes a number of strands, such as a dedicated Covid-19 business page on the Folkestone Works (which is regularly being updated by the Economic Development Team) and has had 3,411 visits between 23 March and 27 May, social media activity, and 5 Covid-19 e-bulletins to over 620 of our local businesses.

3) Rate Relief: Facilitating the 12-month Business Rates Holiday for all businesses in the Retail, Hospitality and Leisure sector (as defined by Government) and the Nursery Relief, which has been led by the Revenues Team.

4) The delivery of Small Business Grants and Retail, Hospitality and Leisure Grants to eligible businesses in the District: following the receipt of £28.8 from Central Government, the Revenues Team have been tracking down eligible businesses, getting them to provide necessary details in order to process the grant funding, undertaking checks to verify the claims and getting the grants to businesses as expediently as possible. It is no mean feat that 83% of the grant money had been handed to 94% eligible businesses as of 19th May.

5) The Council has started to deliver discretionary top-up grant funding which is aimed at small businesses (fewer than 50 employees) that missed out on the existing grant offer. Both guidance and funding are still to be received from Government, with this funding is to be steered towards businesses in shared space, regular Market traders, charities (that would meet the criteria for Small Business Rate Relief), Bed & Breakfast establishments and creative businesses.

It is estimated that this will result in £1.292 mill additional support for eligible businesses and was launched June 1st 2020.

2.4.3 Staff - Our staff are our most valuable asset. As alluded to above, our immediate position was that wherever possible, all staff must work from home, only attending the offices if absolutely essential.

Over 90% of our office based staff were equipped to work fully remotely from home, with access to all IT systems and telephony. This meant that a decision was taken to close our offices to staff and the public, which was compatible with the guidance to all to “stay at home and stay safe”. We were able to operate a full telephony and online service to residents and businesses.

Once again the staff have without exception responded in a flexible and committed way, adapting to either new ways of working from home, playing their turn in rotas to go into the office to manage for example incoming / outgoing post, or by embracing temporary redeployment into different roles to support the community response.

Our strategy of a default position of working from home, has kept our staff safe, maintaining service delivery, and showing leadership in following both the public health messaging and other restrictions on movement.

2.4.4 Members and Democratic Process - The Leader and Cabinet Members have been integral to the Council’s response to the emergency, with virtual meetings at least weekly with the Chief Executive, Directors and senior officers as required.

Members have been advised previously of the changes introduced by the government in order to enable virtual meetings to take place in local government for the period up to 7 May 2021. In response to the changes, the Council has taken steps to implement virtual meetings locally by way of Zoom. Council meetings are being held virtually using this technology.

2.4.5 Council Services & Finance - Members have been updated by email on financial matters in relation to the impact of COVID-19. It is important to note that financial implications can be categorised into 3 different areas:

- 1) New costs that arise simply as a result of the emergency (e.g. setting up and operation of community hub facilities)
- 2) Expansion of some service costs that were not budgeted at the ‘new’ level due to the emergency (e.g. increase in temporary accommodation need)
- 3) Loss of income that would otherwise have been received by the Council in ‘normal’ times (e.g. car parking, other fees and charges, investment income, council tax receipts)

Predicting what the impact of COVID-19 will be for the Council is challenging because it depends on how long restrictions will last for and how quick or slow the recovery will be. However, we have attempted to estimate what this might be if only to inform the funding discussions; and have worked with other Kent councils in doing so.

The indicative 'ballpark' figures we arrived at which were reported to government through the monitoring process, anticipate an impact on the General Fund in the region of £4.5 million and a further £1 million on the Housing Revenue Account.

As mentioned above, it is important to understand that these figures are best guesses and these will undoubtedly change.

Two tranches of 'emergency' funding has been provided by the government. The first tranche received was just over £65k. The Secretary of State announced a second tranche of funding for local government as a whole on 18 April, and on 28 April, we heard that the Council was to receive an allocation of £1.18m from this second tranche. It is not clear currently whether there will be further significant tranches of funding provided by the government but it is felt unlikely that if even further funding was announced that it will be sufficient to meet the expected shortfalls as set out above.

This will necessitate a complete review of our Medium Term Financial Strategy and as well as the 2020/21 budget setting, further detail on this approach will be outlined within a paper to Cabinet in June.

The "new normal" is likely to require a review of our budget in any event as we adapt to delivering the priority services in different ways.

2.4.6 It is important to recognise that moving into the recovery phase of managing the COVID-19 emergency does not negate the need to be ready to be prepared to move back into the response phase should there be a requirement to do so.

3. Folkestone and Hythe District Recovery Plan

3.1 The Government has published its strategic plan to ease the lockdown and support the UK in recovery from the virus pandemic. This covers continued personal care, returning to work, public transport, returning to school and other issues such as hospitality and events. The full strategy can be found at:

<https://www.gov.uk/government/publications/our-plan-to-rebuild-the-ukgovernments-covid-19-recovery-strategy>

3.2 The Kent Resilience Forum has is required to develop county wide Recovery Plans as part of the overall response to the COVID-91 emergency. This work is being progressed through the KRF structures and includes themes such as economy, infrastructure, children and young people and health. The Council is playing an active role in this work through senior officer representation.

3.3 Whilst the KRF recovery planning will be assist the District significantly it is crucial that that a Folkestone & Hythe Recovery Plan is developed, led by the Council and involving key stakeholders. This leadership will ensure that recovery actions focus on priorities for the District, reflect differing needs of

our distinct communities and are delivered as far as possible through locally accountable structures and partnerships.

A Recovery Plan will therefore be developed for the District and will align and will focus primarily on key issues and actions for the Council (although there are likely to be actions which the Council will request of partners also).

- 3.4 Nobody can predict how long “recovery” may take. Nor should we assume that the world, our locality, or our Council can or should return to exactly the same “business as usual”. It is more likely that there will be a “new normal”, and we need to take this opportunity to position ourselves to manage this transition.
- 3.5 Throughout the response to date the Council has had to significantly adjust the way in which services are prioritised and delivered. In turn our customers have had to engage with the Council, and receive services, in a different way. These new behaviours have set an important benchmark moving forward and this will be reflected in the Recovery Plan.
- 3.6 It is intended that the Recovery Plan will be based on an initial timescale to March 31st 2022. The plan will be reviewed regularly and updated as required within that period.

4. Corporate Plan Alignment and Delivery

- 4.1 It is essential that the Recovery Plan aligns effectively with, and supports delivery of, the Council’s priorities within the emerging Corporate Plan including:
 - High quality services for residents
 - The Medium Term Financial Plan.
 - The Council’s Transformation priorities.
 - A new economic development strategy.
 - Environmental sustainability and response to climate emergency.
 - Strategic projects
- 4.2 The new Corporate Plan is under development and this presents an opportunity to ensure alignment with the planning for recovery to maximise the quality and impact of outcomes for residents and businesses.
- 4.3 The Corporate Plan Working Group have been working on the redevelopment of the new Corporate Plan over the last 6 months. The plan will be focused over the 10 year span and the emerging priority areas are:
 - Housing & Infrastructure
 - Economy
 - Community Focused Services
 - Environment and
 - Transparency, Stability & Accountability

- 4.4 It is proposed to continue to engage with Members and residents on the development of the 10 year vision and priorities for the District and seek the Councils agreement of these. The framework / themes of the recovery plan (Community, Economy, and Council Operations & Council Finance), have clear links into the proposed themes of the emerging Corporate Plan.
- 4.5 It is therefore proposed that the Recovery Plan will be developed in line with this and will in effect be the focus of the Corporate Plan actions to March 31st 2022.
- 4.6 At operational level all Team Service Plans will then first and foremost be focused on delivery of the Recovery Plan.

5. Vision and Underpinning Principles

- 5.1 The Recovery Plan will be District wide and can only be successfully delivered in conjunction with key public sector partners, the voluntary sector and our communities. To that end it is proposed that all stakeholders are encouraged to coalesce under one vision which will set the tone and general approach for recovery across the District.

An example of this is for consideration is **Better & Stronger** which signifies a positive intent drive a more prosperous and resilient District for all in the future.

- 5.2 Accepting that the strategic and operational context for the Council will not revert to a known status quo and a 'new normal' will have to be positively embraced. The Recovery Plan will be guided by the following underpinning principles:

- Ensuring the Council's financial stability, resilience and growth.
- Delivering essential services for residents and businesses.
- The Council's role to facilitate local economic growth.
- Embracing transformation and accelerating opportunities to change the way in which the Council operates (e.g. launching MyAccount).
- Continuing to resource and drive forward strategic programmes and priorities (e.g. Otterpool Park, establishment of a new housing service).
- Reshaping services and budgets as required to ensure the Recovery Plan is adequately resourced.
- Engaging with our staff and customers.
- Building on the upsurge of community cohesion through positive enablement of communities.
- Working in partnership at County and East Kent level, where appropriate, in order to achieve better value and outcomes across all recovery actions.
- Promoting key issues at national and local level to ensure positive outcomes for the District.

6. Key Themes

- 6.1 It is proposed to base the Recovery Plan on 4 themes which will lead to a 'new normal' both at strategic and operational levels for the Council:

1. Community

It is important to recognise that the recovery phase will still require a strong and resilient community based response, particularly in relation to ongoing support for vulnerable and 'at risk' residents (although the level of response required through Community Hubs will not likely be as high as during the initial response to the COVID-19 emergency).

Recovery planning will therefore consider actions aimed at continuing an appropriate level of 'Hub' response alongside actions to further support the enablement of local community activities. A report specifically on this will be brought to Cabinet.

2. Economy

There will a key focus on economic recovery at national, regional and local levels. Key considerations for the Council locally will include maximising social value and benefit for the District's businesses through the purchase of goods and services locally, engaging with the development industry to facilitate revitalisation of private / social house building and commercial development and setting clear plans for the progression of major growth projects such as Otterpool Park and Folkestone Town Centre. In addition the Council will ensure that its core economic growth service delivery is focused on supporting local SME's, alongside partners at local and regional level, through recovery and into a new growth phase.

3. Council Operations

It is important to recognise that the current way in which the Council operates changed significantly in response to the challenges posed by COVID-19. This presents opportunities to consider how best the ongoing transformation programme might be accelerated to continue to embrace these changes for customers and staff alike.

This will focus on the way in which the Council reopens for business and will include consideration of the Council's role as an employer, property owner / landlord and delivery of services. It is intended that this theme will include implementation of the new Customer Access Strategy including the launch of MyAccount as a major step change in our customer interaction.

4. Council Finance

The impact of COVID -19 has resulted in unprecedented financial challenges for the Council. The initial priority will therefore be to continue to ensure a balanced budget is achievable for the financial years 2020/21 and 2021/22 demonstrating the Council is a viable 'going concern'.

This will require consideration of adjusted income levels, Government support, borrowing requirements and re-profiling of budgets for core services and strategic priority projects and programmes.

Council Finance and Budget setting will be the subject of separate reports to Cabinet and Council as required.

7. Engagement

7.1 Developing and delivering the Recovery Plan will be influenced by Members, residents, businesses public sector partners and the voluntary sector. Proactive engagement is therefore essential to help shape the actions to deliver the plan.

7.2 It is however also essential that the Recovery Plan is put in place at the earliest opportunity whilst recognising that flexibility and the ability to change direction in such uncertain times will be required.

It is therefore intended that an engagement plan is put in place which will assist in developing the initial plan, ensure an ongoing opportunity for residents and stakeholders to contribute and provide a platform for the Council to report widely on progress.

8. RISK MANAGEMENT ISSUES

8.1 The detailed Recovery Plan will be the subject of a risk assessment and this will form part of a further report in due course.

9. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

9.1 Legal Officer's Comments

There are no comments.

9.2 Finance Officer's Comments

There are no comments.

9.3 Diversities and Equalities Implications

An assessment of implications for diversity and equalities will be undertaken as part of the development of the detailed Recovery Plan and this will form part of a further report in due course.

10. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Ewan Green, Director of Place
Telephone: 07783 659864

Email: ewan.green@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendices:

None

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This Report will be made public on 1 June 2020



Report Number: **OS/20/03**

To: Overview and Scrutiny Committee
Date: 9 June 2020
Director: Tim Madden, Director of Transformation and Transition
Ewan Green, Director of Place

SUBJECT: Customer Access Strategy

SUMMARY: A central part of the Council's transformation programme is the relationship with the customer. The Customer Access Strategy seeks to set out the Council's future approach to that relationship enhancing new technology and the benefits of the digital age whilst also ensuring those most in need are not excluded. This is the draft strategy which sets out this approach and the move to channel shift and will form the basis of how the relationship on the future.

REASONS FOR RECOMMENDATION:

Overview and Scrutiny is asked to agree the recommendations set out below because:-

- (a) This is an important element of the Council's transformation programme and will help shape the relationship between the Council and its customers in the future. Views are sought from the committee to inform discussions when the strategy goes to Cabinet.

RECOMMENDATIONS:

Overview ad Scrutiny is asked to:

1. Note and consider the report OS/20/03.
2. Express its views so this can be fed back to the portfolio holder and considered prior to being presented to Cabinet for approval.

1. Background to strategy

- 1.1 The Council started its transformation programme in April 2018. An update to the programme was presented to Cabinet at its meeting of 19 February 2020. The report can be found at <https://www.folkestone-hythe.gov.uk/moderngov/documents/s32622/Transformation%20report%20-%20TM%20v2.pdf>
- 1.2 The report covered the objectives of the transformation programme and the underlying principles which supported it. The programme itself covers a number of key themes including the use of new technology, a change in the behaviours of the organisation, a cultural shift as to how the Council operates and an organisational restructure. At the heart of this is the relationship between the Council and the customer.
- 1.3 The draft Customer Access Strategy attached at Appendix A sets out the Council's proposed future relationship with customers and how it interacts with them. This approach adopts a number of the key principles set out in the transformation programme and also sets out the key channels through which customers access the Council for services.
- 1.4 The strategy itself looks at the respective channels where customers access the council and the merits and costs of those respective channel. Underpinning the strategy is the use of technology to support ease of access for the customer. In particular, the forthcoming introduction of the 'My Account' system will personalise and make accessing services easier for many of our customers.
- 1.5 The strategy sets out an action plan for the medium term with key milestones and deadlines to ensure that continual improvement is achieved. It also references the need to ensure all channels are available for those unable to utilise those other channels.
- 1.6 The strategy is due to be presented to Cabinet in July and the views of this committee are sought prior to it being considered then.

2 LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

2.1 Legal Officer's Comments (TM)

There are no legal implications arising out of this report

2.2 Finance Officer's Comments (TM)

There are no financial implications arising out of this report

2.3 Diversity and Equalities Implications (TM)

The equalities and diversity implications of this strategy have been carefully considered, as it ensures the traditional access channels will still be available for those customers who are unable to utilise the online channels.

3. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councilors with any questions arising out of this report should contact the following officer prior to the meeting

Tim Madden, Director, Transformation and Transition

E-mail: tim.madden@folkestone-hythe.gov.uk

Ewan Green, Director of Place

E-mail: ewan.green@folkestone-hythe.gov.uk

Appendices

Appendix A – Draft Customer Access Strategy

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Customer Access Strategy 2020-2023

Folkestone & Hythe District Council

Customer Access Strategy – Our Vision

Introduction from Chief Executive

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Introduction by the Leader of the council

What is an Access Strategy?

A Customer Access Strategy focuses on the ways that both internal and external customers' access and transfer information. It takes into consideration customers' feedback to develop and implement plans to improve the way in which it delivers and receives day to day information about its services.

Why is an Access Strategy so important now?

The speed and way in which customers wish to interact and transact has changed over the past years. There has been an increase in the use of digital technology in business systems to not only analyse but also speed up the transfer of information. Increased functionality and use of mobile phones, computers and tablets has also led customers into a 24/7 way of requesting services and conducting business.

In the past 10 years local authorities have experienced financial pressures to pay for the running of local services. With these changes it is vital we review our systems and how we make information available, to improve our service to customers to be more efficient.

Our strategy has been developed on feedback from customers and their expectations of our services. Our Customer Services Team have helped identify why our customers contact us, and why they feel the need to contact us for further clarification.

Customer service principles



As part of our transformation programme, we have been looking in-depth at many of the processes we follow when delivering services to our customers. This is so we can make changes to them to ensure they are more efficient for the council and more importantly provide the best experience for the customer.

The council takes each of these processes and uses a set of defined principles to ensure the customer experience is the first consideration when redesigning them. In total there are 13 design principles and 11 have been used in the development of our Customer Access Strategy.

Who are our customers?

A large percentage of our customers are residents in our district and the majority of our focus is around supporting them. However, we consider other groups who have contact with us as customers too. These include businesses, other councils, government departments, visitors, partner organisations, staff, councillors, media and more.



Customer feedback

It is important when looking at improving customer services that we listen to the customer to ensure we are delivering what the customer needs and not what we believe they need. To understand this in detail our customer services team have been capturing customer feedback on how we could improve access to our services.

We have listed some of the key comments below and we will continue to seek customer feedback to help us design and improve our services in the future.

- Inform us how long a service will take – tell us at the beginning how long it will take
- Give us progress updates – we want to know what is happening with our requests
- Don't baffle me with words – use plain English that is easy to understand on your website and communication
- Don't hide information – Information and services should be easy to find on the website
- Sometimes I just need help – I may need to speak to someone about a complex enquiry
- Don't keep passing me to the next person – resolve my enquiry at first contact
- Help us – Support us to use online services when we don't have access at home
- Make forms easy to complete - only ask me question you need me to answer
- 24/7 availability – I work all week and need to access services outside of working hours

Our story so far

With a 'digital by default' principle already agreed, the ambition is that every service and information request can be handled by online self-service, on mobile devices, designed in a way that access is inclusive, quick, easy, intuitive and relevant.

The top 4 call types taken by Customer Services

1. Council Tax (20,000+)
2. Benefits (16,000+)
3. Waste and Recycling (14,000+)
4. Housing Options (10,000+)

We recognise that not every customer can access our services online and although online represents the most cost efficient way for us to provide services (in a time where all local authorities are having to work with under financial pressures) not all customers have the ability or the confidence to use online access without support.

We are committed to continue and improve online self-service access at our office, providing customer support using new technology to ensure efficient processing of information, whilst encouraging customers to embrace and be more confident in using online services.



108,000

On average the amount of calls the Contact Centre receives each year



20,000+

Contacts were made at our Council office last year for service and assisted self-service



Over **15,000**

followers on social media platforms and increasing rapidly



674,278

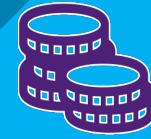
hits on our website in the last year, with **2,590,798** page views



Over

41,000

Online forms completed 18/19



Over **170,000**

Transactions on average processed through online payments

Our current look at the contact coming into the council via the four main channels shows us that contact to us via telephone far outweighs any other contact channel, Currently 60% of all customer contact with the council is by telephone, with only 24% using online channels



Online



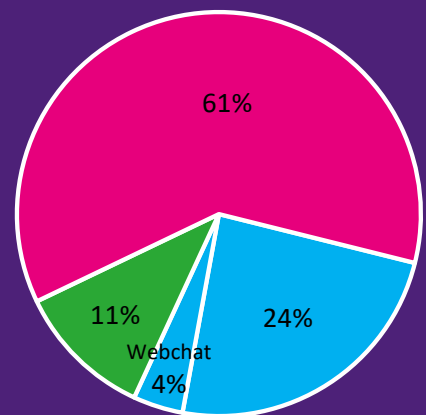
Social Media



Telephone



In person



Channel Shift

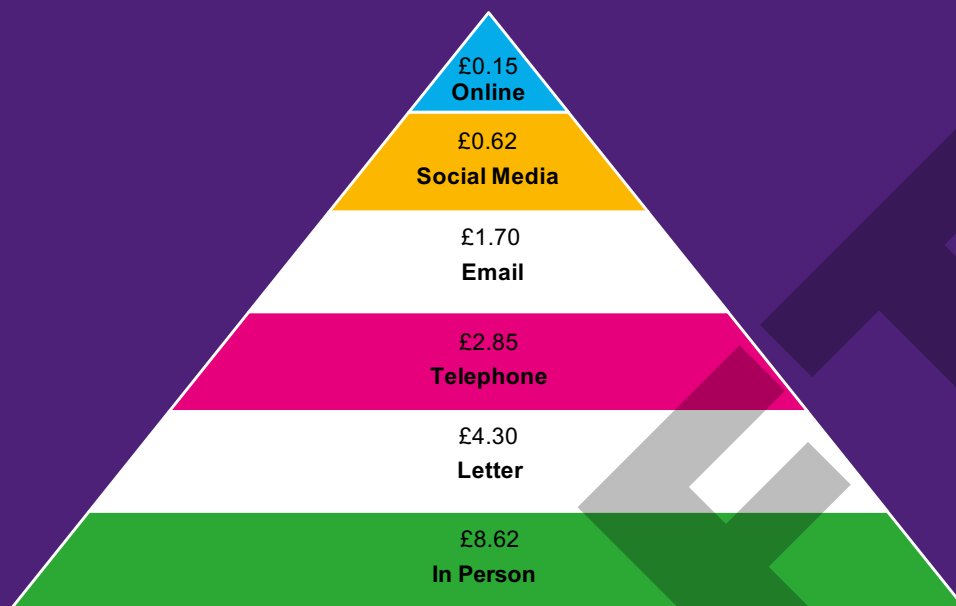
Council customers demand for 24/7 self-service and quick access to information has increased. The purpose of this strategy is to outline improvements to meet this demand, whilst balancing financial pressures and maintaining a quality service.

We are introducing an online self-service customer account called My Account, which pulls a customer's council service activities into one place, providing real time information and transactional ability.

By increasing options for customers to connect and transact with their information online, will free up resources to support other customers who are unable to go online and those with more complex enquiries.

The following graphic shows the average transactional cost per customer access channel, and includes cost of resources and infrastructure.

The graphic clearly shows a lower cost for online automated channels. The more customers move to online channels, there will be a greater reduction in costs for the council.



Most organisations today have an online presence. Customers can create their own profile accounts, enabling them to obtain relevant information and transact quicker in their own time. Feedback shows that council customers are no different.

Our channel shift main drivers

To meet the requirements of a large percentage of our customers by enabling them to interact with us and request services at a time that most suits them and not restricted to office hours

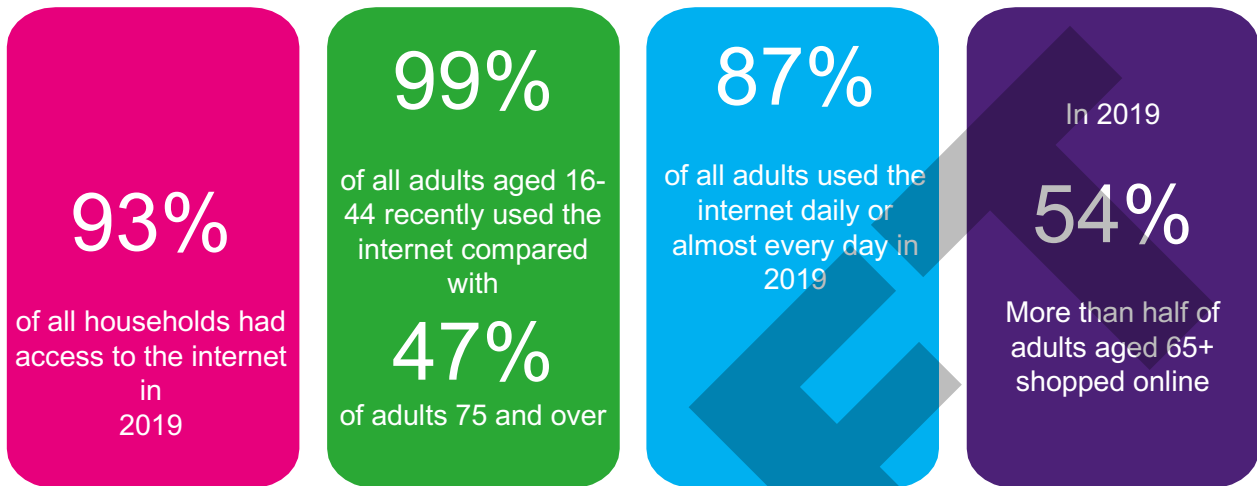
Reduce the cost of access channels to the council to help deliver the same services at a lower cost without having to cut services

Reducing contact coming into the council via channels that are resource intensive to enable us to use those resources to deal with the more complex cases and vulnerable customers who need it

Becoming a more environmentally friendly council by reducing the amount of travel to our offices and reducing the paper channels where possible

A **strategy** to meet customer expectations by delivering services online and **improving** the customer experience, whilst at the same time moving contact to the lower cost (digital) channels

Not only do people expect to be able to access services online, according to the Office for National Statistics 8 out of 10 people are accessing the internet on mobile devices. Therefore there is a big expectation for those online services to be available and easy to use on mobile devices.



Customer Access Strategy Plan of Action

Although there is good progress in developing self-service, further work needs to be undertaken to ensure that as many transactional services are fully digital and automated by the end of 2021. This strategy seeks to move towards that objective.

Folkstone & Hythe District Council's digital planning is now well-advanced but will be under continuing review to ensure it aligns with this strategy.



Good quality data on customer contact can help track progress and better understand the interactions and drivers. It is this data that will support this strategy and help us evaluate the success over the duration of the strategy.

Our plan of action tables on the following pages show the planned work throughout the council to achieve our customer access aspirations. Through the continued transformation of our services and how our customers access them, we will improve our efficiency and the customer service we provide.

The tables cover the four main access channels our customers use

1. Online
2. Telephone
3. Social Media
4. In Person

ONLINE



Many of our customers find the easiest way to access our services is online as they are able to do this at a time that suits them.

We have a number of online forms available on our website and we will continue to make more services available through this channel whilst improving the customer experience.

We also provide support through our web chat service for many of our online services should customers need assistance.

Principle	Action	How will we achieve it	Timeline
Keeping Customers Informed	Real time updates online	Our My Account will focus on access to real time status updates on transactions for a wide variety of services. This will include information about Council Tax payments and housing benefit amounts due and how they were calculated	Q3 20/21
	Informed of changes in services in my area such as a change of bin date collection due to Christmas or bad weather, local councillor changes etc.	Via our My Account pages our customers will be able to see real time changes to such information relevant to them or their property. We will have a signup notification service to push out notifications to update people faster should they wish to sign up for them	Q3 20/21
	Form completion progress	Using sections on longer forms, we will indicate how far the customer is through the form enabling them to estimate completion time remaining	Q3 20/21
Efficient working	Upload documentation online instead of bringing it into the council offices	Provide an online solution where customers can upload evidence documentation where this is legally possible to do so We will also automate as much as possible so the upload of documents starts the next part of the process speeding up the service delivery time	Q3 20/21
	Secure access to council tax account and housing benefit claim and the facility to notify us of a change in circumstances	Although customers can already report change of circumstances online, we are introducing the My Account which will enable customers to access their Council Tax and housing benefit information securely and provide a set of new automated processes which will speed up service delivery times	Q1 21/22
	Record emails about specific cases in one place to make them easier to find and follow	We are introducing enhanced communication via email that links directly into our back-office system to enable us to link email conversations together in context of a whole chronological conversation helping reduce time looking through inboxes for information	Q3 20/21
	Make information clearer online so customers do not need to contact us for clarification	We are reviewing all content on our website, forms and communications to ensure we speak in the same tone of voice which is uniformed, clear and informative	Q2 – Q4 20/21
	Ensure we have up to date current information on our website	We are running a project to look at all our website content to ensure it is the most up to date and relevant whilst also ensuring that the content is written in a way that is informative and not confusing	Q2 – Q4 20/21
	Automated entry of data to speed up the service delivery time	For a lot of our service back office systems, we will automate live data entry from forms and customer interactions directly into systems reducing the need for manual data entry and the time delay difference that may cause	Q3 20/21 – Q1 21/22

Principle	Action	How will we achieve it	Timeline
Collect less and tell us once	Create dynamic forms to capture specific information	Our forms will be designed to only ask questions that are required and dynamically change depending on the answers given to only capture information that is relevant	Q3 20/21 – Q2 21/22
Focus on the customer experience	Improving the communication to and from our customers	To reduce the postage costs and time delays caused by print and postage of physical letters, we will review each process the council has with a view to promoting emails and texts as the default update and communication methods where possible within the systems and where possible with the customer	Q3 20/21 – Q2 21/22
	Ensure that our customers can use any device to access online services	All our online solutions are mobile responsive and will resize pages depending on what device you are using to access them and will be available wherever an internet connection is available	Q4 20/21
	Place self-service devices in locations other than the Council office to make them more available	We will investigate areas of possible funding to allow us to place self-service devices in high footfall areas such as doctors surgeries, libraries and other partners of the council to improve the digital offering and self-service capabilities in the district	Q4 20/21
	Help improve the overall digital skill level within the District to help more people interact with us using the online channel	We will work with partners such as 'Digital Eagles' to provide training workshops at the council offices and other locations to help improve people's digital skills and to encourage them how they can access services from their own homes	Q2 21/22
	Continually add new services online that have not been online before	By undertaking regular customer feedback sessions and surveys, it will enable us to continuously measure each customer access channel to identify areas of improvement and additional services we can make available online where demand is high via other channels	Start Q3 20/21
	Additional online payments capabilities	We will add the ability to make online payments using our forms technology for as many services as possible and fully automate payments live into our systems	Start Q3 20/21
Proactively prevent and shape demand	Answer questions before the need to contact the council where possible	We will be adding FAQs to our website informational pages to pre answer some of the questions our customers may have about our services	Q3 20/21 – Q1 21/22
Digital by default	enable more services available online by choice	All new services looked at by the council will be designed for online access by default and then other channels opened up as appropriate	Q3 20/21 – Q4 20/21
	Digital signature availability	We will be identifying services that need a signature from our customers and providing the ability to do this online so they do not have to travel to our offices to provide it, where possible	Q3 20/21
Real-time measurement to improve	Promote our customers to tell us where we can improve	We will be encouraging our customers to give us feedback of where we can improve, to enable us to focus our attention on improvements that our customers want, rather than what we think they want	Q2 20/21

Telephone



Whilst traditionally this has been the most preferred way of customers contacting us, we have seen a reduction in calls as more of our services have been made available online. As we continue to improve services and make more of them available online we expect this trend to continue. This will free up our resources to ensure we can support those customers who do not have access to the internet to use the online services.

Principle	Action	How will we achieve it	Timeline
Keeping Customers Informed	Use text message and email technology to reach out to our customers	We will continue to encourage customers to 'sign up to' our bin collection day message alerts and introduce other message alerts such as payment	Q4 20/21
Supporting customers to do more	Make more payments by telephone available so customers don't have to wait in a queue	We are increasing the use of both online and telephony automated payment services so customers will not have to wait for our staff to answer a call and take a payment	Q4 20/21
	Reduce the amount of systems our customer service team has to look through when talking to our customers on the telephone during assisted self-service	Our new Customer Relationship Platform links together customer information, so our staff can view this in one place as much as possible and not have to learn and access multiple systems	Q3 20/21 – Q1 21/22
	Assisted self-service for those who cant access services from their own home	We will ensure that for most services, we complete the same service request and information forms that our customers would do online themselves to ensure the same process and timelines are started. As a result a lot of the online benefit will be achieved in the same way just started by us on our customers behalf	Q3 20/21 – Q1 21/22
Resolve first time	Resolve customer enquiries first time, or triage to the correct resource with the least amount of handover possible	By multi skilling our customer services team to provide the best chance of answering your question at first point of contact with the aim to reduce the call times	Q4 20/21
		To reduce the amount of time our customers have to be transferred to someone else in the council to answer their questions or deal with their enquiry, we are bringing more services into customer services	Q4 20/21
		We are configuring the new telephone system to route customer calls to reach the best person to deal with requests first time.	Q3 20/21
		Our new telephone contact solution allows us to add improved messaging to the beginning of calls and route customers to the right place	Q3 20/21
Efficient working	Make best use of telephone technology to increase working resources	We are increasing our 'Working anywhere' capabilities for our staff using our new telephone system which allows staff, who are unable to work from the office, to continue to respond to customer enquiries.	Q2 2019



Over the last few years we have seen a reduction of customers coming into our offices as more of our services have been made available online. We expect this trend to continue as we improve services and make more of them available online. 2020 has seen a big push to enable services online as default and as a result we will be looking closely at the resources needed for necessary opening times of the council offices.

Principle	Action	How will we achieve it	Timeline
Resolve first time	Resolve customer enquiries first time, or triage to the correct resource with the least amount of handover possible	By increasing the amount of training we provide our frontline customer services team, we will be able to empower them to deal with more enquires through to completion and reduce the waiting time of our customers should they need to visit the council office	Q2 20/21 – Q1 21/22
		Upgrade technology solutions so that staff are able to answer most customer queries at the first point of contact with a lot of the customer information in one place and encourage our customers to do so online for future transactions	Q3 20/21
Efficient working	Change the reception area design to avoid delays caused by the current reception environment	Redesign the council office reception area to introduce clearer flow to areas such as self-service and visitor waiting etc. to reduce the delay in those who want to use such services	Q4 20/21
		We will be replacing the old style reception desk environment and introducing a walk around meet and greet style customer service with the aim to flow people to the right area quicker and help our staff encourage future self-service	Q4 20/21
		We are introducing a self-service visitor solution to enable visitors to sign in and let their receiver know they are here, reducing the need for visitors to queue	Q4 20/21
Making online available	Making self-service more accessible and reduce digital exclusion	We will be increasing the amount of self-service desks available and ensuring that our customers who have no access to the internet can access the online services in the same way someone could from their own home	Q4 20/21
		Continue to provide staff training to our customer service team on our online services and how best to assist customers to self-serve online	Q2 20/21 – Ongoing
	To access our customer's information wherever our staff are in the building or on the streets	We are investing in technology such as mobile devices for staff who will be mobile in their role and ensuring those devices have access to the right information.	Q2 20/21
		By moving a lot of our systems into the cloud, it has made access to these systems available on any device that has an internet connection increasing the availability of customer and service information to all our staff wherever they are in the district	Q4 20/21

SOCIAL MEDIA



Social Media helps us to communicate important information to our customers, including updates on services, what is happening in the district and to advise of any critical information such as bad weather affecting services. Customers use social media to provide feedback and to alert us of any problems in the district.

Principle	Action	How will we achieve it	Timeline
Keeping Customers Informed	Use social media to update our customers faster	Reviewing our social media platforms will allow us to understand our customer needs, opinions and issues in the community so we can be proactive and prompt with our responses and information we provide	Q3 20/21
Focus on the customer journey	Listen to compliments and complaints via social media to improve services	Our social media channels will continue to be monitored for customer feedback to help improve our services	Ongoing
	Speed up our response times to our customer service requests	The introduction of our new Skype for Business platform allows our staff to speed up communication processes internally to resolve customer enquiries	Q2 20/21
Making online available	Promote more contact through social media	Proactively promoting our social media platforms to increase their use, will help us communicate with our customers quicker on time critical information such as bad weather affecting services. We will also integrate this into our customer account where possible as a communication tool	Q3 20/21
	Make answers to general enquiries available 24/7 where at all possible	We will investigate the use of artificial intelligence on our social media platforms to answer basic enquiries automatically without the customer having to wait for a response during working hours	Q1 21/22

Summary of expectations

- All services that have the capability of being online are available online by the end of 2021
- Direct as much contact through our My Account enabling our customers to access services at a time convenient to them by the end of 2021
- Reduced council office opening times in line with demand moving online
- A reduction in processing times across all services that are available online with automated data entry
- Printing reduced by 60% by the end of 2021 by bills and documents being available digitally
- A 60% reduction in postage costs by using digital documents via email and the My Account
- Reduce the total contacts into the council by 30% by the end of 2021
- Change the way people contact us so that at least 60% of all contact is done online. We will see indications that we have achieved:
 - %increase in the number of online transactions
 - % increase in the number of the number of visits to our council website pages
 - % increase in the use of automated online payments service
 - % increase in the number of My Account sign ups
- Clear indications that our Customer Services team have improved customer service for those who need to use them via telephone and measure this by:
 - % calls dealt with at first contact
 - % telephone calls answered
 - % calls successfully meeting the customer service performance indicators
- XX% of data related to our customers will be linked to the individual customer contact record by the end of 2021
- Customer feed-back and industry measures will rate the council's website as comprehensive, simple to use and easily accessible
- An increased digital footprint and digital skill levels across the district to reduce the levels of digital exclusion

Our Approach

Digital Customer Services

Short term 1-2 years

- Design and implement the Folkestone & Hythe My Account as the main customer transaction route
- Use customer insight from customer surveys and online analytics to review/redesign the top 50 type of enquiries from customers to improve the customer experience and to speed the up overall process time
- Set up customer focus groups (staff, individuals, businesses) to assist in the review/ redesign of services/processes on what the customer needs and not what we think they need (whilst understanding costs and resources)
- Redesign services using the 'test and learn' approach
- Implement a new online customer platform to start consolidating customer information from various back office systems
- Reduce the duplication of customer information to have a singular customer record and allow us to focus on being customer centric
- Increase the drive for customers to use online, reducing the need for other channels
- Provide digital services that are so good they become the customers preference

Long term 3-5 years

- Continue to use customer insight/feedback and business intelligence for service improvement
- Redesign services using the 'test and learn' approach
- Increase 24/7 service availability by introducing automated artificial intelligence on social media platforms and Webchat to complete processes where appropriate
- Investigate /utilise voice activated services via smart speaker and telephony

Communication and Engagement

- Shape channels to provide the optimum customer journey and publicise appropriately.
- Ensure optimum customer experience and ensure our services and information are available on channels that suit our customer needs
- Promote new and convenient ways in which customers can access services digitally and clarify exactly which transactions can be completed digitally and the best channel to use for those that aren't
- Report to the customer where they are helping reduce costs by moving to our services through online channels
- Communicate timely with our customers on changes made to our access channels and process

Commitments

Our commitment to you

- Be professional, helpful and courteous
- Do our best to understand your circumstances
- Protect your personal information
- Take responsibility for your enquiry
- Ensure cost efficient processes
- Deliver what we promise
- Say sorry and put things right if we get them wrong
- Use plain English and explain things clearly
- Continually review our services by listening to our customers
- Respond to your enquiry within a reasonable time

Your commitment to us

- To treat our staff with respect
- Help us to reduce costs by using online services where possible
- Provide constructive feedback on our services so we can continually improve the customer services and experience

DRAFT

This Report will be made public on 1 June 2020



Report Number **OS/20/02**

To: Overview & Scrutiny Committee
Date: 9 June 2020
Status: Non- Executive Decision
Responsible Officer: Ewan Green, Director of Place

SUBJECT: REVISED HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) LICENSING POLICY

SUMMARY: This report sets out proposed revisions to the Council's Hackney Carriage and Private Hire (Taxi) Licensing Policy. The policy was last reviewed in 2012 and whilst not time limited it is good opportunity to refresh the policy. The new policy will be sent for public consultation and then to Planning and Licensing Committee for approval. The purpose of this report is to give the Overview & Scrutiny Committee the opportunity to review the proposed changes and give feedback that can be incorporated in the development of the final policy.

RECOMMENDATIONS:

1. To receive and note report OS/20/02.
2. To consider and provide any feedback on the policy to be included in the consultation exercise and developed into final draft to be presented to the Planning and Licensing Committee for adoption.

1. BACKGROUND

- 1.1 The council has adopted the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 and as such is responsible for licensing the Hackney Carriage and Private Hire trade within the district. Licences are issued to drivers, vehicles and private hire operators
- 1.2 The council has a policy which sets out its approach to determining licensing applications and the conditions which it will apply to licence holders. Revisions to the policy have been limited and piecemeal. The most recent amendment was in 2012. There has been no formal review of the policy since that time.
- 1.3 The current policy “Hackney Carriage and Private Hire Vehicle and Driver Conditions and Procedures” is published on the council website

https://www.folkestone-hythe.gov.uk/media/46/Hackney-Carriage-and-Private-Hire-Vehicles-Driver-Conditions-and-Procedures/pdf/Hackney_Handbooklive_2012.pdf?m=637164963970970000

- 1.4 A full review and update of the policy has been carried out. A copy of the draft policy is attached to this report. The policy does not propose any radical changes but seeks to modernise and refresh the policy to ensure it is fit for purpose.
- 1.5 The policy is brought to this committee for review and comment prior to a period of public consultation.

2. KEY CHANGES TO THE POLICY

2.1 General Matters

- Improved layout and wording to provide clear, easy to understand, information for prospective applicants, licence holders and decision makers.
- A commitment to review the policy every 5 years.
- Inclusion of an enforcement policy specific to taxi licensing.
- Introduction of a “penalty points” scheme for breaches of licence conditions to promote compliance and act as an “early warning” to licence holders.
- Revised (and more stringent) policy on approach to applicants and licence holders with convictions and cautions, to largely reflect current Institute of Licensing Guidance.

- Inclusion of a general policy on refunds for surrendered licences.
- Removal of the complicated “proposals from trade” process, which set a process for reviews of the policy by the relevant licence holders.

2.2 Drivers

- Hackney Carriage only driver licence discontinued. Driver licences to be Private Hire only or Dual (Hackney Carriage and Private Hire combined)
- Removal of a minimum age for drivers (other than statutory requirement to have held a full driving licence for one year).
- Introduction of requirement for new drivers to pass a Driving Standards Assessment.
- Applicants failing knowledge test 3 times in 3 month period to wait 6 months before further application accepted.
- Provision of Disclosure and Barring Service (DBS) certificate to tie in with licence renewal. Drivers must sign up to the DBS online update service.
- Drivers residing abroad within 10 years prior to application to provide certificate of good conduct from relevant embassy (increased from 12 months).
- Interval for medical certificates for drivers aged 45-65 reduced from 4 years to 3 years, to be supplied as part of a renewal application. There is a proposed transitional process for existing drivers, to align this with licence renewal periods.
- Condition to notify of any medical condition affecting ability to drive or safety of passengers. Council may require additional medical assessments where reasonably required.
- Legal Obligations for assistance of passengers in wheelchairs or with assistance dogs clearly set out and incorporated into licence conditions.
- Condition to issue receipts for payment, where requested.
- Revision of basic dress code.

2.3 Private Hire Operators

- Condition requiring premises accessible to public to be covered by public liability insurance.

- Enhanced record keeping requirements concerning vehicles, drivers and booking details. Retention period for records increased from 3 months to 12 months.
- Correction to reflect Basic DBS is required for operators (not enhanced)

2.4 Vehicles

- Extend maximum age for newly licensed vehicles from 3 to 4 years. Maximum age for standard vehicle renewals clarified at 7 years (with 2 further years if in exceptional condition).
- Maximum age for new and relicensed Wheelchair Accessible Vehicle (WAV) increased to 6 years and 12 years respectively (matching that for “London Style” cabs).
- Policy not to permit “dual plating” of vehicles (i.e. vehicles will not be licensed if they hold a licence with another authority).
- Update of vehicle specifications and conditions e.g. relating to LPG conversions, use of Space saver tyres, tinted windows.
- Introduction of specific policy and conditions for stretch limousines.
- Inclusion of policy on exemptions from display of plates.
- Introduction of published “statutory list “of WAVs, which will be subject to requirements of Equality Act 2010.
- Valid inspection certificates to be maintained for mechanical lifting equipment used on WAVs.
- Update of advertising restrictions on vehicles.

2.5 Some key areas of the policy remain unchanged. As follows:

- There is no proposal to introduce mandatory CCTV in vehicles.
- No proposal to restrict numbers of Hackney Carriage Vehicles
- No proposal to require vehicles to be Wheelchair Accessible.

2.6 The proposed changes will not result in any increased in costs to the council. The proposed changes around DBS and medical certificates should increase efficiency of the process.

2.7 The proposed changes will increase direct costs to licence holders estimated as follows:

- Practical Driving Assessment for new drivers - £90

- Up to 2 extra medical checks over a 20 year period for drivers age between 45 and 65. Cost dependent on medical provider charges but estimated from £55 per check.
- Maintenance of public liability insurance for licensed private hire operators (although responsible operators may already hold a policy).

2.8 The changes to DBS checks will result in a saving to drivers of up to £34.50 per each 3 year licence period. The relaxation on age of newly licensed vehicles will allow potential savings for owners when purchasing a vehicle.

3. CONSULTATION

3.1 An 8-week consultation period is proposed. This will include direct consultation with key stakeholders, including:

- Hackney Carriage and Private Hire licence holders in the district
- FHDC district councillors
- Town and Parish Councils
- Kent Police
- Kent County Council

The draft policy will also be published on the council website, inviting comments.

3.2 Following the consultation and amendments, the policy would be brought to the Planning and Licensing committee for consideration and adoption.

4. RISK MANAGEMENT ISSUES

4.1 Members of the Overview and Scrutiny Committee will be asked for their view of risks relating to this matter for consideration as the item is progressed

Perceived risk	Seriousness	Likelihood	Preventative action

5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

5.1 Legal Officer's Comments (TH)

The Council has a duty to provide for the licensing of hackney carriages under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must provide for the licensing of private hire drivers, vehicles and operators.

There is no statutory requirement to adopt a Taxi Policy however it is considered best practice to do so in order to have an open and transparent

licensing regime. Such a policy is necessary to ensure proper regulation of the trade and to ensure that high standards are maintained.

The fundamental purpose of the licensing regime is to protect the safety of the public. This means the Council must ensure that only fit and proper persons are licensed to be drivers, operators and holders of vehicle licences and that vehicles remain safe and fit for the purpose.

Failure of the Council to properly regulate Hackney Carriage and Private Hire licensing in the district and a failure to maintain a policy that is fit for purpose leaves the Council and any decisions made in relation to licensing open to legal challenge. Any such challenge carries both financial and reputational risk for the Council.

The Council must have regard to all relevant legislation and ensure that consultation process is followed correctly, in order to minimise the risk of any legal challenge.

5.2 Finance Officer's Comments (LH)

There are minimal financial implications arising from this report other than staff time in preparing and sending the consultation documentation out however, any small cost should be able to be contained within the existing budget.

5.3 Diversities and Equalities Implications (GE)

There are no negative equalities implications directly arising from this report. The policy makes clear reference to the obligations of drivers of both taxis and private hire vehicles to accommodate those with a physical disability under the Equality Act 2010. The notable introduction of a statutory list of wheelchair accessible vehicles (WAVs) to be publicised on the Council's website will positively assist wheelchair users in making more informed decisions about their day to day transportation needs.

6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Sarah Pinkstone, Environmental Health & Licensing Team Leader

Telephone: 01303 853347

Email: sarah.pinkstone@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

Appendices:

Appendix 1: Draft Hackney Carriage & Private Hire Licensing Policy 2020v1.4

HACKNEY CARRIAGE AND PRIVATE HIRE

Licensing Policy

2020



Folkestone & Hythe District Council

Hackney Carriage and Private Hire Licensing Policy

Folkestone & Hythe District Council (F&HDC) licences hackney carriage (taxi) and private hire drivers, vehicles and operators. It has adopted the Local Government (Miscellaneous Provisions) Act 1976 together with the Town Police Clauses Act 1847 and the Public Health Act 1875

1.0	Introduction	
2.0	Drivers	
3.0	Private Hire Operators	
4.0	Vehicles	
5.0	Fees	
6.0	Fares	
7.0	Delegations	
8.0	Disciplinary & Enforcement Measures	
9.0	Taxi Stands (Ranks)	
	APPENDICES	
A	Application Procedures	
B	Standards for Insulin Treated Diabetes	
C	Relevance of Convictions and Cautions	
D	Hackney Carriage Byelaws	
E	Private Hire Driver Conditions	
F	Private Hire Operator Conditions	
G	Vehicle Specifications and Conditions	
H	Stretch Limousine Additional Conditions	
I	Driver Dress Code	
J	Enforcement Policy – Hackney Carriage & Private Hire	
K	Penalty Points System	

Licensing Team
Licensing@folkestone-hythe.gov.uk

1. Introduction

- 1.1.1 Hackney carriage and private hire vehicles have a specific roles to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas), or outside “normal” hours of operation such as in the evenings or on Sundays), and / or for those with mobility difficulties. Taxi and private hire vehicles play an integral part in the dispersal of customers and staff of the night-time economy. Many also undertake contract work transporting vulnerable people to schools and colleges.
- 1.1.2 The council’s authority to regulate the hackney carriage and private hire trade is through the adoption of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and the Town and Police Clauses Act 1847 (as amended).
- 1.1.3 The council licenses the following;
- Hackney Carriage Vehicles and Drivers
 - Private Hire Vehicles and Drivers
 - Private Hire Operators
- 1.1.4 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public.
- 1.1.5 Private Hire vehicles (PHV) must also have no more than 8 passenger seats but these must be booked in advance by customers through an operator and may not ply for hire in the street or stand at ranks.
- 1.1.6 A Private Hire Operator makes provision for the acceptance of bookings for private hire vehicles.
- 1.1.7 The requirements of the Acts are that the council must be satisfied that a vehicle is suitable in type, size and design for use as a hackney carriage or private hire vehicle and is in a suitable mechanical condition, safe and comfortable.
- 1.1.8 Concerning drivers, the 1976 Act requires the council to be satisfied that the applicant is a fit and proper person to hold a licence.
- 1.1.9 In addition to statutory requirements, the council may attach conditions to licences as it considers reasonably necessary.

1.2 Aims of Policy

- 1.2.1 The fundamental aim of this policy is protection of the public. In particular, it aims to ensure that licensed vehicles are safe, comfortable, insured and are driven by safe, professional and competent drivers.
- 1.2.2 The council looks to well-run and responsible businesses that provide a professional service to the public.

- 1.2.3 The policy sets out the minimum requirements for licensing drivers, vehicles and operators that will be implemented through the licensing regime to achieve these aims. In setting conditions, it is recognised that these should not be unduly stringent, to the extent that entry to the trade is restricted or operational costs are increased such that supply of Hackney Carriage and Private Hire services is restricted. Such a restrictive approach may have a detrimental impact on the public, including safety.
- 1.2.4 For example, it is clearly important that somebody using a taxi to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or Private hire vehicles has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.
- 1.2.5 The cost of a licensing requirement therefore needs to be considered 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 is undertaken, but that broadly the costs of introducing a licensing condition is weighed against the benefit it is intended to achieve.
- 1.2.6 Enforcement matters will be addressed with transparency and fairness but robustly when dealing with serious and / or repetitive issues of non-compliance and enforcement.
- 1.2.7 In exercising its discretion in carrying out its regulatory functions, the Licensing Authority shall have regard to this policy document as an aid to consistent decision making.
- 1.2.8 The policy represents the council's view on the best approach to achieving its aims, and so in normal cases it is expected that this policy will be followed. However, each case will be considered on its merits. Should a decision depart from this policy then there will be clear, documented reasons for doing so.
- 1.2.9 Licence holders and potential applicants are strongly advised to be familiar with this policy as it sets out considerations and criteria the council use when determining applications as well as the standards that are expected of licence holders. This should help minimise the likelihood of refused applications or enforcement action.

1.3 Preparation, Implementation and Review of This Policy

- 1.3.1 In preparing this policy, account was taken of the guidance
- "Taxi and Private Hire Vehicle Licensing – Best Practice Guidance" (Department of Transport (DfT)– 2010)
 - Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades (Institute of Licensing April 2018).
 - Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance (Department For Transport 2017)

1.3.2 Consultation was also undertaken with the following

- **LIST OF CONSULTEES**

The policy was presented to Planning and Licensing Committee on XXXXXX
Came into effect on XXXXXXXXXXXXXXXX

1.3.3 The council will review its policy to reflect changes in legislation, government guidance and other relevant council policies. It aims to review the policy at least every 5 years.

1.4 Publication of information

1.4.1 The council is under a duty to publish its driver, vehicle and operator licensing data form in such form as the Secretary of State may require.

1.4.2 The council may publish details of licensed vehicles, drivers and operators on its website, including licences recently suspended or revoked.

1.4.3 Under the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019, the local authority is required to submit details of licensed vehicles to- DEFRA

1.4.4 F&HDC will share information in relation to refused licence applications and revoked licences through the National Antifraud Network

1.4.5 Further information in relation to handling and sharing of information is set out in the council's privacy notice on Taxi Licensing.

2. DRIVERS

2.1 Licences

2.1.1 We issue two types of driver licence: Private Hire and Dual (Hackney Carriage and Private Hire)

2.1.2 Licences are normally granted for a period of three years. A licence may be granted for a shorter period where appropriate. Note: The driver cannot receive a licence for a period longer than their "right to work".

2.1.3 Before granting a drivers licence, the council must be satisfied that the applicant is a 'fit and proper person' to hold a licence

2.2 Age and Experience

2.2.1 Department for Transport (DFT) Guidance recommends that maximum age limits for drivers should not be set, providing that regular medical checks are undertaken. It also considers minimum age limits (beyond the statutory age for holding a full drivers licence) as inappropriate. Therefore the council **will not set minimum** or maximum age limits for drivers. However, in accordance with legal requirements, applicants must have held hold a valid full UK (OR EU/EAA driving licence) for a minimum of 12 months prior to their application.

2.3 Driver & Vehicle Licensing Agency disclosure

2.3.1 The grant of a licence is subject to a check being made with the DVLA in respect of any relevant convictions. The check is carried out annually or at other times if the council believes that there is reason to do so. Each applicant must complete a mandate to the DVLA to enable the check to be made or give consent for officers to make appropriate checks via gov.uk

2.4 Driving Proficiency

2.4.1 New applicants will be required to provide evidence that they have, within the 12 months prior to their application, passed a Driving Standards Assessment specifically designed for Hackney Carriage and Private Hire drivers.

2.4.2 The Assessment must be carried out by one of the Council's nominated providers.

2.4.3 Where there is any doubt as to the driving ability of the licence holder, or any significant changes to the driver's circumstances, since the grant of the licence, the Authority may require the applicant to pass a further DSA test. Any fees must be met by the applicant.

2.5 The Knowledge Test

All new applicants must pass the Folkestone & Hythe District Council Knowledge test. This is to test the driver's knowledge of the local area, Highway Code, aspects of taxi licensing law and our policy. Further information on the knowledge test is included in [Driver Application Procedures \(Appendix A\)](#). Applicants must have passed the test within 12 months of the date of their application.

2.6 English assessment

Applicants must have a reasonably adequate standard of spoken English to be a hackney carriage or private hire driver. This will be assessed throughout the application process and during the Knowledge test.

2.7 Disclosure and Barring Service (DBS) check

2.7.1 A DBS check on a driver is an essential measure in determining whether an applicant is a suitable person to hold a licence. An enhanced disclosure provided by the Disclosure and Barring Service is required for all applicants. Enhanced disclosures include details of spent convictions, police cautions and other information.

2.7.2 The Rehabilitation of Offenders Act 1974 **does not apply** to applicants for drivers licences. They are required to disclose all convictions, including those that would normally be regarded as spent.

2.7.3 DBS checks are carried out at the applicant's expense.

2.7.4 As part of our policy, we will require licensed drivers are required to maintain an online certificate through the DBS update service. (<https://www.gov.uk/dbs-update-service>) and enable the council to access this certificate on renewal or at other times as reasonably necessary. Drivers must pay an annual fee to the DBS for the on-line update facility.

2.7.5 The advantage of the online update service is:

- Drivers maintaining an up to date online certificate will not need to apply for and submit a paper DBS certificate when renewing their licence. (providing that the information on the online DBS is up to date) This will result in a quicker process.
- The Online Certificate can be checked by the licensing authority at renewal and at any other time as reasonably required.
- Maintaining an online certificate through annual subscription may cost the driver less than obtaining a paper certificate every 3 years.

2.7.6 Drivers who already hold a licence on the date that this policy comes into effect and have not already signed up to the update service, will be required to provide a paper DBS certificate at their next renewal then sign up to the online update service.

2.7.6 If an applicant has within the last **10 YEARS** lived outside the UK, a certificate of good conduct from the relevant embassy or equivalent document, issued and authenticated by the relevant embassy will also be required. This must either be in English or translated by an approved translator at the applicant's expense.

2.7.7 If an officer has any doubt as to the validity, completeness or accuracy of the document, then an applicant may not proceed to next step of process. The burden to establish validity lies with the applicant.

2.8 Medical Assessment

2.8.1 The DfT guidance states that it is clearly good practice for drivers to undergo medical checks prior to grant or renewal of a licence. The Group 2 Medical Standards adopted by the DVLA for lorry and bus drivers are considered best practice for Hackney Carriage and Private Hire Drivers.

2.8.2 All applicants must undergo a medical examination to assess their fitness to work as a Hackney Carriage / Private Hire Driver .A group 2 medical standard will be required. A request form will either be sent as part of an application pack or can be obtained from the Council. [The assessment must be carried out either by the applicant's General Practitioner or by a suitably qualified GMB registered medical](#)

practitioner who has access to the applicant's medical records. The completed form must be submitted as part of the application.

2.8.3 The applicant is responsible for paying the fee for the assessment.

2.8.4 A medical assessment is required for all new driver applications. A new medical assessment is required every **6** years for drivers aged up to 45, every **3 years** for drivers aged up to 65. Drivers aged 65 or over are required to undergo a medical assessment annually. More frequent checks will be required if considered necessary by the Medical Practitioner. Certificates provided must be less than 3 months old.

2.8.5 In order to streamline processes, it is intended that the submission of routine medical certificates is synchronised with, and part of, the licence renewal process, as far as possible. To facilitate this, drivers aged between 45 and 65 who hold a licence at the time this policy comes into effect, must submit a new medical certificate at next renewal. However, if their last medical was carried out within 12 months of the renewal date, they will not need to submit a new routine medical until the following renewal.

2.8.5 The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 KG lorries. As suggested best practice, This authority will also apply criteria based on the C1 standards to taxi and PHV drivers with insulin treated diabetes. These are set out in **Appendix B**

2.8.6 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. Licence holders may be required to undergo a further medical assessment to confirm their fitness to drive a licensed vehicle. 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 certificate submitted.

2.8.7 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.

2.9 Child Sexual Exploitation and Safeguarding Training

2.9.1 The knowledge test includes questions about safeguarding. A short video is an integral part of the test. All applicants will have to pass the section on safeguarding.

2.9.2 The council may promote awareness through other information and education campaigns

2.10 Immigration Checks – Right to Work

2.10.1 The council has a duty to carry out immigration checks to ensure applicants have a right to work in the UK. A licence will not be granted unless sufficient proof of right to work in the UK has been provided. Licences will not be granted for a longer period than the applicant's right to work.

2.10.2 The Immigration Act does not permit the issue of Licences to self-employed persons who are in the country on a student visa.

2.11 Convictions and Cautions

2.11.1 In assessing whether an applicant or licence holder is a fit and proper person, the council will consider convictions, cautions and other information that has been disclosed, so far as they are relevant to a licence.

2.11.2 **Appendix C** sets out the council's policy on the relevance of convictions and cautions

2.12 Applications and Renewals

2.12.1 The process for new applications and renewals is set out in **Appendix A**

2.13.2 Applications must be made with the appropriate fee, forms and supporting documents. Whilst reminders will be sent, it is the responsibility of the licence holder to ensure a renewal application is submitted in time, failure to do so may result in the lapse of the licence.

2.13.3 The Council is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence as are considered necessary.

2.13.4 Hackney carriage drivers are subject to the Council's byelaws (see **Appendix D**) and joint licence holders are subject to the private hire driver's conditions.

2.131 It is considered that the conditions set out in **Appendix E** are reasonably necessary and appropriate for private hire drivers. Dress Code for Drivers is in Appendix I

3 PRIVATE HIRE OPERATORS

3.1.1 Any person that takes bookings for private hire vehicles in the Folkestone and Hythe District must be licensed as a Private Hire Operator.

- 3.1.2 A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle
- 3.1.3 The objective in licensing Private Hire Operators is the safety of the public, who will be using operator's premises and vehicles and drivers arranged through them.
- 3.1.4 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.
- 3.1.5 Licences are normally issued for a period of 5 years. This is consistent with best practice guidance and is the maximum length of licence permitted.
- 3.1.6 Fees for private hire operator licences are based on the number of vehicles operated. Applicants will be required to give details of the number of vehicles they intend to operate. Should an operator wish to increase the number of vehicles then they must notify the council in order that the licence can be amended. An additional fee may be charged to account for the increase in vehicles.

3.2 Disclosure and Barring Service (DBS) Checks

- 3.2.1 Private Hire Operators (that are not licensed drivers) are not exempt from the Rehabilitation of Offenders Act 1974. As such they will not be subject to an Enhanced DBS check. A Basic disclosure will be required.
- 3.2.2 Licensed operators are encouraged to maintain an online certificate through the DBS update service. (<https://www.gov.uk/dbs-update-service>) Operators must pay an annual fee to the DBS for the on-line update facility.
- 3.2.3 Operators that are also drivers licensed by this authority, will be required to provide an enhanced DBS as part of their drivers;' application and maintain an online certificate through the update service. In such cases operators, will not be required to submit an additional basic DBS.
- 3.2.4 The advantage of the online update service is:
- Drivers maintaining an up to date online certificate will not need to apply for and submit a paper DBS certificate when renewing their licence (providing that the information on the online DBS is up to date). This will result in a quicker process.
 - The Online Certificate can be checked by the licensing authority at renewal and at any other time as required.
- 3.2.5 Disclosure of convictions will be taken into consideration when determining whether an operator is a fit and proper person to hold a licence.

3.3 Address from which Operator based

3.3.1 The Operator's base must be located in Folkestone & Hythe District. If it is not, the council will not grant a licence. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended as a restraint of trade.

3.3.2 It will be the responsibility of the operator to ensure that appropriate planning permission exists for the operational address to be used for that purpose, prior to starting operating. The grant of a private hire operator's licence does not override the need for planning permission nor does it imply that such planning permission is or isn't required or likely to be granted, as such determination will be subject to the appropriate planning process. The Licensing Team may provide the Council's planning team with names and addresses of licensed operators. Applicants are advised to check with the planning team regarding the need for planning permission using the Council's pre application advice service which can be accessed via the link below:

[pre-application planning advice service](#)

3.4 Insurance

3.4.1 If the operator's premises is open to the public, suitable Public Liability Insurance must be in place. Evidence of insurance must be provided before a licence is issued.

3.5 Use of Vehicles and Drivers

3.5.1 As a result of the Deregulation Act 2015, Private Hire Operators are allowed to sub-contract work to other licensed Private Hire Operators who hold licences with a different Licensing Authority.

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

3.6 Licence Conditions

3.6.1 Standard Conditions applied to Private Hire Operator Licences are given in [**Appendix F**](#). Further conditions can be added to a licence where considered appropriate.

4. VEHICLES

4.1 Limitation on Numbers

4.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

4.1.2 Section 16 of the Transport Act 1985 made provision for the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”. In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, have to be established that the Council had been reasonably satisfied that there was no significant unmet demand.

4.1.3 Most local authorities do not impose quantity restrictions. The Department for Transport regards this as best practice.

4.1.4 The council does not intend to set a limit on the number of hackney carriages that it licences.

4.2 Vehicle Specifications

4.2.1 Local Authorities have a wide range of discretion over the types of vehicles that they can licence as Hackney Carriage or Private Hire Vehicles. Best Practice Guidance is that local authorities should adopt the principle of specifying as many different types of vehicles as possible. This could be done, for example by specifying general criteria, and allowing the Hackney and Private Hire Trades to put forward vehicle that meet those criteria

4.2.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate.

4.2.3 Specifications and licence conditions for vehicles are set out in [Appendix G](#)

4.2.4 This policy does not specify colours for Hackney Carriage or Private Hire vehicles

4.2.5 The council will not licence a vehicle which is already licensed with another council or Transport for London. If the council becomes aware that a vehicle is dual licensed, then the licence is likely to be revoked.

4.3.5 Stretch Limousines are sometimes used for private hire bookings and special events. These are often imported vehicles, and due to their nature may not meet standard vehicle specifications set out in licensing policy. (for example to be right hand drive.

4.3.6 Imported vehicles may not have certification to EU Whole Vehicle Standards. Such vehicles would normally require certification under the Individual Vehicle Approval (IVA) Scheme to demonstrate that they meet appropriate safety standards.

4.3.7 The Department of Transport view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it may lead to higher levels of unlawful operation.

- 4.3.8 Applications for stretch limousines to be licensed as private hire vehicles will be considered on their merits provided they have no more than 8 passenger seats.
- 4.3.9 Additional Specifications and Conditions relating to stretch limousines are set out in **Appendix H**
- 4.3.10 All bookings for a stretch limousine licensed as a private hire vehicle by the council must be booked through a private hire operator licensed by Folkestone & Hythe District Council in accordance with S55 of the Local Government (Miscellaneous Provisions) Act 1976.

4.3 **Accessibility**

- 4.3.1 The council is committed to supporting and promoting equality and diversity.

The Equality Act 2010 has made provision for the assistance of taxi and private hire vehicle passengers in wheelchairs and to those who have guide dogs and other assistance dogs. The sections relating to wheelchair users (sections 165 and 167) came into force on 06 April 2017 and the provisions relating to assistance dogs (sections 168 – 173) came into force in October 2010. In accordance with sections 168 – 173 taxi and private hire vehicle drivers are under a duty to carry guide, hearing and assistance dogs without additional charge. Drivers must convey a disabled passenger's dog and allow it to remain with the passenger.

- 4.3.2 The Secretary of State has the power to impose accessibility requirements on large operators. In particular, the power could permit the setting of quotas of accessible vehicles which must be available to such operators

- 4.3.3 This policy does not currently mandate vehicles to be a wheelchair accessible design. However, such vehicles are encouraged.

- 4.3.4 The council will maintain a list of Designated Wheelchair Accessible Vehicles in accordance with S167 of the Equality Act 2010. A designated wheelchair accessible vehicle is a licensed hackney carriage or private hire vehicle which can carry a passenger whilst they remain in their wheelchair. This list will be published on the council website. It will be updated when information becomes available following issue of licences.

- 4.3.5 The council will look to introduce a second "voluntary list". This will provide a list of vehicles that are accessible to passengers in wheelchairs, who are able to transfer from their wheelchair into a seat within the vehicle and the wheelchair can be folded down and placed in the vehicle. The list will be updated when Information becomes available following issuing of licences.

4.3.6 Drivers of designated wheelchair accessible hackney carriage and private hire vehicles have a legal duty under Section 165 of The Equalities Act 2010 to:

- to carry the passenger while in a wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

Mobility assistance is assistance:

- to enable the passenger to get into or out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's luggage into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

4.3.8 It is accepted that there will be some specialist or motorised wheelchairs which due to their dimensions may not be able to be loaded or conveyed safely in all designated vehicles and it is not practicable to require vehicles to be able do so. It may be a reasonable defence if a driver is not able to fulfil duties under the Act due to the size/ design of the wheelchair. However, it is expected that if passengers cannot be accommodated for this reason, that it is dealt with sensitively and clearly explained to the passenger.

4.3.9 The legal duties set out in 4.3.6 above do not apply to drivers of vehicles on the voluntary list. However, it is expected that drivers on this list will accept a passenger who is able to transfer onto a seat from their wheelchair and provide reasonable assistance to the passenger, without extra charge.

4.3.10 DfT guidance states that fare meters should not be left running whilst a driver is fulfilling these duties (e.g. loading / unloading wheelchairs, providing assistance to the passenger,) as this would constitute making an extra charge for doing so. Meters left running under these circumstances would be treated as a breach of the Act and this policy.

4.3.11 Drivers who for medical reasons or due to their physical condition make it impossible or unreasonably difficult for them to carry out duties to passengers in wheelchairs, may apply to the council for an exemption certificate. Such certificate will only be issued on production of medical evidence. Exemption Certificates must be displayed in the vehicle at all times the driver is working.

4.3.12 Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs. When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

4.3.13 Drivers who, for medical reasons are unable to accept assistance dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of sufficient medical evidence. Exemption certificates must be displayed in the vehicle at all times the driver is working.

4.4 Environmental considerations

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

4.4.2 The age criteria for vehicles within this policy will ensure that over time the fleet will benefit from general improvements in environmental performance.

4.4.3 Vehicle Specifications enable Electric, Hybrid or LPG converted vehicles to be licensed.

4.4.4 Local licensing authorities are encouraged to consider how they can support any local air quality management policies that the local authority may have adopted, particularly where Air Quality Management Areas (AQMAs) or Clean Air Zones have been introduced. .At present F&HDC does not have any Air Quality Management Areas or Clean Air Zones. However, should this happen in the future, then the vehicle emissions standards for hackney carriage and private hire vehicles could be incorporated into the policy.

4.4.5 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

4.5 Age of Vehicles

4.5.1 This policy sets maximum age for vehicles when licensed for the first time and on renewal. The age restrictions contribute to ensure vehicles within the licensed fleet of license are of a high standard and benefit from general improvements in safety features and emission standards over time.

4.6 Vehicle Testing & Inspection

4.6.1 Vehicles must be mechanically tested and inspected at a garage nominated by the council. Vehicles meeting required standard will be issued with a "Compliance

Certificate". This is valid for 6 months. Vehicles must not be used unless it has a valid compliance certificate.

4.6.2 Owners of new vehicles with less than 500 miles and under 12 months old from its first registration will not be required to provide a compliance certificate until the first renewal of the vehicle's licence, unless on inspection an officer requires one, e.g. after inspecting accident damage.

4.6.3 Newly licensed Vehicles will be subject to a check by council officers to ensure that it meets specifications and conditions set out in this policy.

Further checks may be undertaken by officers from time to time to ensure that exterior and interior standards are maintained,

4.7 Insurance and Road Tax

4.7.1 Vehicles must be taxed and have valid insurance which covers the vehicle for carriage of passengers for hire or reward. Insurance will be checked as part of the application process. The certificate of insurance must be provided on request. On renewal of the policy, a copy of the insurance certificate should be provided to the council at the earliest opportunity.

4.7.2 Given the importance of maintaining valid insurance which covers the vehicle for carriage of passengers for hire or reward. Licensed Vehicles found to have no valid insurance cover or where evidence of valid insurance cover is not provided, will be suspended.

4.7.3 Vehicles may be checked to ensure they have paid road tax at the following web site: <https://www.gov.uk/check-vehicle-tax>. Vehicles with no road tax will be suspended.

4.8 Damage to Vehicles

4.8.1 Any damage to a licensed vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort and convenience of passengers, must be notified to a council as soon as possible and in any case within 72 hours. Unless the vehicle is so severely damaged that it will never again be serviceable as a licensed vehicle, an appointment will be made for the vehicle to be inspected by a licensing officer and a decision will be made as to whether or not the vehicle is in such condition to continue in service.

4.8.2 If the Licensing Officer considers the damage to the vehicle to be extensive enough to seriously affect the general appearance and/ or use of the vehicle, it will be suspended from use until such time as satisfactory permanent repairs are completed. During this time, plates must be removed from the vehicle.

4.8.3 If the damage to the vehicle is minor, such that the Licensing Officer considers it still to be in a fit condition to continue in service, a notice will be issued requiring the vehicle to be repaired. The vehicle will not be suspended.

- 4.8.4 When such notice is given, repairs must be made to the vehicle and the vehicle presented for re-inspection within the time given in the notice. In some cases the council may require its compliance inspection garage to certify that the vehicle is fit to return to service/
- 4.8.5 Failure to carry out repairs or to present the vehicle for re-inspection within such time may result in further action including suspension of the vehicle and imposition of penalty points.
- 4.8.6 Where due to accident damage a vehicle cannot be used, there is a process enabling proprietors to licence a replacement vehicle.

4.9 Vehicle Identification

- 4.9.1 Signage is a key measure in ensuring that licensed vehicles can be easily identified.
- 4.9.2 Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or able to be hailed in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.
- 4.9.3 “London” style Cabs will not be licensed as private hire vehicles.
- 4.9.4 All licensed Hackney Carriage and Private Hire Vehicles are required to permanently display licence plates on the rear of the vehicle. The Plates include the registration number, licence number and expiry date of the licence. Different colour plates are issued for Hackney Carriage and Private Hire Vehicles.
- 4.9.5 Private Hire Vehicles must also display a FHDC Private Hire Vehicle Panel on the rear passenger doors of both sides of the vehicle.
- 4.9.6 Hackney Carriage Vehicles must display an illuminated roof mounted bearing the word “TAXI”. The word Taxi must be plainly and distinctly visible from the front and rear of the vehicle. The sign may include the name and telephone number of the taxi company.
- 4.9.7 Private Hire vehicles must not bear any roof mounted or other sign bearing the word “TAXI” or “Cab ” or any words of a similar meaning or appearance whether alone or as part of another word.

4.10 Plate and side panel Exemption

- 4.10.1 Whilst the legislation requires vehicles to display plates at all times. It also provides for exemptions to be given to private hire vehicles. Not all private hire vehicles will have access to this exemption. It is intended that exemption will apply to only a very small minority of private hire vehicles where it is necessary for commercial or safety reasons – for example, executive chauffeur services.
- 4.10.2 Proprietors of vehicles who wish to be exempted from displaying licence plates and side panels must apply for an exemption certificate. Applications will be considered where

- the vehicle is used for executive chauffeur type work (evidence of a contract may be requested)
- the vehicle to be exempted is of high quality in terms of brand and condition
- the vehicle will normally be an accepted luxury brand, such as Mercedes Benz, BMW, Jaguar, Lexus, Bentley, Rolls Royce
- the proprietor must satisfy the licensing officer that the exemption is necessary.

4.11 Advertising

4.11.1 This policy places restrictions on signs and advertising in order to maintain professional appearance of vehicles, to ensure that advertising does not distract from signage identifying vehicles as Hackney Carriage or Private Hire Vehicles and to minimise confusion between the two types of licensed vehicles.

4.11.2 No external third party advertising will be permitted on any hackney carriage or private hire vehicle.

4.11.3 Internal advertising is permitted subject to certain conditions.

4.11.4 No advertising to be religious or political in nature or anything likely to cause offence.

4.11.5 Restrictions and conditions relating to advertising and signage are set out in Vehicle Specifications and Conditions (**Appendix G**)

4.11.6 All existing signage must be compliant with the policy within three months from the date of adoption of this policy.

4.12 CCTV and Security

4.12.1 The DfT guidance recommends that licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems. Such measure can act as a deterrent to would be trouble makers. It may also protect drivers from unjustified complaints, and provide a source of evidence in the event of dispute between passenger and driver.

4.12.2 This policy does not require mandatory installation of CCTV systems. Currently it is left to the judgement of the owners and drivers themselves.

4.12.3 The hackney carriage and private hire vehicle trade is, however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis. It will be the responsibility of the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection see Information Commissioners Office (ICO) website <https://ico.org.uk/>

4.12.4 Vehicle Proprietors must notify the Licensing Authority in writing if they have a CCTV system fitted. They must register with the ICO and obtain documented evidence of that registration.

4.12 Applications and Renewals

- 4.12.1 The process for vehicle licence applications and renewals is set out in **Appendix A**
- 4.12.2 Applications must be made with correct application form, fee and supporting documentation. Whilst reminders will be sent, it is the responsibility of the licence holder to ensure a renewal application is submitted in time, failure to do so may result in the lapse of the licence.
- 4.12.3 Legislation limits the maximum length of a vehicle licence to 12 months. Licences will therefore normally be granted for 12 months. There may be circumstances where a shorter licence is granted
- 4.12.4 It is considered that the specifications and conditions set out in **Appendix G** are reasonably necessary and appropriate for vehicles. Additional conditions relating to stretch limousines are set out in **Appendix H**
- 4.12.5 Case law has determined that Licensed Vehicles remain licensed at all times, even when not being used for private hire work. Licensed vehicles must comply with legal requirements and conditions at all times.

5 FEES

5.1 General

- 5.1.1 Applicants must pay the fees for their application as set out in the policy. Applications will not be progressed until the appropriate fee has been paid.
- 5.1.2 A schedule of fees is available on the council's website. The schedule is reviewed each year as part of the budget process. Fees reflect the cost of the administrative costs of the licensing regime, processing applications, compliance and enforcement of licenced drivers and vehicles etc.
- 5.1.3 This policy does not deal with the fee setting process.

5.2 Refunds

- 5.2.1 There is no statutory requirement to issue refunds following surrender of a licence. Historically, the council has received requests for refunds for licences that have been surrendered, for example, due to ill health or the licence holder moving away from the area. These have and will continue to be considered, subject to the paragraphs below.
- 5.2.2 Licence holders should think carefully before surrendering a licence. If they decide to reapply in future, then their application will be considered as a new application and subject to the same conditions as for all new applicants (e.g. knowledge tests, driver assessments, for new drivers)

- 5.2.1 Refunds will not be issued for licences which have been revoked, or surrendered following suspension.
- 5.2.2 Refunds will not be issued on licences issued for 12 months or less.
- 5.2.3 Refunds on surrendered driver and operator licences will be considered on written request. Requests will not be considered unless badges and paper licences have been returned to the licensing authority. The refund amount will be pro-rata based on the amount of whole months remaining on the licence. The pro-rata amount for the first 12 months of the licence period will not be refunded. An administrative charge for dealing with the refund application will also be deducted.

6 FARES

- 6.1 The council has set Hackney Carriage fares (Tariff) for journeys within its District. This sets the maximum fare that can be charged by Hackney Carriage Drivers.
- 6.2 There is no provision to set fares for private hire vehicles.
- 6.3 Current fare rates are shown on the council website. The council's official table of fares (tariff) must be displayed in Hackney Carriage Vehicles.
- 6.4 A taxi driver is allowed to charge more than the metered fare for journeys starting inside the licensing area and ending beyond the district **only if this is agreed in advance**. In the case of a pre-booked journey starting outside the district, the price / estimate should be given on request by the passenger, and, if so, recorded.
- 6.5 The Authority will review fare rates from time to time as necessary or in response to a bona fide request. Proposed changes will be introduced in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

7 DELEGATIONS

- 7.1 Part 8 of the council's constitution sets out the arrangements for delegation of functions to officers.
- 7.2 All functions relating to licensing, including determining applications and associated enforcement action have been delegated to officers.
- 7.3 Authorised Officers have written delegated authority to deal with all licensing matters, including making decisions to grant or refuse applications and taking enforcement action, including suspending or revoking licences.
- 7.4 Officers may refer matters to the Planning & Licensing Sub Committee for determination where they consider it appropriate to do so

8 DISCIPLINARY AND ENFORCEMENT MATTERS

8.1 General

- 8.1.2 Guidance recognises that well directed enforcement activity benefits not only the public but responsible members of the Hackney Carriage and Private Hire Trade.
- 8.1.3 The Council has a responsibility to ensure that all licensed drivers, owners and operators of vehicles adhere to basic minimum standards. These standards are set out in legislation, byelaws and the Council's Hackney Carriage and Private Hire licensing Policy.
- 8.1.4 In addition it is important that firm action is taken to deal with those who evade the licensing regime.
- 8.1.5 Enforcement action may be initiated by Authorised Officers. In addition, Licence Holders may be referred to a panel of the Planning and Licensing Sub Committee regarding offences or breaches of conditions or byelaws. Following a hearing, the subcommittee may recommend enforcement action to be taken.
- 8.1.6 **Appendix J** sets out the Council's Enforcement Policy in relation to Hackney Carriage and Private Hire Licensing Matters.

8.2 Penalty Points System

- 8.2.1 Many local authorities use a penalty point scheme as an effective means of promoting compliance with legislation and conditions.
- 8.2.2 Folkestone & Hythe District Council will operate a penalty points system as set out in **Appendix K**. This will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement. It will be used to deal particularly with minor breaches or infringements of legislation, policy or unacceptable behaviour by licence holders. It supports a risk based approach to enforcement as the points threshold for considering further sanctions will be triggered by repeated or serious breaches.
- 8.2.3 Penalty points remain on a licence for a period of two years from the date on which they are imposed. If a licence holder accumulates twelve or more penalty points within a period of twenty four months, commencing from the date of imposition of the earliest 'live' penalty points on the licence, he/she will be referred to the Planning and Licensing Sub Committee.
- 8.2.4 The Licensing Committee will follow the objectives of this Policy and have a range of sanctions available, including suspension or revocation of the licence.
- 8.2.5 The adoption of the Penalty Points System will not, however, compromise the council's ability to take other enforcement action to deal with offences or breaches of conditions, should it be warranted.

9 TAXI STANDS (RANKS)

- 9.1 Hackney Carriage Stands (Ranks) are designated areas where Hackney Carriage Vehicles may wait and ply for hire. They are usually located in strategic areas, such as near stations or town centre areas.
- 9.2 Comments are welcome from either the hackney carriage trade or the public on the need for additional Ranks in specific locations, the potential for re-locating or extending existing ranks or the removal of ranks which no longer fulfil a useful purpose.
- 9.3 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.

APPENDIX A – APPLICATION PROCEDURES

1. General Matters

- 1.1 Potential applicants are advised to check this policy so that they understand application requirements and conditions attached to licences. This will help minimise likelihood of a refused application and associated incurred costs.
- 1.2 The council is moving towards a system of electronic applications, which enables a more efficient process. However, applicants may need to bring original documents to the council offices for verification. Original documents will be scanned/ copied where necessary and returned to the applicant.
- 1.3 The licensing Authority will endeavour to send reminders to licence holders when licences are due to be renewed. However it is the responsibility of the applicant to ensure that their renewal application is submitted in time, correctly together with any required documentation. Failure to do so may result in a delay in processing an application. If the licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received. Failure to submit a renewal application in time, may result in the application being considered a “new application” and subject to the same requirements as for new applicants.
- 1.4 A serious view will be taken where Applicants or licence holders are found to have knowingly or recklessly misled the council, lied or omitted information during the application process, particularly in relation to convictions and similar matters. Not only is it an offence, which may be subject to further action in accordance with the council’s enforcement policy, but In these circumstances, applicants may be referred to the licensing sub-committee for consideration as to whether they are a fit and proper person to hold a licence. Applications will normally be refused where an applicant has given false information or attempted to conceal / omit information during the application process.

- 1.5 Authorised officers will normally make decisions concerning the grant or refusal applications, however, decisions may be referred to a planning and licensing subcommittee.
- 1.6 Once a full, correct application including required supporting documents has been submitted and decision to grant a licence has been made (e.g. following licensing sub-committee hearing , where necessary) we aim to issue the licence within 5 working days.
- 1.7 Where applications are refused, there is a right of appeal to Magistrates Court. Decisions to refuse applications and the reasons for doing so will be confirmed in writing together with details of rights to appeal.

2. Drivers

- 2.1 New applications are usually for private hire licenses. For those wishing to be considered for a hackney carriage or dual licence, it is recommended that they have held a private hire drivers licence for at least 6 months before making an application
- 2.2 Drivers must have held a full UK or EU/EAA drivers licence continuously for at least 12 months immediately prior to making application.
- 2.3 New Drivers will be required to undertake a Driving Standards Assessment for Hackney Carriage/ Private Hire Drivers. Applicants are advised to undertake this test and obtain a pass certificate before making their full application. The test must have been taken within 12 months of the application. Drivers who hold a valid driver's licence from FHDC and are converting to another type of drivers licence (e.g. Private Hire to Hackney Carriage Driver) will not be automatically required to undertake a Driving Standards Assessment as part of the application process.
- 2.4 New applicants will be required to pass the council's knowledge test. This must have been passed within 12 months prior to submitting an application. Applicants should book and pass the test before submitting a full application. Drivers converting to a Hackney Drivers / Dual Licence will need to sit the Hackney Drivers Knowledge test which requires more in-depth knowledge of the area than a Private Hire Driver. If an Applicant fails 3 consecutive tests within a 3 month period it is considered that they are not ready to be licensed as a driver by this council. It would normally be expected that they wait a further 6 months before taking the test again, in order for them to spend further time developing their knowledge and skills. Further guidance on the knowledge test is available on the council website.
- 2.5 The following must be provided before a licence can be issued. Where original documents are provided these will be checked/ photocopied and returned to the applicant.

- **Fully Completed Driver Licence Application Form**
 - **One passport size photo**
 - **Application Fee**
 - **A Full UK or EU/EAA Drivers Licence.** This must have been held continuously for at least 12 months immediately prior to the application.
 - **DVLA Share your Driving Licence Information Code** that enables us to check your driving history.
 - **A Pass Certificate for a recognised Driving Standards Assessment for Hackney / Private Hire Drivers** (new drivers)
 - **A Completed Group 2 Medical Certificate.** Confirming the applicant is fit to drive a hackney carriage/ private hire vehicle. This must be carried out by your GP or a GMC registered practitioner who has access to your medical records. The Certificate must be not more than 3 months old.
 - **An Enhanced Disclosure and Barring Service (DBS) certificate.** Certificates must be less than 3 months old at the date of application. (See 2.6 – 2.8).
 - **New Applicants who have lived outside the UK within 10 years prior to the application must obtain a Certificate of Good Conduct from the relevant embassy.**
 - **Suitable Identity documents providing Evidence of Right to Work in the UK.** Additional checks will be carried out if considered necessary under the Immigration Act.
 - Council's Knowledge test must have been passed within last 12 months (see 2.4)
- 2.6 The application for a DBS certificate must be made via our online system. We will send you an email with a link to the application system. **In order for the DBS application to complete and proceed, applicants must pay the DBS fee and bring original form of ID to our offices for verification.**
- 2.7 The DBS certificate will be sent to the applicant's home address. This must be provided to the council, as the council will not be sent a separate copy.
- 2.8 Drivers are required to sign up for and maintain a subscription with the online update service during the time that they are licensed, and give the council ongoing permission to check the status of the certificate as necessary.
- <https://secure.crbonline.gov.uk/crsc/subscriber>
- Where an up to date online certificate is maintained, drivers will not need to submit a paper DBS certificate with their renewal application as the council can check the online certificate.
- 2.9 The council will check the status of a drivers DBS certificate as part of a renewal application. If a driver has failed to register for the update service, they will need to reapply for an Enhanced DBS Certificate and register for the update service.
- 2.10 If the status check shows the certificate as no longer current , then the applicant will need to apply for a new Enhanced DBS certificate as set out in 2.6- 2.8.
- 2.11 Where the DBS certificate contains disclosures, then a decision will be made as to whether the applicant is a fit and proper person to hold a licence. Appendix C outlines the Council policy on convictions and cautions.

- 2.12 Following a successful application a driver will be issued with a paper licence and a driver's badge. These remain the property of the council and must be returned on request following surrender, revocation or lapse of the licence.

Drivers Licence Renewal applications

- 2.13 A driver's licence will expire after three years from the date of issue / renewal. Licences may be issued for shorter periods under special circumstances.
- 2.14 A driver must make a renewal application at least one month before the current licence expires.
- 2.15 Failure to renew a licence, a DBS check, medical certificate or DVLA disclosure means that a driver is not entitled to drive until valid documentation has been produced to an officer. Driving otherwise than in accordance with the conditions of the licence and policy may result in a licence being suspended or revoked.
- 2.16 Existing Drivers who have not submitted their renewal application within 1 month following expiry of the licence, will be considered new applicants and will be required to meet all the criteria for new driver.

3. PRIVATE HIRE OPERATOR APPLICATIONS

- 3.1 Applicants will need to submit the following

- **Fully completed application form**

- **Application fee**

- **Proof of Public Liability Insurance** (if the operating premises will be accessible to the public)

- **A Basic Disclosure Barring Service (DBS) check** for each person named on the application form. Procedures are as set out for drivers in 2.6 – 2.7. This does not apply to Persons who have provided an up to date Enhanced DBS certificate (within 3 months) or maintained an up to date online certificate accessible to FHDC as part of a Drivers Licence application with this Authority.

- 3.2 Where a DBS contains disclosures, then the suitability of the applicant to hold a licence will be considered. The Council Policy on convictions and cautions is set out in Appendix C
- 3.3 Following successful application, licensed operators will be issued with a paper licence. This remains the property of the council and must be returned on request following surrender, revocation or otherwise lapse of the licence.
- 3.4 Renewal applications must be submitted within 1 month of expiry of the licence to allow sufficient time to process the application.

4 VEHICLE APPLICATIONS

- 4.1 Vehicles must meet the specifications set out in Appendix G of this policy. Applicants are therefore strongly advised to check these requirements and if necessary discuss any queries with a licensing officer prior to purchasing a new vehicle or making an application
- 4.2 The following must be provided before an application can be considered
- **Fully completed Application Form**
 - **Application Fee**
 - **Vehicle Registration Document (V5) issued by the DVLA** showing the applicant to be the registered keeper. If the vehicle has recently been purchased and the V5 is with DVLA, then other acceptable proof of ownership eg bill of sale, showing full buyer and seller details will be accepted, but the V5 will need to be supplied as soon as this is available.
 - **Insurance Certificate or cover note confirming the Vehicle is covered for “Hire and Reward”.** If a cover note is provided, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note.
 - **Individual Vehicle Approval (IVA) Certificate (stretch limousines only)**
- 4.3 A Licensing Officer will arrange to inspect the vehicle at the council offices to confirm compliance with vehicle specifications.
- 4.4 If a vehicle is being licensed for the first time, then following validation of documents in 4.2, a compliance slip will be issued enabling the applicant to book the vehicle for compliance testing at our nominated garage.
- 4.5 All vehicles must have a valid compliance certificate in place before a licence can be issued.
- 4.6 Following a successful application, a paper licence and vehicle plates will be issued. The vehicle must not be used for hire and reward until the plates have been affixed to the vehicle (unless a plate exemption letter has been issued.) These must be returned on request following surrender, revocation or lapse of the licence.
- 4.7 Renewal applications must be submitted 14 days prior to expiry of the licence to allow sufficient time for processing. Failure to do so may result in the existing licence expiring before a new licence is issued. The vehicle could not be used for hire or reward whilst it is unlicensed.
- 4.8 If a renewal application is made more than 1 month after expiry of the licence, the application will be treated as a new application and vehicles will be required to meet the specifications (including age requirements) for vehicles being licensed for the first time.

Transfer of a licensed vehicle to new proprietor

5.0 Where a licensed vehicle is transferred to a new proprietor, notice of transfer must be given within 14 days. It is necessary for a new licence to be obtained showing the new owner details.

5.1 The following must be submitted:

- **Fully completed Application Form**
- **Application Fee**
- **Vehicle Registration Document (V5) issued by the DVLA** showing the applicant (new proprietor) to be the registered keeper or other acceptable proof of ownership
- **Insurance Certificate or cover note confirming the Vehicle is covered for “Hire and Reward”**. If a cover note is provided, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note.

Replacement Vehicle

5.2 If during the term of the licence, it is necessary to replace the vehicle e.g. insurance replacement due to accident damage, the replacement vehicle must meet the same specifications as for a new vehicle. The application process is the same as set out in 4.1- 4.6.

APPENDIX B - STANDARDS FOR INSULIN TREATED DIABETES

1. These arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a Hackney Carriage or Private Hire Driver licence considered. The criteria are :
 - To have been stable on insulin for at least 1 month;
 - Not to have suffered an episode of hypoglycaemia requiring the assistance of another person in the last 12 months;
 - To have full awareness of the symptoms and risks of hypoglycaemia
 - To provide evidence of blood glucose monitoring at least twice daily, including on days when vehicles are not driven and no more than 2 hours before the start of the first journey and every 2 hours while driving. This must be done using blood glucose meters with a memory function to enable at least 3 continuous months of readings to be available for assessment.
 - Drivers may be required to provide evidence of monitoring to the licensing authority.
 - To have no complication arising from diabetes or any other medical condition which would render the driver unfit to drive a licensed vehicle
 - 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.
 - To attend an examination by a hospital consultant specialising in the treatment of diabetes 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. This is to be provided before a licence is first granted or renewed and / every 12 months thereafter. This is at the applicant's expense.

APPENDIX C – RELEVANCE OF CONVICTIONS AND CAUTIONS

1. General

- 1.1 The purpose of this policy is to set out the council's approach to convictions and cautions when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a driver or operator licence.
- 1.2 The Institute of Licensing publication "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" (2018) has been taken into account in preparation of this policy and will be taken into consideration when making decisions.
- 1.3 The existence of this policy aims to promote a transparent and consistent approach that is clear to applicants and decision makers. 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
- 1.4 The leading case as to whether a person is a 'fit and proper person' is:

McCool v Rushcliffe Borough Council [1998] EWHC Admin 695

The test sets out the requirement to ensure, so far as possible, that those licensed to drive taxis or PHVs are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.

In layman's terms the question to ask is "Would you let this person drive your daughter, son, mother etc. alone in a car?"
- 1.5 The overriding consideration is the safety of the public.
- 1.6 Hackney Carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions. Any and all convictions, so far as they are relevant can be taken into account in determining whether an individual is a fit and proper person to hold a Hackney Carriage or Private Hire drivers licence
- 1.7 The onus is on the applicant or licence holder to demonstrate that they meet this requirement; not on the council to demonstrate that the applicant does not.
- 1.8 Applicants and existing licenced drivers should note that offences are not considered less serious just because they were committed when they were not driving a taxi or working in their capacity as a licensed driver or operator
- 1.9 If a new applicant has been charged with an offence, which if they were convicted of would normally lead to refusal of a licence, a decision will be deferred until proceedings have been completed or the charges withdrawn.
- 1.10 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.

- 1.11 In all but the most serious cases, the disclosure of cautions, convictions or other information will not permanently debar individuals from gaining a licence. The council will however require applicants with a criminal record to remain free of conviction for an appropriate period and show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.
- 1.12 In the sections that follow, guidance is given following the disclosure of various convictions, in terms of if and when a person with such convictions may be eligible for a licence. Compliance with the guidelines does not guarantee that a licence will be granted, particularly when there are aggravating factors, such as multiple offences.
- 1.13 In making its decision the council will consider, amongst other matters, the nature/class of any offence, how long ago it occurred and the applicants' age at that time, the apparent seriousness as gauged by the penalty imposed, and any other factors which the council may consider to be relevant.
- 1.14 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account
- 1.15 As well as convictions, this policy will take into account other issues or intelligence received from other agencies which may be relevant to the "fit and proper" person test.
- 1.16 In considering whether or not a person is fit and proper the council may also consider such matters as an applicant's history as a licence holder; their complaint and compliance history, their co-operation with and attitude towards Licensing Officer's requests, and any other reasonable matters.
- 1.17 Any existing licence holder convicted of an offence during the period of their current licence will be subject to this 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.
- 1.18 If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, the application may be referred to the Licensing Sub Committee for determination
- 1.19 A serious view will be taken where applicants or licence holders are found to have intentionally misled the council, lied or withheld information during the application process, particularly in relation to convictions and similar matters. In these circumstances, they may be referred to the licensing sub-committee for consideration as to whether they are a fit and proper person to hold a licence. Applications will normally be refused where an applicant has sought to conceal information during the application process.

2. Crimes Resulting in Death

- 2.1 Where an applicant or licence holder has been convicted of a crime resulting in death of another person or was intended to cause the death or serious injury of another person, they will not be licensed.

3. Offences involving violence

- 3.1 A Licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

4. Exploitation

- 4.1 Where an applicant or licence holder has been convicted of a crime involving or related to abuse or exploitation, regardless of whether the victims were adults or children, they will not be licensed. This includes, but is not limited to, slavery, child sexual exploitation, grooming, and psychological, emotional or financial abuse.

5 Possession of a Weapon

- 5.1 Where an applicant has a conviction for possession of a weapon or any other weapon related offences, a licence will not be granted until at least 7 years have elapsed since completion of any sentence imposed.

6 Sexual or Indecency Offences

- 6.1 Drivers often carry unaccompanied passengers, children and other vulnerable persons. For this reason, an extremely serious view is taken with regard to sexual offences. Applicants and licence holders with convictions involving or connected with illegal sexual activity or indecency will not be licensed.
- 6.2 Individuals on the sex offenders register or any "barred" list will not be licensed.

7. Dishonesty

- 7.1 Drivers and operators are expected to be trustworthy. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 7.2 Members of the public entrust themselves to the care of drivers for their own safety and for fair dealing. Drivers may be entrusted with delivering unaccompanied property and may also recover lost property from their vehicles. In certain situations, drivers may know that a property is empty whilst occupants are on holiday after taking them to the airport.
- 7.3 For this reason, a serious view is taken of any convictions relating to dishonesty.
- 7.4 Where an applicant or licence holder has a conviction for any offence of dishonesty they will not be licensed until 7 years has elapsed since the completion of any sentence imposed.

8 Drugs

- 8.1 Where an applicant or licence holder has a conviction related to the supply of drugs or possession with intent to supply, they will not be licensed until at least 10 years has elapsed since the completion of any sentence.
- 8.2 Where an applicant has a conviction for an offence related to the possession of drugs, they will not be licensed until at least 7 years have elapsed since the completion of any sentence imposed. An applicant may be required to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

9 Discrimination

- 9.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years has elapsed since the completion of any sentence imposed.

10. Drunkenness (not in a motor vehicle)

- 10.1 An isolated conviction for drunkenness shall not prevent an applicant from gaining a licence.
- 10.2 A number of convictions for drunkenness could indicate a medical problem necessitating critical examination. If the applicant is found to be an alcoholic / alcohol dependent, a period of five years should elapse after treatment is complete before a further licence application is considered.

11 Drink Driving / Driving under the influence of drugs

- 11.1 A serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of alcohol or drugs.
- 11.2 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban, whichever is the later. An applicant may be required to undergo testing at their own expense to demonstrate that they are not using controlled drugs.

12. Driving whilst using a hand-held phone or other hand held device

An applicant with a conviction for using a handheld mobile telephone or a hand held device whilst driving will not be granted a licence until at least 5 years have elapsed since the completion of any sentence or driving ban, whichever is the later.

13. Other Motoring Offences

- 13.1 Major traffic offences involving death, driving under the influence of alcohol or drugs or whilst using a phone are dealt with in preceding sections. Other major traffic offences are those involving injury to another person or property (including vehicles), driving whilst disqualified and driving without insurance (or other insurance related offences). Applicants with convictions for major traffic offences

will not be licensed until at least 7 years has elapsed since the completion of any sentence or driving ban imposed, whichever is the later.

- 13.2 Minor Traffic Offences are those not dealt with in the sections above. A single minor traffic offence would not normally prevent a licence being granted or lead to a licence being revoked. Subsequent convictions may indicate that a person does not take their professional responsibilities seriously and many not be a safe and suitable person to hold a licence.
- 13.3 Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until a period of 5 years has elapsed since the completion of any sentence imposed.

14 Hackney Carriage and Private Hire Offences

- 14.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences relating to hackney carriage and private hire activity (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.
- 14.2 Where an applicant has been convicted of any offence concerned with or connected to hackney carriage or private hire activity, a licence will not be granted until a period of at least 7 years has elapsed following completion of any sentence imposed.

APPENDIX D – HACKNEY CARRIAGE BYELAWS

HACKNEY CARRIAGE BYELAWS

SHEPWAY DISTRICT COUNCIL

Made: 5 November 1992 Confirmed: 21 December 1992 Operative: 25 January 1993

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 Shepway with respect of hackney carriages in the District of Shepway.

INTERPRETATION

1. Throughout these byelaws "the Council" means the District Council of Shepway and "the district" means the District of Shepway.

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

2. (a) The proprietor of a hackney carriage shall cause plates indicating the number of the licence granted to him in respect of the carriage to be affixed to the outside of the carriage on the offside on or adjacent to the rear bumper bar or in the place provided on the boot lid whichever is appropriate and inside the carriage in a conspicuous position such plates with the numbers painted or marked thereon shall be provided by the Council.

and

(b) A proprietor or driver of a hackney carriage shall:

(i) 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;

(ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:

(a) provide sufficient means by which any person in the carriage may communicate with the driver;

(b) cause the roof or covering to be kept watertight;

(c) provide any necessary windows and a means of opening and closing not less than one window on each side;

(d) cause the seats to be properly cushioned or covered;

(e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

(f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

(g) provide means for securing luggage if the carriage is so constructed as to carry luggage;

(h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;

(i) 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. (1) The Proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say

(a) the taximeter shall be fitted with a key, flag or other device the operation of which will bring the machinery of the taximeter into action;

(b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

(c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council in that behalf;

(d) the 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;

(e) the taximeter and all the fittings thereof shall where practicable be so affixed to the carriage with seals and 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 of 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 and keep the machinery of the taximeter in action until the termination of the hiring;

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

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

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

(a) 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;

(b) 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. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

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

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

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

12. 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 and distinctly visible.

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

(a) convey a reasonable quantity of luggage;

(b) afford reasonable assistance in loading and unloading;

(c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

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

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the Council the rate or fare being calculated by distance unless the hirer expressed 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 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.

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in that behalf 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 RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

16. 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.

17. 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) report the finding and handing to him of the property to a police station as soon as possible, and in any event within 48 hours if not sooner claimed by or on behalf of its owner;

(b) if not sooner claimed by or on behalf of its owner carry it as soon as possible and in any event not later than noon on the second day on which the Council offices are open after the date on which the property is found or handed to him to the office of the Council and leave it in the custody of an employee of the Council on his giving a receipt for it;

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

PENALTIES

18. 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 thereof.

REPEAL OF BYELAWS

19. The byelaws relating to hackney carriages which were made by the Council on the 30th day of April 1975 and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 13th day of June 1975 are hereby repealed.

DATED this 5th day of November 1992

THE COMMON SEAL OF THE DISTRICT COUNCIL OF SHEPWAY was hereunto affixed in the presence of:-

LS

(Signed) Peter Rossiter Vice-Chairman

(Signed) P J Wignall Chief Assistant Solicitor

The foregoing Byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 25th day of January 1993.

(Signed) P E Pickering

As Assistant Secretary in the Department of Transport on behalf of the Secretary of State for Transport

I RONALD JAMES THOMPSON, the Proper Officer of the District Council of Shepway ("the Authority") hereby certify pursuant to Section 238 of the Local Government Act 1972:

- (a) that these byelaws were made by the Authority;
- (b) that this copy is a true copy of the byelaws;
- (c) that on 21 December 1992 the byelaws were confirmed by the Secretary of State for Transport; and
- (d) the date fixed by the Secretary of State for the coming into operation of the byelaws was 25 January 1993.

R J Thompson (Solicitor) Chief Executive and Director of Administration

DRAFT

APPENDIX E - PRIVATE HIRE DRIVER CONDITIONS

1. Appearance

- 1.1 The Driver shall be clean and tidy in appearance
- 1.2 The Driver shall at all times be dressed in a manner not to cause embarrassment to members of the public
- 1.3 The driver shall comply with the Dress Code set out in [Appendix I](#) of this policy.

2. Badges

- 2.1 The Driver shall at all times when operating wear the badge provided by the council in such a position as to be plainly visible.
- 2.2 Drivers shall immediately report any lost, stolen or damaged badge. A fee is payable for replacement badges
- 2.3 The driver's identity badge must be produced on request by any authorised officer of the Council or any Police officer.
- 2.4 The driver shall not lend his badge or permit it to be worn by any other person.
- 2.5 All licences, badges and plates remain the property of the Council. They must be returned on request within 7 days if the licence expires and is not renewed, or where the licence is suspended or revoked.

3. Conduct

- 3.1 The driver shall behave in a civil and orderly manner
- 3.2 The Driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 3.3 The Driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall unless delayed or prevented by some sufficient cause punctually attend with the vehicle at such appointed time and place.
- 3.4 The driver of a private hire vehicle must not cause or permit the vehicle to stand on a public road, on a hackney carriage rank, or in a public place so as to suggest that it is plying for, or available for, hire.
- 3.5 The driver shall not by calling out or otherwise, importune any person to hire such a vehicle and shall not make use of the services of any other person for that purpose.
- 3.6 Drivers must not use a mobile phone whilst driving unless it is designed for hand-free operation
- 3.7 The driver shall not operate the horn as a means of signalling that the vehicle has arrived.

- 3.8 The vehicle shall be presented in a clean and tidy condition for each journey.
- 3.9 The driver shall report any accidents or incidents affecting the safety or physical appearance of the vehicle to the operator/proprietor of the vehicle immediately (or as soon as practicable) to ensure that the proprietor can fulfil their obligations to report the matter to the Authority within the required 72 hour period
- 3.10 Any animal belonging to or in the possession of the driver must not be carried in any licensed vehicle when the vehicle is plying for hire, during a hiring or prior to any booking. Any animal belonging to or in the custody of any passenger may be conveyed in a licensed vehicle at the discretion of the driver (apart from where section 5 below applies). The animal must be carried in a suitable cage, or safely restrained on a lead, whilst in the vehicle.

4. Number of Passengers

- 4.1 The Driver shall not convey in the vehicle any greater number of persons than that specified on the plate affixed to the outside of the vehicle.

5. Carriage of Guide, Hearing or Other Assistance Dogs

- 5.1 Drivers must carry passengers with a guide, hearing or other assistance dogs without additional charge.
- 5.2 When carrying such passengers, drivers have a duty to:
- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
 - Not to make any additional charge for doing so.
- 5.3 A driver, who for medical reasons, has been granted an exemption from carrying assistance dogs under Section (4.3.13) of this policy, must display their exemption certificate in the vehicle at all times when working.
- 5.4 Drivers must notify vehicle proprietors and operators if they have an exemption certificate

6 Wheelchair Accessible Vehicles

- 6.1 All drivers of wheelchair accessible vehicles must:
- Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
 - Before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.
 - Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers, or to anyone else, in accordance with the regulations detailed in section 100 of the Road Vehicles (Constructions and Use) Regulations

- 6.2 Drivers of designated wheelchair Accessible vehicles must not refuse to take a passenger in wheelchair unless they hold an Exemption certificates on medical grounds
- 6.3 Drivers must not charge extra for carrying passengers with wheelchairs (whether or not the passenger remains in the wheelchair.). Fare Meters must not be kept running whilst passengers with wheelchairs are being assisted into and out of the vehicle.
- 6.3 Exemption Certificates issued under 4.3.11 of this policy must be kept In the vehicle at all times when the driver is working and produced on request. Drivers must notify vehicle proprietors and operators of exemptions.

7. Luggage

- 7.1 The Driver of a vehicle so constructed as to carry luggage shall, when requested by any person hiring the vehicle:
- Convey a reasonable quantity of luggage
 - Afford reasonable assistance loading and unloading
 - Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which they may take up or set down such person.

8 Property Left in Vehicles

- 8.1 The proprietor or driver of a private hire vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.
- 8.2 The proprietor or 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:
- Report the finding or handing to him of property to a police station as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner.
 - If not sooner claimed by or on behalf of its owner, carry it as soon as possible and in any event not later than noon on the second day on which the Council Offices are open after the date on which the property is found or handed to him to the office of the council on being given a receipt for it.
 - Be entitled to receive from the person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station , whichever is the greater) but not more than five pounds.

9 Fares and Taximeters

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

- 9.2 The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid. Each receipt should show the date of journey, driver badge number and amount paid.
- 9.3 The driver must not demand any fare in excess of that previously agreed between the hirer or operator, or if the vehicle is fitted with a taximeter, the fare shown on the face of the taximeter.
- 9.4 If the vehicle is fitted with a taximeter, the driver must:
- When standing, keep the flag or other device in such position in which no fare is recorded on the face of the taximeter.
 - Unless prior agreement has been made with the hirer to engage by time, to bring the machinery of the taximeter into action by moving, the key, flag or other device and keep the machinery in action until the termination of the hiring.
 - Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness – this being the time between half an hour after sunset to half an hour before sunrise, and also at any other time as requested by the hirer.
 - Not tamper with or permit any person to tamper with any taximeter, its fittings or seals.
- 9.5 In the event of a journey commencing in, but ending outside the Folkestone & Hythe District there may be charged, for the journey, such fare or rate (if any) as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that determined by the taximeter.

10 Convictions

- 10.1 The driver must within 7 days, disclose to the council in writing, details of any conviction imposed on him during the period of the licence
- 10.2 Drivers must supply DBS certificates and maintain an online certificate through the DBS update facility as set out in Section 2.7 of this policy.

11 Medical Examinations

- 11.1 All new applicants for a private hire drivers licence must have a medical examination to Group II standards as set out in this policy and produce the relevant medical certificate signed by a medical practitioner that the applicant is fit to drive a private hire vehicle.
- 11.2 Further medical examinations to group II standards will be required at the following frequency.
- Up to 45 years of age – 6 yearly
 - Between 45 and 65 years of age - 3 yearly
 - Aged 65 years and over – annually
- 11.3 The driver of a private hire vehicle must undergo a medical examination to group II standards at other times where reasonably required by the Council.

11.4 The driver shall disclose to the Council in writing, within five days, details of any serious illness or injury that may impair their ability to driver or affect the safety of passengers (for example, head injury, heart attack, stroke, broken limbs, diabetes)

12. Miscellaneous

12.1 The driver must notify the Authority, within 14 days of starting or terminating employment, as to the name and address of the operator and/or proprietor concerned, and the date when the employment either started or ended.

12.2 A copy of the private hire driver's licence must be presented to the proprietor/operator at the beginning of an employment.

12.3 The driver shall notify the Council in writing of any change of address within 14 days.

12.4 The driver must produce his DVLA driving licence to the Council within seven days of a written request for production being made.

12.5 The private hire driver's licence must be made available for inspection, upon request, by any authorised officer of the Council or any police officer.

12.6 Where a customer has, during the course of a hiring, cause to make a complaint, the driver must give enough information to enable him to identify the driver (badge number), vehicle details including the plate and/or registration number in the event that it is their wish to report the matter to the Council

APPENDIX F - PRIVATE HIRE OPERATOR CONDITIONS

1. Standards of Service

- 1.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose, shall in particular:
 - 1.1.1 Ensure that when a private hire vehicle has been hired that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause
 - 1.1.2 Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
 - 1.1.3 Ensure that any waiting area has adequate seating facilities
 - 1.1.4 The proprietor of a Private Hire Business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the word "Taxi" or "Cab" whether in the singular or plural , or any word of similar meaning or appearance to either of those words , whether alone or as part of another word.

2. Bookings

- 2.1 Pursuant to s56 Local Government (Miscellaneous Provisions) Act 1976, The operator shall keep a record in a suitable book, folder or electronic log of , particulars for every booking of a private hire vehicle invited or accepted by him, [whether direct from the hirer or by undertaking bookings at the request of another operator.](#)
- 2.2 Records must be made prior to the commencement of the journey and as a minimum, must include:
 - The time and the date of the booking
 - The name and contact details of the hirer
 - The time, date and place of pick up
 - The destination
 - [The Registration or plate number of the Vehicle and Driver allocated for the journey](#)
 - [The fare \(if this was agreed at the time of booking.\)](#)
- 2.3 The operator shall keep the above records for a period of not less than 12 months following the date of entry.
- 2.4 Records shall be produced on request by a licensing officer or police officer.

The Operator shall produce his licence on request to any licensing officer or police officer.

3. Drivers and Vehicles

- 3.1 Operators must ensure that only drivers with a valid private hire or dual licence and vehicles with a valid private hire vehicle licence are utilised. Both Licences must be issued by Folkestone and Hythe District Council.
- 3.2 The operator shall keep a copy of licences issued by the Authority, for private hire vehicles it operates.
- 3.3 The operator shall keep a copy of licences issued by the Authority, for drivers it operates.
- 3.4 The operator shall keep records of the following:-
- Driver call signs;
 - Date of when a new driver begins service; and
 - Date when a driver ceases service;
- 3.5 These records must be made available to a licensing officer or police officer on request.

4 Convictions

- 4.1 The operator shall within 14 days disclose to the council in writing, details of any convictions imposed on him, (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

5 Complaints

- 5.1.1 The Operator shall maintain a record of complaints concerning the condition / cleanliness of a vehicle or any complaint concerning a driver. These records shall be maintained for 6 months and be available to a licensing officer on request. Operators shall immediately upon receipt notify the council in writing of any complaints leading to the suspension or termination of a contract with a driver.

6 Change of Address

- 6.1 The operator shall notify the council in writing of any change of his address including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence, within seven days of such change taking place

APPENDIX G

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATIONS AND CONDITIONS

1. Vehicle Age

1.1 The age of the vehicle is from the date of first registration with the DVLA.

1.2 The maximum age criteria for licensing of vehicles is summarised in the table below.

Type of Vehicle	Maximum Age at time of first licensing	Maximum Age at Renewal
Metropolitan Carriage Office Specification	6 Years	12
Wheelchair Accessible Vehicle	6 Years	12
Stretch Limousines	6 years	12 years
Other vehicles	4 years	7 Years

1.3 Licensing of a vehicle meeting the maximum age criteria is still subject to it having a valid compliance certificate and being in good condition in all other respects as set out in this policy.

1.4 Vehicles in exceptional condition may be considered for licensing for a further two years beyond maximum age subject to compliance with all other conditions of this policy.

1.5 A vehicle in exceptional condition is defined as follows:

- It is in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
- Full service history is provided showing that the vehicle has been correctly and regularly serviced by a reputable garage in accordance with the manufacturer's service specifications.
- The exterior of the vehicle to be in near perfect condition with no dents, damage or signs of corrosion.
- The paintwork to be in excellent condition and free from scratches and marks.
- The interior of the vehicle to be in near perfect condition. The upholstery, linings, seats and floor to be perfectly clean with no holes, tears or signs of wearing.
- The boot or luggage compartment to be in good condition, clean and undamaged

The decision of the Licensing Manager shall be binding in relation to this condition.

- 1.6 A vehicle licence shall be taken as being a renewal , if there was in force a current licence previously issued by Folkestone & Hythe District Council, immediately prior to being relicensed.
- 1.7 If a vehicle is being repaired and work will not be completed prior to expiry of a licence, but relicensing is sought then a renewal application with fee must be submitted prior to expiry of the licence

2. General Specifications

- 2.1 The vehicle must be an M1 category vehicle (i.e. designed to carry up to 8 passengers) and certified as meeting EC Whole Type Approval Standards.
- 2.2 Motorbikes, three wheel motor vehicles and unpowered vehicles will not be licensed.
- 2.3 Vehicles must not have been previously written off, except for Category N (formerly Category D)
- 2.4 Vehicles must provide at least two doors for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver
- 2.5 The vehicle must be of sufficient size to comfortably accommodate the number of passengers it will be licensed to carry. The minimum number of passengers to be carried is four. Vehicles with seating capacity for more than eight passengers will not be licensed
- 2.6 The number of passengers for which a vehicle is licensed will be determined by the licensing authority and displayed on the licence plate.
- 2.6 Each seat shall not be less than 406mm in width. Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm (clear of any obstructions such as handles and armrests) in order to accommodate 3 passengers.
- 2.7 There must be a minimum of 178mm of leg room for rear passengers with the front seat fully back and upright.
- 2.8 The vehicle must be Right Hand Drive
- 2.9 There must be side access and egress to all seats without the need to climb over seats and /or luggage.
- 2.11 Windows and a means of opening and closing not less than one window on each side shall be provided.

3 Tyres

- 3.1 All wheels should be free of material damage, matching in size and style and be within the manufacturer guidelines for the vehicle.
- 3.2 Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure.
- 3.3 “Space Saver” tyres are acceptable on vehicles, if they conform to the Original Manufacturer’s Specifications.
- 3.4 If a Space Saver tyre kit or repair kit is used, then it must only be used for the duration of the current fare and for returning the vehicle to a garage for repair. No further fares may be taken whilst the repair kit / space saver tyre is in use on the vehicle.

3 Tinted Windows

- 3.1 All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations. (75% light transmission windscreen, 70 % light transmission front passenger windows). However, in the interest of passenger safety, no windows shall be fitted with mirror / tint such that it restricts all view into the passenger compartment. Vehicles already licensed at the date when this policy came into effect will continue to be licensed until they are replaced. Replacement vehicles (permanent or temporary) must comply with this condition.
- 3.2 No vehicle shall be fitted with films to darken or tint the windows
- 3.3 Vehicles which are licensed at the time of this policy coming into effect, which due to design do not meet requirements of 3.1 will continue to be licensed. Replacement vehicles must comply with the policy.

4 Fire Extinguisher

- 4.1 All vehicles must carry a suitable dry powder fire extinguisher, in serviceable condition, and stored in a readily accessible position.

5 LPG Conversions

- 5.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certificate is required to ensure that the vehicle is considered safe by an approved inspector
- 5.2 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

storage of a reasonable amount of luggage. 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 may be permitted.

6. Modifications

6.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:

- compliance with road traffic legislation;
- compliance with insurance requirements; and
- obtaining approval for the changes(s) from the Council.

7. General Condition of Vehicle

7.1 The vehicle and its fittings must at all times when it is available for hire or being used as a licensed vehicle:

- be safe
- be tidy
- be clean
- comply with all relevant statutory requirements applicable to the class of vehicle to which the vehicle belongs including , but without prejudice to the generality of the foregoing the Motor Vehicles (Construction and Use) Regulations which currently apply

7.2 The body shell including doors, panels, wings, bumpers, mirrors, front and rear lights and indicators, and interior floor covering to be in good condition, free from rust , holes, broken metal or any other visible damage.

7.3 All fittings and handles must be operational.

7.4 Windscreens and windows to be in good, clean condition and at all times meet the requirements of the MOT test standards.

7.5 Seats, upholstery, panelling, floor covering and roof lining must be in good condition, clean and free from any tears, damage, grease or any other contamination.

7.6 The boot must be carpeted or fitted with the manufacturer's boot covering and clean.

7.7 There shall be provided sufficient means by which any person in the vehicle may communicate with the driver

6.7 The roof or covering to be kept watertight

- 6.9 The seats shall be properly cushioned or covered
- 6.10 The floor to be provided with a proper carpet, mat or other suitable covering
- 6.11 The fittings and furniture generally to be kept in clean condition, well maintained and in every way fit for public service
- 6.12 The proprietor shall provide means for securing luggage if the carriage is so constructed as to carry luggage.

Smoking in Vehicles

- 7.1 Under the Health Act 2006 and associated Regulations, Smoking inside licensed vehicles is strictly prohibited at **all** times, whether they are being used for hire or private use.
- 7.2 No smoking signs must be displayed in the vehicle as required by the Smoke Free (Signs) Regulations 2007.
- 7.3 The Smoke Free (Vehicle Operator and Penalty Notices) Regulations 2007 set out the persons who will have legal duties to cause any person who is smoking in a smoke free vehicle to stop smoking, namely:
- The Driver
 - Any person with management responsibilities for the vehicle; and
 - Any person in a vehicle who is responsible for order or safety in it.
- 7.4 Any licence holder committing an offence under the regulations may be subject to enforcement action as set out in this policy. (In addition to action taken under Health Act 2006 and associated Regulations)

8. Wheelchair Accessible Vehicles

- 8.1 Where a vehicle is utilised for the carriage of a passenger in a wheelchair, the following conditions shall apply:
- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
 - Ramps and other loading apparatus must be maintained in good working order and be available for use at all times.
 - Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as to not obstruct any emergency exit;
 - A suitable restraint must be available for the occupant of a wheelchair;
 - Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper; and
 - Ramps and lifts must be securely stored in the vehicle before it may move off.
 - Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been examined in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). A

valid certificate of examination confirming the equipment is in safe working condition must be obtained and be provided for inspection by the licensing authority on request.

9 Insurance, MOT and Vehicle Excise (Road Tax)

- 9.1 A licensed vehicle must not be used as a hackney carriage or private hire vehicle unless there is a current compliance certificate, valid insurance and current vehicle excise licence (road tax) in place.

10 Licence Plates

- 10.1 The proprietor must ensure that the licence plate provided and allocated to him for the vehicle is affixed to the outside of the vehicle, on or adjacent to the rear bumper or in such other position as may be approved by the Council.
- 10.2 [Para 10.1 above does not apply to Vehicles granted plate exemption in accordance with Section 4.10 of this policy. The exemption letter must be kept with the vehicle and be made immediately available on request. If the Exemption Letter is not with the vehicle, plates must be displayed.](#)
- 10.3 The Council must be informed immediately should the licence plate be lost, broken or defaced. Proprietors will be liable for fees for replacement plates.
- 10.4 The licence plate must at all times be kept in a clean and legible condition
- 10.5 The Proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible.
- 10.6 The licence plate remains the property of the Council and must be returned within seven days when:
- the vehicle ceases to be licensed as a hackney carriage or private hire vehicle; or
 - requested to do so by an Authorised Officer of the Council in writing when the plate is suspended, or revoked
 - The plate has expired.

11. Signage

Hackney Carriage Vehicle Markings

- 11.1 Hackney Carriage Vehicles must be fitted with an illuminated roof sign bearing the words "Taxi". Vehicles built to Metropolitan Carriage Office Specification must display an illuminated sign bearing the word "Taxi" on the front face.
- 11.2 The signs must be plainly and distinctly visible.

Private Hire Vehicle Markings

- 11.3 A private hire vehicle must not carry any roof sign or any markings that may give the impression that it is a hackney carriage.
- 11.4 Private Hire Vehicles must display on both offside and nearside rear passenger doors the Folkestone & Hythe District Council Identification Panel bearing the Private Hire Vehicle Licence Number
- 11.5 Private Hire Vehicles granted a plate exemption are also exempt from displaying the Identification panels, subject to carrying the exemption letter as set out in 10.2 above.
- 11.6 Any advertising or signage on the vehicle must not include the words 'Taxi' 'cab', or any word of a similar meaning or appearance to either of those words, whether alone or as part of another word.

12 ADVERTISING

- 12.1 External advertisements must be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle. No other advertisement is permitted on the outside of the vehicle.
- 12.4 No advertisement shall obliterate, obscure or be confused with the vehicle's licence plate or side panels
- 12.5 Internal first or third party advertisements may be displayed but must:
- Not be affixed to glass or windows
 - no larger than A4 size;
 - positioned so that they do not obstruct the driver's view in any way
- 12.6 No advertisement shall contain anything of a religious or political nature or contain any matter likely to cause offence.
- 12.7 The following signage is not considered advertising and is permitted:
- Any signs required by legislation or this policy.
 - Signs indicating membership of a national motoring / breakdown organisation.
 - Parking / taxi rank permits
 - Signs on taximeters indicating the vehicle is for hire
 - Signs indicating the vehicle is wheelchair accessible
 - A sign provided by Kent County Council for Schools Contracts. These may be displayed in the windscreen in such a position so as not to obstruct the driver's vision. The sign to be displayed only during the contract when pupils are on board.
 - Signs indicating that CCTV is fitted in the vehicle
 - Signs on the windscreen or inside the vehicle indicating that payments may be made by credit / debit card.

- 12.8 Any sign and advertising permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle.
- 12.9 Prior approval for other signs, or posters e.g. relating to public safety campaigns may be considered on a case by case basis by the licensing team leader.
- 12.10 Signs or advertisements must be removed from vehicles on request by a licensing officer, where they consider it contravenes this policy. Vehicles may be suspended until they have been removed.

13 TAXIMETERS

13.1 Hackney Carriages

- 13.1.1 An EU approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.
- 13.1.2 The taximeter shall be positioned so that the display on the face of the meter may be clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.
- 13.1.3 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.
- 13.1.4 An official copy of the Council's fare tariff shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.
- 13.1.5 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the drivers shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of hackney carriages.
- 13.1.6 In the event of such a journey commencing in but ending outside the Folkestone & Hythe District, the driver may charge for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.

13.2 Taximeters – Private Hire Vehicles

- 13.2.1 Private hire vehicles are not required to be fitted with a taximeter.
- 13.2.2 If a taximeter is fitted to a private hire vehicle it must be EU Approved, correctly calibrated and sealed and charge no more than the proprietor's displayed maximum fare tariff

13.2.3 The taximeter shall be positioned so that the display on the face of the meter may be clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.

13.2.4 If a taximeter is fitted within a private hire vehicle, details of the tariff of fares to which it is calibrated shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.

14 Vehicle Inspection and Compliance Testing

14.1 All vehicles must have a valid certificate of compliance issued following testing by the council's nominated garage. (Unless 14.4 applies)

14.2 A certificate of compliance is valid for 6 months. It is the responsibility of the proprietor to ensure that a new test is undertaken by the due date

14.3 A vehicle must not be used for hire and reward without a valid compliance certificate.

14.4 Vehicles which are less than 12 months old from the date of first registration and have less than 500 miles on the milometer are exempt from a compliance test for the first 12 months when licensed.

14.5 All hackney carriage and private hire vehicles must be available for inspection or testing at any reasonable time when requested by an Authorised Officer of the Council or a Police Officer.

15. Mobile Telephones / Devices

15.1 [Mobile telephones and similar devices may only be used with a hands free kit.](#)

16. Production of documents, certificates etc

16.1 A proprietor must produce any document within seven days if requested to do so by any officer of the council. Failure to adhere to the request may result in suspension of the driver or vehicle licence until the requested document has been produced

17 Convictions

17.1 Vehicle Proprietors shall with 14 days of receiving a conviction disclose to the licensing authority in writing, details of any convictions imposed on him (or if the proprietor is a limited company or partnership, on any of the directors or partners) during the period of the licence.

17.2 Fixed penalty traffic offences are not considered convictions and need not be reported unless resulting in loss of the DVLA licence.

18 Change of Address

18.1 A proprietor must inform the council within 7 days of any change of address during the period of the licence.

19 Unauthorised use

19.1 The proprietor of a hackney carriage or private hire vehicle shall not allow the vehicle to be driven by any person who does not hold an appropriate hackney carriage/private hire driver's licence issued by Folkestone & Hythe District Council

20 Dual Plating

20.1 No vehicle will be granted a licence by Folkestone & Hythe District Council if it is licensed by another authority. This is due to the fact that a vehicle may be subject to different requirements of two separate licensing authorities which may prevent effective enforcement. It will also cause confusion to members of the public

21 Damage Reporting

21.1 The proprietor of a hackney carriage or private hire vehicle must report to the licensing authority as soon as reasonably practicable and in any case within 72 hours of the occurrence, any damage to such vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort and convenience of passengers

22 Temporary Replacement Vehicle

22.1 Any licensed vehicle suffering (major) accident damage or requiring mechanical repair may be replaced by a temporary vehicle provided:

- The accident damage has been reported by the licence holder in accordance with the requirements of these conditions, or the defect to the licensed vehicle has been similarly reported.
- An application is made by the licence holder for a temporary plate/transfer and the appropriate fee paid.
- The replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- the replacement vehicle is of suitable size (like for like)
- the replacement vehicle meets specifications and conditions for new licensed vehicles set out within this policy

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

APPENDIX H - Additional conditions applying to stretch limousines

- 1 Unless specifically stated otherwise below, conditions applying to Private Hire vehicles also apply to Limousines. The conditions below are additional conditions specifically applying to stretch limousines licensed as private hire vehicles.
- 2 The vehicle may be left or right hand drive. Operators of all stretched limousines making applications for vehicle licences will be required to produce a valid Individual Vehicle Certificate (IVA) issued by the Vehicle and Operator Services Agency (VOSA).
- 3 Tyres must be fitted which are appropriate for the size and weight of the vehicle.
- 4 Vehicles with sideways facing seating may be considered for licensing.
- 5 The council shall approve the seating arrangement, within the vehicle, which may vary in accordance with the design of the vehicle.
- 6 All limousines shall have sufficient seat belts for the maximum licensed number of persons carried and comply with the current legislation in relation to seat belts.
- 7 The number of passengers any stretch limousine is licensed to carry will be a maximum of eight. All limousines licensed as private hire vehicles must reduce their seating capacity to a maximum of eight passengers.
- 8 Proprietors must not permit the number of passengers carried in the vehicle to exceed the number for which it is licensed. A child of any age will be counted as a passenger.
- 9 No passengers to be in the driver's compartment.
- 10 In any advertisement publicising a limousine service, the advertisement must state that the vehicle is only licensed to carry eight passengers
- 11 Vehicles licensed as private hire vehicles must have appropriate insurance to cover the provision of a service to the public for hire and reward, taking into account the specification of the vehicle.
- 12 Any sales of alcohol must be in accordance with Licensing Act 2003.
- 13 Any glassware used in the vehicles shall be made either of shatterproof glass or polycarbonate.
- 14 The vehicle will not be hired to persons under the age of 18 years unless an adult (other than the driver of the vehicle) supervises them.

- 15 The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the youngest passenger in the vehicle
- 16 Luggage shall not be carried in the passenger compartment of the vehicle.
- 17 Limousines must have a valid compliance certificate in place. If due to the size or nature of the vehicle, then the licensing authority may, on request, give written approval for an MOT to be carried out (at the same 6 monthly intervals) at a VOSA testing station. Following that test the vehicle will also be required to be presented for a further visual check by an authorised licensing officer.

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Appendix I - DRIVERS DRESS CODE

1. The Council considers that drivers should conform to a minimum standard of dress, as set out below in order to :

- Promote and maintain the professional image of the trade
- Promote public confidence and ensure passengers feel comfortable when travelling in licensed vehicles.
- Ensure safe operation of vehicles

2. **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.
- Trousers, smart jeans or tailored shorts which reach the knee when standing upright.
- Skirts / dresses at least knee length
- Footwear for all drivers that fits around the heel of the foot.

3. **Unacceptable standard of dress**

- Unclean or damaged clothing
- Words, logos or graphics on any clothing that is of a suggestive nature or which might offend.
- Sportswear (e.g. football kits, tracksuits or beach wear/ swim wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel or any other footwear that prevents safe operation of the vehicle.
- Drivers not having either the top or bottom half of their bodies suitably clothed

APPENDIX J - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ENFORCEMENT POLICY

1. Purpose Of This Policy

- 1.1 Well directed enforcement activity benefits not only the public but responsible members of the Hackney Carriage and Private Hire Trade
- 1.2 The Council has a responsibility to ensure that all licensed drivers, owners and operators of vehicles adhere to basic minimum standards. These standards are set out in legislation, byelaws and the Council's Hackney Carriage and Private Hire licensing Policy
- 1.3 The purpose of this policy is to help ensure that enforcement action is fair, proportionate, consistent, and in accordance with the principles of the Regulator's Code.
- 1.4 Authorised officers will follow this policy when making enforcement decisions. Departures from this policy will be exceptions and must be justified.

2 General Approach to Enforcement

- 2.1 Enforcement decisions will primarily be based on the seriousness of the breach and the possible consequences arising from that breach. Enforcement therefore will not constitute a punitive response to a minor technical contraventions of legislation.
- 2.2 When taking enforcement decisions, the following factors will be considered
 - The seriousness of the breach
 - Driver or operator's past history
 - The effectiveness of the enforcement action
 - Danger to the public

3 Enforcement Options

- 3.1 Having considered all relevant information and evidence, the choices for action available to a licensing authority are:-
 - take no action;
 - take informal action;
 - issue penalty points (see **Appendix K**)
 - use statutory notices;
 - suspend a licence;
 - revoke a licence;

- use simple cautions;
- prosecute
- other action as deemed necessary, e.g. completion of a driving assessment.
- a combination of any of the above

4 Appearance before a Planning and Licensing Subcommittee

- 4.1 Authorised Officers have delegation to make decisions concerning grant and renewal of licences and enforcement decisions concerning convictions, allegations or breaches of relevant legislation and policy concerning existing licence holders,
- 4.2 A Licence Holder may be asked to appear before a Planning and Licensing Subcommittee following report of a conviction, breaches of relevant legislation or conditions attached to licences or a contravention of this policy or accumulation of penalty points.
- 4.3 The Panel may decide to take one or more of the following actions:-
- no action;
 - a written warning;
 - require the production of driving licences or other specified documentation at the Council's Office;
 - suspend a licence (with immediate effect or after 21 days notice);
 - revoke a licence (with immediate effect of after 21 days notice);
 - Refuse to renew a licence
 - recommend prosecution action
 - other appropriate action as deemed necessary
 - a combination of the above

5 Take No Action

- 5.1 No action would be taken if there is no evidence of breach of policy or legislation.

6. Informal Action

- 6.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.
- 6.2 Such informal enforcement action may be appropriate in any of the following circumstances:
- The nature of the breach is not serious enough to warrant more formal action
 - From the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance

- Confidence in the operator's management is high
- The consequences of non-compliance will not pose a significant risk to the safety of the public

7. Penalty Points

- 7.1 This Authority has a penalty point scheme which is set out in **Appendix K**
- 7.2 Licence Holders found to be in breach of licence conditions, this policy or legislation are likely to be issued with penalty points for the transgression. Licence Holders accumulating 12 points during a rolling 24 month period can expect to have their licence reviewed by a licensing sub-committee (without prejudice to other enforcement options)

8. Statutory Notices (S68 Local Government Miscellaneous Provisions Act 1974)

- 8.1 An authorised officer may serve written notice for a hackney carriage or private hire vehicle or the taximeter affixed to such vehicle to be presented for inspection and/or testing at the Council's appointed garage or by an authorised officer at a time specified in the notice. This notice may be used where there are concerns regarding the fitness of the vehicle or reasonable grounds to suspect the accuracy of the taximeter. Case Law confirms that fitness of the vehicle may include non-compliance with policy requirements, not just mechanical condition/ roadworthiness. This may include for example, where evidence has not been provided that the vehicle has suitable insurance cover.
- 8.2 Under this section, an authorised officer may, in addition to requiring the vehicle to be tested, immediately suspend the vehicle licence until such time as he is satisfied with the condition of the hackney carriage or private hire vehicle. This action will only be taken when he has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.
- 8.3 If the Authorised Officer who issued notice is not satisfied that the appropriate action has been taken to withdraw the notice within a period of two months from the date of issue, the vehicle licence shall be deemed to be revoked.

9 Suspension / revocation of Licences

- 9.1 Where a licence is suspended or revoked. The licence holder will be notified in writing, with the reasons for doing so, within 14 days of the decision to suspend/revoke being made.
- 9.2 Vehicle Licences
- 9.2.1 In addition to section above, S60 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke a vehicle licence on the following grounds:

- the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part II of the Act by the operator or driver
- any other reasonable cause.

9.2.2 Suspensions and revocations under this section come into effect 21 days from the date of the notice or until any appeal has been determined.

9.3 Operator Licences

9.3.1 S62 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke an operator's licence on the following grounds

- any offence under, or non-compliance with, the provisions of this Part of this Act;
- any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
- any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty
- any other reasonable cause.

9.4 Drivers' licences.

9.4.1 S61 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke a driver's licence if:

he has since the grant of the licence—

- been convicted of an offence involving dishonesty, indecency or violence
- been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- been convicted of an immigration offence or required to pay an immigration penalty

or any other reasonable cause.

9.4.3 Suspensions and revocations under this section will normally take effect after 21 days from the date of the notice or after any appeal has been determined.

9.5 Immediate Suspension/ revocation of Driver Licenses

9.5.2 A council may suspend or revoke a driver's licence with immediate effect, where this is in the interest of public safety. Immediate suspensions continue to remain in force whilst any appeal against the suspension is heard.

9.5.3 Immediate suspensions therefore give additional protection to the public but may have an impact on the livelihood of the licence holder. Decisions to impose immediate suspensions or revocations must therefore not be taken lightly. However, a licence should be immediately suspended or revoked where this is appropriate. There should be a connection between the incident and the safety of the travelling public.

9.5.4 **Immediate** suspension / revocation of a driver may be considered where they

- have committed a serious offence
- are alleged to have committed a serious offence
- are in breach of the requirements placed upon that type of licence within primary legislation
- are in conflict with a significant part of the council's policy or
- where there is reliable intelligence provided which raises a significant concern and it is necessary to immediately remove that potential risk
- there is concern about a driver's medical fitness

9.5.5 The council has a policy on its approach to convictions and cautions when assessing applications for drivers licences (**Appendix C**). Regard should be had to this policy when assessing whether an allegation, offence or complaint warrants immediate suspension /revocation.

9.5.6 Each case will be judged on its merits taking into account the circumstances and facts of the case, any admissions or denials made and any other relevant information.

10. Refusal to Renew a Licence

10.1 As an alternative to revocation/Suspension, a decision may be taken not to renew a licence, particularly where the licence is due to expire shortly.

11. Prosecution

11.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Authority are not followed and/or the public is put at serious risk.

11.2 The following Factors taken into account when deciding whether to prosecute:

- Whether there is sufficient evidence such that there is a realistic prospect of conviction
- The seriousness of the alleged offence;
- The risk to the public
- Whether there were victims and the effect on them
- Failure to respond to previous warnings.
- The previous record of the licence holder / party concerned
- Disregard of safety or the licensing regime for financial benefit
- Whether there was failure to comply with a statutory notice
- The ability of any important witness and their willingness to co-operate;
- The probable public benefit of a prosecution and the importance of the case in establishing a precedent;
- Whether other action, such as issuing a simple caution or notice would be more appropriate or effective.

12 Simple Cautions

12.1 There may be circumstances where evidence exists for a successful prosecution, but where mitigating circumstances are such that nothing is likely to be gained from such action. In such circumstances we will consider the offer of a simple caution as an alternative to prosecution. Circumstances where a caution may be considered are:

- the contravention is low level or a first offence;
- the contravention, although serious, has been speedily dealt with and steps taken to prevent a recurrence;
- The offender has not been cautioned or convicted for a similar offence within the last 2 years.

12.2 The following criteria must be met:

- There is sufficient evidence of the offence such that there is realistic prospect of conviction if the case went to court;
- The offender admits the offence;
- The offender agrees to accept a caution; and
- the offender is able to give informed consent to the caution and understands its significance.

12.3 The decision to offer a caution will be taken by the Licensing Team Manager or their Manager in conjunction with Legal Services Team after consideration of a report from the investigating officer.

12.4 If the offer of a formal caution is declined, further enforcement action will be considered. This will usually be prosecution

13. Appeals

13.1 Where the licensing authority decide to refuse to grant or renew a licence, suspend or revoke a licence or add conditions to a licence, there is a right of appeal to Magistrates Court

13.2 Where applicable, any notification of enforcement action will include written information on how to lodge an appeal, including relevant time limits.

13.3 It will also explain whether the suspension / revocation will remain in effect pending the outcome of an appeal.

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APPENDIX K– Penalty Points Scheme

- 1 Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws or licence conditions.
- 2 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.
- 3 The number of penalty points issued will be in accordance with the tables below.
- 4 It is possible that an incident gives rise to more than one breach and therefore result in more than one set of points being issued. However A maximum of 12 penalty points will be issued on any one occasion.
- 5 The issue of penalty points will be confirmed in writing to the licence holder.
- 6 If a licence holder disagrees with a decision to issue penalty points , then they make appeal to the Licensing Team Leader within 21 days of the date of the notice that points have been issued. The appeal must, state the reasons why the points should not be awarded. If the matter is not resolved, it will be brought to a hearing by a Planning and licensing sub-committee who will consider whether the points should be imposed. Where the subcommittee agree that points should be issued, they have discretion to increase the number of points imposed where they consider appropriate.
- 7 When issued, the penalty points will remain “live” for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four months period will be taken into account.
- 8 If a licence holder accumulates 12 penalty points in any 24 month period, then they may be asked to attend a hearing of the Planning and Licensing Sub-Committee to consider appropriate action in respect of their licence. Such action could include suspension or revocation of a licence or a written warning as regards future conduct.
- 9 When considering appropriate action the Sub Committee may take into account whether the licence holder has previously been brought to committee for exceeding the 12 point limit in the last 3 years.
- 9 If an accumulation of points result in suspension or revocation of a licence, then the points will be removed. If a written warning is given, the points remain live.
- 10 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

11. Penalty Points Tables

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

Local government (Miscellaneous Provisions) 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	12
46(1)d	Operating a private hire vehicle without a private hire operator's licence	12
46(1) e	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	12
46(1)e	Operating a private hire vehicle when the driver is not licensed as a private hire operator	12
48(6)	Failure to display a private hire vehicle plate	4
49	Failure to notify the transfer of a vehicle within 14 days	3

50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request	8
50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3
50(3)	Failure to report to the council within seventy two (72) hours an accident causing damage.	6
50(4)	Failure to produce the vehicle licence and/or insurance on request	4
53(3)	Failure to produce a driver's licence upon request	4
54(2)	Failure to wear a private hire driver's badge	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 (also breach of conditions attached to licence – see below)	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 (also breach of conditions attached to licence – see below)	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 hackney carriage or private hire driver's licence	12
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	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 hackney carriage to wait on a hackney carriage rank	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	12
67	Charging more than the meter fare when hackney carriage is used as a private hire vehicle	12
69	Unnecessarily prolonging a journey	12
71	Interfering with a taximeter with intent to mislead	12
73(1)a	Obstruction of an Authorised Officer of the Council or a Police Officer	12
73(1)b	Failure to comply with a requirement of an Authorised Officer or Police Officer	12
73(1)c	Failure to give information or assistance to an Authorised Officer or Police Officer	12

Section	Equality Act 2010	Points
165	Driver of a Designated Wheelchair Accessible Vehicle failing to comply with duty to assist passengers in wheelchairs	12
168	Driver refusing to accept passenger with assistance dog and/or making extra charge for carrying passenger with assistance dog	12
170	Operator refusing to take booking on grounds that passenger will be accompanied by assistance dogs or making extra charge for carrying passenger with assistance dog	12
170	Private Hire Driver refusing to accept booking made through operator on grounds that passenger will be accompanied by assistance dog	12

	Breach of Policy Requirement	Points
	Failure to adhere to dress code	3
	Failure to wear a driver's badge	4
	Failure to behave in a civil and orderly manner	6
	Failure to ensure the safety of passengers	6
	Concealing or defacing a vehicle licence plate	4
	Failure to attend on time for a pre-arranged booking without reasonable cause	3
	Conveying a greater number of passengers than permitted	6
	Failure to give reasonable assistance with passenger's luggage	3
	Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked	12
	Operating a vehicle that is not clean and tidy	2
	Carrying an animal other than belonging to a bona fide passenger.	2
	Driving without consent of the proprietor	5
	Smoking in a licensed vehicle at any time	6
	Operating the horn as a means of signalling that a vehicle has arrived	3
	Using a non-hands free mobile telephone whilst driving	4
	Failure to advise of a relevant medical condition	8
	Failure to provide a receipt for a fare when requested	2
	Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages	12
	Failure to notify the Council of any amendment to the details of a licence within fourteen days	3

	Failure to notify within 14 days of starting or terminating employment, the name and address of the proprietor and term of employment	3
	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	2
	Failure to surrender a driver's licence, badge or plate upon request	6
	Failure of a licence holder to disclose convictions within seven days of conviction	8
	Failure to check vehicle for lost property or to report lost property in accordance with policy	3
	Failure to report an accident within seventy two hours	6

	Failure to comply with the requirements for the safe carrying of a wheelchair	6
	Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	6
	Failure to carry an approved fire extinguisher	3
	Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	3
	Modifying a vehicle without the consent of the Council	3
	Failure to display in the prescribed manner or maintain external licence plate or door stickers	4
	Hackney carriage vehicle signage not in accordance with the Council's requirements	4
	Affixing or displaying a roof sign on a private hire vehicle	4
	Displaying a sign or advertisement on a licensed vehicle contrary to the Policy requirements or which has not been approved by the Council	4
	Taximeter does not conform to the Council's requirements	6
	Operating or driving a vehicle which does not comply with the Council's Policy requirements	6
	Driving with no insurance or inadequate insurance for the vehicle	12
	Allowing a vehicle to be used for hire by a person who does not hold a current driver's licence	8
	Operating a vehicle which does not comply with the Council's requirements in relation to tinted windows	4
	Permitting the vehicle to be used for any illegal or immoral purposes	12

	Failure of a private hire operator to provide a prompt, efficient and reliable service	3
	Failure to ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated	3

	Failure of a private hire operator to ensure that vehicles attend bookings punctually	4
	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 of a private hire operator to ensure that all vehicles operated by him are adequately insured	6
	Failure to disclose in writing within seven days details of any conviction or police Caution imposed on him to the licensing section	12
	Failure to notify the Council of any vehicle used by the Operator which is involved in an accident within 72 hours	6
	Failure to maintain or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced in accordance with s.56(2) &(3) of the Local Government (Miscellaneous Provisions) Act 1976, See above	6
	Failure of a private hire operator to have valid public liability insurance for the operating premises if the public are allowed access	8
	Failure of a private hire operator to ensure that every driver employed by him has a private hire licence and badge	4
	Failure to make the Operator's licence available for inspection, in accordance with s.56 of the Local Government (Miscellaneous Provisions) Act 1976	4
	Any other contravention of the Policy not covered above	2-12

