

To: All Members of the LICENSING AND
REGULATORY COMMITTEE
(Other Members for Information)

When calling please ask for:

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Date: 3 January 2020

Membership of the Licensing and Regulatory Committee

Cllr Robert Knowles (Chairman)
Cllr Peter Clark (Vice Chairman)
Cllr Roger Blishen
Cllr Martin D'Arcy
Cllr Jerome Davidson
Cllr Patricia Ellis

Cllr Michael Goodridge
Cllr Anna James
Cllr Jacquie Keen
Cllr Michaela Martin
Cllr Ruth Reed
Cllr Vacancy

Substitutes

Cllr Peter Isherwood
Cllr Jenny Else

Cllr Joan Heagin
Cllr Jerry Hyman

Dear Councillors

A meeting of the LICENSING AND REGULATORY COMMITTEE will be held as follows:

DATE: MONDAY, 13 JANUARY 2020

TIME: 10.00 AM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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This meeting will be webcast from the conclusion of Informal Question Time and can be viewed by visiting www.waverley.gov.uk

NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **MINUTES** (Pages 7 - 8)

To receive the minutes of the meeting held on 11 November 2019 (to be laid on the table half an hour before the meeting).

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

3. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Chairman to respond to any questions received from members of the public in accordance with Procedure Rule 10.

The deadline for submission of written questions for this meeting is Monday 6th January 2020.

5. **QUESTIONS FROM MEMBERS**

The Chairman to respond to any questions received from Members in accordance with Procedure Rule 11.

The deadline for submission of written questions for this meeting is Monday 6th January 2020.

6. **NOMINATION OF REPLACEMENT REPRESENTATIVE ON LICENCING (GP) SUB COMMITTEE**

Chairman to ask for a nomination to replace Cllr Lee on the Licencing (GP) Sub Committee.

7. **ACTION AUTHORISED**

To receive any action taken by the Executive Director after consultation with the Chairman and Vice-Chairman since the last meeting.

LICENSING ACT 2003 ITEMS

8. MINUTES OF THE LICENSING (GP) SUB COMMITTEE (Pages 9 - 10)

To agree the minutes of the licensing (GP) sub-committee held on 14th October 2019.

OTHER LICENSING ITEMS

9. JOINT WARRANTING 2020 (Pages 11 - 18)

Purpose and Summary:

Waverley Borough Council is the licensing authority for the purposes of regulating taxi and private hire services in the Borough. This report seeks approval for making arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers. This will enable improved enforcement of the taxi and private hire trade across the County and improve safety within the licensed hackney carriage and private hire vehicle service operating in Surrey.

The Committee are asked to recommend to Full Council that:

- (a) the Council delegate the Taxi and Private Hire enforcement functions under the legislation set out in Appendix A to the Surrey local licensing authorities (also set out in Appendix A), in addition to retaining those functions within the Borough and to similarly receive the delegated Taxi and Private Hire enforcement functions (as set out in Appendix A) of those local authorities; and,
- (b) the responsibility for relevant Hackney Carriage and Private Hire licensing legislation in accordance with 2.1 of the Council's Constitution which confirms an existing delegated power to the Head of Environmental & Regulatory Services at Part 1.3 of the Council's Scheme of Delegation (authorisation to enforce all relevant Hackney Carriage and Private Hire licensing legislation) be extended to include the authorisation of officers of other Surrey authorities participating in a Joint Warranting Scheme.

10. TAXI POLICY COVERING REPORT RE PROPOSED CHANGES FOR CONSULTATION 2020 (Pages 19 - 146)

Purpose and Summary:

This report proposes a number of changes to the Hackney Carriage/Private Hire Licensing Policy to reflect the recommendations from the Department for Transport on a safer system of taxi and private hire vehicle licensing and other proposed changes following review by Officers and to agree a basis for consultation with the Taxi and Private Hire trades and the public.

Recommendation

It is recommended that the Licensing and Regulatory Committee;

- considers the draft Hackney Carriage and Private Hire Licensing Policy at Annexe 1 and agrees it, with or without amendments, as a basis for consultation; and notes;
 - the Task & Finish Goup report regarding taxi and private hire

- licensing;’
 - the Government’s response to the Task & Finish Group report;
 - Officer comments on the Task & Finish Group outlined in the report, including in relation to the NAFN project, English language test, complaints and dealings in relation to access refusal, employment factors relevant to the fit and proper test;
- considers the recommendation in respect of;
 - the introduction of a reduced vehicle licence rate for Ultra Low Emission Vehicles and the inclusion of a condition requiring licensees to cooperate with appropriate Officers from other licensing areas
 - an additional requirement for all drivers to subscribe to and maintain DBS update service
 - the introduction of an appropriate Privacy Notice
 - the introduction of requirements for Private Hire Operators to;
 - hold & maintain a register of all staff that have contact with the public etc;
 - be able to evidence that a basic DBS is in place for staff listed on their register; and
 - Operators being prohibited from using PCV licensed drivers the reintroduction of a vehicle age policy
 - the introduction of requirements for door signs on Private Hire vehicles
 - the setting of a date for all licensed vehicles to be electric
 - the introduction of a refusal to licence written off vehicles
 - the introduction of a condition prohibiting the use of second hand tyres or tyres that are 10 years old or more;
 - the current Surrey conviction policy compared with the relevant IoL guidance
 - the proposal to allow exemptions to the window tinting policy subject to consultation with the Chair of the Licensing Committee.
 - the location of vehicle testing station
- considers the draft Hackney Carriage and Private Hire Licensing Policy at Annexe 1 and agrees it, with or without amendments, and makes proposals for consultation;

11. PROPOSED FARES AND TARRIFFS.

To receive a verbal update on the proposed Taxi and Private Hire fares and tarriffs.

12. FORWARD PROGRAMME

To note the following items programmed to come to forthcoming meetings.

13. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act (to be identified, as necessary, at the meeting).

14. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone
Kimberly Soane, Democratic Services Officer, on 01483 523258 or by
email at kimberly.soane@waverley.gov.uk**

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE -
23 SEPTEMBER 2019

SUBMITTED TO THE COUNCIL MEETING – 22 OCTOBER 2019

(To be read in conjunction with the Agenda for the Meeting)

Present

| | |
|----------------------------------|------------------------|
| Cllr Robert Knowles (Chairman) | Cllr Patricia Ellis |
| Cllr Peter Clark (Vice Chairman) | Cllr Michael Goodridge |
| Cllr Martin D'Arcy | Cllr Anna James |
| Cllr Jerome Davidson | Cllr Jacquie Keen |

Cllr Joan Heagin (Substitute)

Apologies

Cllr Jack Lee, Cllr Michaela Martin and Cllr Ruth Reed

LIC14/19 MINUTES (Agenda item 1.)

The minutes of the meeting of the Licensing and Regulatory Committee held on 17th June 2019 were agreed as a correct record and signed by the Chairman.

LIC15/19 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Apologies were received from Cllrs Jack Lee, Michaela Martin and Ruth Reed. Cllr Joan Heagin attended as substitute.

LIC16/19 DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest made prior to or at the meeting.

LIC17/19 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4.)

No questions from members of the public were received.

LIC18/19 QUESTIONS FROM MEMBERS (Agenda item 5.)

No questions from members were received.

LIC19/19 ACTION AUTHORISED (Agenda item 6.)

No actions taken by the Chief Executive had been received.

PART II - MATTERS OF REPORT

LIC20/19 TAXI AND PRIVATE HIRE TARIFF CARD AND FEES (Agenda item 7.)

Paul Hughes, Licensing and Environmental Enforcement Manager, outlined the report that had been circulated to members with the agenda.

The recommendations set out for the members consideration were:

1. Accept any of the licensees proposals to the Hackney Carriage Fare Scale (with or without amendments) for officers to advertise in accordance with Section 65 Local Government (Miscellaneous Provisions) Act 1976 or;
2. Propose their own proposal to the Hackney Carriage Fare Scale for officers to advertise in accordance with Section 65 Local Government (Miscellaneous Provisions) Act 1976 or;
3. Request that officers provide a further report providing specific options utilising the Guildford Borough Council methodology template. or;
4. Make no recommendation of change to Hackney Carriage fares.

Members questioned why the fares were not reviewed annually as then a slight increase per year would not be such a shock to the public as a larger increase after 5 years.

After consideration and discussion members supported looking at the Guildford methodology and to bring back a report as soon as possible outlining the proposed fares from this approach.

Action: Paul Hughes to draw up a new fare proposal using the Guildford methodology and bring back to the next possible meeting.

LIC21/19 MINUTES OF THE LICENSING (GENERAL PURPOSE) COMMITTEE (1) (Agenda item 8.)

The minutes of the Licensing (General Purpose) Committee held on 17 June 2019 were agreed as a correct record.

LIC22/19 MINUTES OF THE LICENSING (GENERAL PURPOSE) COMMITTEE (2) (Agenda item 9.)

The minutes of the Licensing (General Purpose) Committee held on 1 July 2019 were agreed as a correct record.

LIC23/19 FORWARD PROGRAMME (Agenda item 10.)

It was noted that Taxi Policy Review was scheduled for the next meeting in November as well as the Taxi and Private Hire Tariff Card and Fares to be brought back following this meeting.

The meeting commenced at 10.00 am and concluded at 10.13 am

Chairman

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE - 14
OCTOBER 2019

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 11
NOVEMBER 2019

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Robert Knowles (Chairman)
Cllr Peter Clark (Vice Chairman)
Cllr Martin D'Arcy

Cllr Jack Lee
Cllr Ruth Reed

Apologies

Also Present

Paul Hughes, Licensing and Environmental Enforcement Officer
Gillian Carson-Jones, Litigation, Licensing and Regulatory Lawyer

54. MINUTES (Agenda item 1.)

The minutes of the meeting held on 23 September 2019 were agreed as a correct record.

55. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

There were no apologies for absence for this meeting.

56. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest made regarding the items on the agenda.

57. EXCLUSION OF PRESS AND PUBLIC (Agenda item 4.)

At 10:32 it was Resolved that

Pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the Act in respect of the following item:

Information relating to any individual (paragraph 1)

58. REVIEW OF HACKNEY CARRIAGE DRIVERS LICENCE (Agenda item 5.)

The Sub-Committee considered a report regarding a review of a Hackney Carriage /Private Hire License which was due to expire and an application for a new Hackney Carriage/Private Hire Vehicle License. The applicant was in attendance and clarified the circumstances laid out in the report which the Committee had been asked to consider.

The driver was in attendance and confirmed he had read and understood the papers that he had received. Members asked questions of the driver as to what led to the matters referred to in the exempt report.

The Sub-Committee withdrew to consider the report and evidence provided as well as taking into account the applicants verbal representation. The Council's solicitor had been asked to advise the Sub-Committee during their deliberations on the wording of their decision.

RESOLVED that the driver was not a fit and proper person to hold a Hackney Carriage/ Private Hire license and his application for a new license be **REFUSED** for the reasons as noted in the exempt annexe.

59. LEGAL ADVICE (Agenda item 6.)

To consider any legal advice relating to any items in the agenda.

The meeting commenced at 10.00 am and concluded at 11.35 am

Chairman

WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE

13 JANUARY 2020

Title:

Taxi and Private Hire Enforcement – Delegations for

Surrey Joint Warranting

Portfolio Holder: Cllr Nick Palmer, Portfolio Holder for Operational & Enforcement

Head of Service: Richard Homewood
Head of Environmental & Regulatory Services

Key decision: No

Access: Public

Note pursuant to Section 100B(5) of the Local Government Act 1972

1. Purpose and summary

1.1 Waverley Borough Council is the licensing authority for the purposes of regulating taxi and private hire services in the Borough. This report seeks approval for making arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers. This will enable improved enforcement of the taxi and private hire trade across the County and improve safety within the licensed hackney carriage and private hire vehicle service operating in Surrey.

2.0 Background

2.1 Taxi and Private Hire Vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

2.2 The legislation gives a power for an officer authorised by a local authority to inspect vehicles and take enforcement action against drivers and vehicles licensed by that authority, including the immediate suspension of vehicles for reasons of public safety.

2.3 However as there is no geographical restriction on where a licensed vehicle can travel, journeys can and often do start and/or finish outside their licensed area. This means that often authorised officers of one authority will regularly come across vehicles licenced by another authority operating in their areas.

3. Proposed changes

- 3.1 Officers only have the legal power to inspect and take action against vehicles if they have been authorised in writing by the authority which licensed that vehicle. As such, an officer in one authority will not have the power to inspect or take action against the number of vehicles operating in its area which are licensed by other authorities.
- 3.2 This can lead to situations where officers in one authority, for example Waverley, are unable to take action against a vehicle licensed by another authority which may be defective, despite the vehicle being present and operating in Waverley. This could lead to a situation where a defective vehicle continues to operate, potentially endangering public safety and undermining public confidence in the licensed taxi trade.
- 3.3 It is therefore considered necessary to enable a scheme of joint warranting across Surrey, whereby Licensing Officers of any Surrey Authority would be able to inspect and take enforcement action against any vehicle licensed in Surrey.
- 3.4 Such joint working arrangements between Local Authorities is also regarded as 'Best Practice' in the draft Statutory Guidance issued under s.177 of the Policing and Crime Act 2017 recently consulted upon by the Department for Transport.
- 3.5 Additionally, joint warranting would further promote the work undertaken in 2017-18 in partnership with the Surrey Safeguarding Children Board (SSCB) to develop a co-ordinated response to child sexual exploitation (CSE) across the County by adopting a consistent convictions policy and mandatory CSE training for all drivers in Surrey.
- 3.6 The proposal is that the hackney carriage and private hire enforcement powers, as set out in Appendix A of this report, are delegated to the other Surrey Authorities (whilst retaining our own). It is also proposed that Waverley Borough Council receives similar delegated enforcement powers from the other Surrey Authorities.
- 3.7 Each authority would retain the ability to grant and renew licences; those functions will not be delegated. The enforcement functions would be delegated.
- 3.8 Each authority would be responsible for ensuring that the officers delegated are suitably trained and experienced in this type of work.
- 3.9 The Committee are asked to recommend to full Council that the Council delegate the Taxi and Private Hire enforcement functions under the legislation set out in Appendix A to the Surrey local licensing authorities (as set out in Appendix A), in addition to retaining those functions within the Borough and to similarly receive the delegated Taxi and Private Hire enforcement functions (as set out in Appendix A) of those local authorities.
- 3.10 The Council's Constitution provides the Head of Environmental & Regulatory Services with the following delegated power:-

- at I.3 of the Scheme of Delegation “To make all decisions, take all actions and exercise all powers in respect of the Council’s licensing functions in accordance with any one of the following legislation [...] relating to the Council’s licensing functions:

viii. the Local Government (Miscellaneous Provisions) Act 1976 [...] and
xii. Town Police Clauses Act 1847

This report proposes the extension of this authorising power to include the officers of the participating Surrey authorities.

- 3.11 The Head of Environmental & Regulatory Services will nominate the Environmental and Licensing Enforcement Manager to exercise the authorising powers on his behalf. All officers of the Council (from whichever team) who are duly authorised to carry out enforcement tasks will, of course, be suitably trained and experienced in this type of work.

4. Recommendation

- 4.1 The Committee are asked to recommend to Full Council that:

- (a) the Council delegate the Taxi and Private Hire enforcement functions under the legislation set out in Appendix A to the Surrey local licensing authorities (also set out in Appendix A), in addition to retaining those functions within the Borough and to similarly receive the delegated Taxi and Private Hire enforcement functions (as set out in Appendix A) of those local authorities; and,
- (b) the responsibility for relevant Hackney Carriage and Private Hire licensing legislation in accordance with 2.1 of the Council’s Constitution which confirms an existing delegated power to the Head of Environmental & Regulatory Services at Part I.3 of the Council’s Scheme of Delegation (authorisation to enforce all relevant Hackney Carriage and Private Hire licensing legislation) be extended to include the authorisation of officers of other Surrey authorities participating in a Joint Warranting Scheme.

5. Reason for the recommendation

- 5.1 For the enhancement of public safety.

6. Relationship to the Corporate Strategy and Service Plan

Taxis play an important part in the overall public transport network in the Borough and contribute to the priorities relating to the Environment and Leisure and Lives.

Implications of decision

7 Resource (Finance, procurement, staffing, IT)

The implications will be managed through the existing licensing budgets.

8. Risk management

The Taxi and Private Hire Licensing Policy is in place to ensure public safety when using these services and to ensure the appropriate balances and mitigations are in place to minimise risk to public safety whilst enabling businesses to trade effectively, efficiently and legally.

9. Legal

Under section 101 of the Local Government Act 1972, Local Authorities may make arrangements for other local authorities to discharge its functions. Having done so, the Council may however continue to discharge and control those functions. If the Council arranges for the other authorities within the flexible warranting scheme to carry out its Licensing functions, it may continue to exercise most of those functions itself.

In practice, it is envisaged that the power given to Officers from the other authorities within the scheme would only be exercised as and when required, when those officers are dealing with licensed vehicles from outside their current jurisdiction within their district.

If the Local Authorities are to participate in the scheme it is necessary to ensure that all officers are properly appointed to carry out the enforcement functions concerned so as to avoid potential legal challenge. Changes to licencing conditions of drivers, vehicles and operators may need to be altered to reflect the above.

10. Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. No equality impact assessment has been conducted in connection with the preparation of this report but an equality impact assessment would be conducted as part of the consultation process, once the basis for any consultation is known.

11. Climate emergency declaration

None

12. Consultation and engagement

- 12.1 Consultation has taken place with the other 11 Surrey Licensing Authorities who are supportive of this initiative and who themselves are seeking or have sought the necessary delegations.

The proposal was considered and supported by Management Board on 17 December 2019

13. Other options considered

- 13.1 The alternative is to not approve the proposal for joint warranting which will result in a lower standard of enforcement and of standards.

14. Governance journey

Consideration by Licensing and Regulatory Committee on 13 January with recommendation of the Committee to Council on 18 February 2020

Attachments:

Appendix A: Functions to be delegated to the Surrey Local Licensing Authorities

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

CONTACT OFFICER:

Name: Paul Hughes
Position: Licensing & Environmental Enforcement Manager
Telephone: 0148 3523189
Email: paul.hughes@waverley.gov.uk

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Functions to be delegated to the Surrey Local Licensing Authorities.

Local Government (Miscellaneous Provisions) Act 1976

- Section 53(3)(a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licences
- Section 61: to suspend and revoke drivers' licences
- Section 68: fitness of private hire vehicles
- Section 73: obstruction of authorised officer

Town and Police Clauses Act 1847

- Section 45: prosecution for plying for hire without a licence

Road Traffic Act 1988

- Section 143: no insurance

The Surrey Local Authorities named below have delegated (or will delegate) the same functions to Waverley Borough Council. Those authorities have also retained the ability to exercise these functions.

The Surrey Local Authorities –

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Guildford Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

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Waverley Borough Council

LICENSING AND REGULATORY COMMITTEE

13 JANUARY 2020

Title:

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW

Portfolio Holder: Cllr Nick Palmer, Portfolio Holder for Operational & Enforcement

Head of Service: Richard Homewood
Head of Environmental & Regulatory Services

Key decision: No
Access: Public

1.0 Purpose and Summary:

- 1.1 This report proposes a number of changes to the Hackney Carriage/Private Hire Licensing Policy to reflect the recommendations from the Department for Transport on a safer system of taxi and private hire vehicle licensing and other proposed changes following review by Officers and to agree a basis for consultation with the Taxi and Private Hire trades and the public.

2.0 Introduction

- 2.1. Waverley's current Hackney Carriage/Private Hire Licensing Policy was initially adopted in July 2010 and the current version has been in effect since 1 March 2018. Officers have conducted a further review of a number of existing conditions which they feel require update/clarification. It may also be appropriate to incorporate some recommendations from the Department of Transport on the report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing, given the outdated legislation and the new challenges facing the taxi industry.
- 2.2 Once considered by the Licensing and Regulatory Committee, any proposed updates to the policy, can be sent out for consultation.
- 2.3. In 2017, the Minister for Transport John Hayes MP announced in the Commons that he was to establish a Task and Finish Group (TFG) to examine taxi and private hire licensing, with a view to highlighting the current dilemmas faced by licence holders and recommending possible legislative

reform. The report was submitted to Government in July 2018. On 12th February 2019, the Department of Transport issued its response to the Task and Finish Group report.

- 2.4 The Task and Finish Group report can be found at the link below;
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745516/taxi-and-phv-working-group-report.pdf

A list of the recommendations is attached at **Annexe 1**.

- 2.5 The Government response to the report can be found at:-
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/847315/taxi-task-and-finish-gov-reponse.pdf

Recommendations 1-3, 5, 6, 8, 11, 13 -16 , 18, 22, 24, 27, 30 and 34 are matters where legislation or guidance is proposed and are for members' consideration and to note.

The other recommendations are outlined below with Officer observations/suggestions in bold.

- 2.6 **Recommendation 4** (*licensing model and joint working*)

“In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm. Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.”

Response

Waverley already works collaboratively with other Surrey licensing authorities and a Surrey licensing group exists. As a Surrey wide group a Surrey wide ‘Convictions Policy’ and a requirement for all licensed drivers to undertake Child Sexual Exploitation training have been introduced. The group have also recently put forward a proposal for a Surrey wide joint warranting authorisation to enable power to be given to Officers from the other Surrey authorities within the scheme when those Officers are dealing with licensed vehicles from outside their current jurisdiction within their district.

Members are asked to agree this proposal for joint warranting which is the subject of a separate report to this meeting.

- 2.7 **Recommendation 7** (*mitigation of costs for wider social benefit*)

“Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit

is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.”

Response

Waverley currently offers a reduced vehicle licence fee for disabled adapted vehicles. Officers would recommend that in future a 50% discount of the licence fee is offered to operators using ultra low emission vehicles to help promote these vehicles and reduce carbon emissions.

2.8 Recommendation 9 (driver cooperation with other enforcement authorities)

“All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.”

Response

It is recommended that the following condition to be added to the policy;

The Licensee shall cooperate with requests from authorised compliance officers from licensing authorities in other areas when requested.

See page 31 and 35 of the Taxi Policy (Review)

It is also recommended that the penalty point scheme be updated to accommodate a failure of this condition.

See page 62 of the Taxi Policy (Review)

2.9 Recommendation 10 (enforcement and compliance checks)

“Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (recommendation 2) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (recommendation 11).”

Response

This is a matter where legislation is proposed however the Surrey wide licensing group have recently put forward a proposal for a Surrey wide joint warranting (see Officer response to recommendation 4)

2.10 Recommendation 12 (licensing resource and fees)

“Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.”

In setting its budget the Council has analysed the full cost of delivering its licensing function, including administration, democratic, legal and enforcement costs and has set the various licence fees at an appropriate level to ensure full cost recovery as provided in law for each type of licence.

2.11 Recommendation 17 (*mandatory CCTV*)

“In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards. To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.”

Response

CCTV can be a valuable tool in crime prevention and detection however it can be intrusive with privacy implications, and provision comes at a cost. Councils need to demonstrate a clear justification for the policy and that they have thought carefully about how the policy will operate in practice so as to minimise the potential for interference with the privacy of passengers and drivers.

It is recommended that Waverley awaits the publication of the Governments formal guidance on the use of CCTV in taxis and private hire vehicles before making a decision on making it a requirement in the council’s policy. If operators choose to install CCTV in their vehicles now, it is their responsibility to ensure they comply with the legal requirements from the Information Commissioner’s Office (ICO).

Links below for members to consider.

- **ICO news article – Continuous CCTV in Taxis – where do councils stand**
<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand>; and
- *Information Commissioner’s response to the Department for Transport Consultation on Statutory guidance for licensing authorities; taxi and private hire vehicle licensing: protecting users*

<https://ico.org.uk/media/about-the-ico/consultation-responses/2019/2614935/consultation-on-statutory-guidance-for-las-taxi-and-private-hire-vehicle-licensing-v10-final-20190417.pdf>

2.12 **Recommendation 19** (*clear distinction to travelling public between taxis, PHV and unlicensed vehicles*)

“National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only. All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.”

Response

Licensed drivers are already issued with and required to wear their Waverley issued licensed identification badge in such a position and manner as to be plainly visible. Vehicles are currently subject to display of distinctive red or blue vehicle plate, unless subject to (private hire) exemption.

Magnetic door signs are commonly used by local authorities to clearly distinguish between taxi and private hire vehicles. Door signs for private hire vehicles make it clear that the vehicle is for pre-booked hire and cannot be ‘hailed’ in the street like a Hackney Carriage (Taxi). The signs commonly say ‘pre-booked journeys only’ or ‘No booking – No ride’.

Members may wish to consider whether it would be appropriate to introduce a requirement for door signs (eg magnetic door signs) on Private Hire vehicles?

With regard to information details being passed to the passenger before the journey commences, this would mainly be appropriate for our larger Private Hire Operators of which there are a small number. Detailed consideration of this as part of a general review of Private Hire Operators conditions at a later date might be more appropriate.

2.13 **Recommendation 20** (*Enhanced DBS and updating service*)

“All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards. All licensing authorities must require drivers to

subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.”

Response

Currently,all Waverley licensed drivers are subject to enhanced DBS and barred lists checks on application and at renewal of the licence (normally every 3 years)

Officers recommend an addition to the Taxi Policy (Review) to incorporate a requirement for drivers to subscribe to and maintain the DBS update service. Please see page 15 Taxi Policy (Review)

2.14 Recommendation 21 (*convictions policy*)

“Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.”

Response

Waverley already has a clear convictions policy in place, which was instigated and adopted by the Surrey licensing group. An Institute of Licensing (IoL) policy is also available which is intended to provide national guidance on determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades.

The IoL Policy is available at
[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

2.15 Recommendation 23 (*NAFN register of revocations and refusals*)

“All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (recommendation 24).”

Response

Following high profile public safety concerns, NAFN was approached by Rotherham and other Councils as well as the Local Government

Association (LGA) to discuss a national solution to this issue. NAFN was commissioned by the LGA to deliver NR3.

Waverley has registered with NAFN and is currently working on this NR3 project

2.16 Recommendation 25 (safeguarding/CSE training)

“Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.”

Response

Waverley currently require all licensed drivers to undertake CSE training and awareness sessions have also been provided by Surrey Police.

2.17 Recommendation 26 (training)

“All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.”

Response

Members of the the Licensing Committee are invited to attend licensing training and provided with relevant material. Officers undertake appropriate training and updates as required.

2.18 Recommendation 28 (English language test)

“Licensing authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required.”

Response

Officers have numerous interactions with applicants including a verbal knowledge of the area test and understanding of the area. If there is a concern regarding the ability of the applicant driver to communicate in English verbally then Officers refer the application to Committee. Currently, there is no requirement as part of Waverley’s licensing process to undertake a written test.

2.19 Recommendation 29 (disability, equality and awareness training)

“All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability equality and awareness training. This should be mandated in national minimum standards.”

Response

All Waverley licensed drivers on our designated list of wheelchair accessible vehicles are required to undertake a training session and confirm that they are aware that they must comply with the requirements of Section 165 of the Equality Act 2010, (relating to passengers in wheelchairs) unless they have been issued with an exemption certificate, following submission of evidence in support. Training is carried out by Officers. A copy of these responsibilities and the training document is attached at Annexe 2.

2.20 Recommendation 31 (*wheelchair accessible vehicle list*)

“Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.”

Response

This has already been done – please see Officer response to recommendation 29 above.

2.21 Recommendation 32 (*enforcement of Equality Act legislation*)

“Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.”

Response

Waverley takes all complaints seriously – which can be made by a variety of means - email, online form, telephone or letter, and information for passengers is set out on our website.

2.22 Recommendation 33 (*employment factors relevant to fit and proper test*)

“The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.”

Response

The issues of workers rights and conditions in the taxi and private hire sector is becoming an increasingly prominent issue which Waverley

Borough Council takes extremely seriously. Whilst the council is not currently aware of any such exploitation within the trade in the borough officers work closely with the Police and other agencies to address such issues should they arise.

3.0 Recommended Changes to Hackney Carriage/Private Hire Licensing Policy proposed by officers

3.1 A copy of the current Hackney Carriage Policy, with proposed amendments marked in colour, is attached at **Annexe 3**.

3.2 A number of minor administrative changes and typographical corrections have been made, however, the main items proposed by Officers are:

3.3 **Privacy Notice** – Officers have introduced a Privacy Notice to the policy at page 6 to comply with Data Protection legislation including the General Data Protection Regulation(GDPR).

3.4 **Private Hire Operators** –The introduction of requirements for Private Hire Operators to have;

- a written policy regarding their employing ex-offenders in roles that have contact with the public and/or oversee the dispatching of vehicles.
- PHV operators must hold and maintain a register of all staff that have contact with the public and/or oversee the dispatching of vehicles and be able to evidence that they have had sight of a Basic DBS check on all individuals listed, and that this register is compatible with their policy on employing ex-offenders
- PHV Operators – Use of passenger carrying vehicles (PCV) licensed drivers – strictly forbidden.

3.5 Vehicle age policy

3.5.1 Waverley previously had a vehicle age policy which stated that:

Age of the vehicle

As from 20th July 2010, a new vehicle submitted for a licence will be under 4 years old. Once licensed a vehicle may continue to be licensed up to the 10th anniversary of first registration. Once any vehicle reaches 5 years of age, it becomes subject to 6-monthly tests.

3.5.2 That policy was however withdrawn on 1 March 2016 and there is currently no age limit on vehicles provided they pass the mechanical inspection.

3.5.3 Officers have noted an increase in applications by licensed drivers from other Surrey authorities. It is understood that this is on the basis of their strict vehicle age policies compared to Waverley. There is a serious concern that those coming to Waverley to become licensed as Hackney Carriage vehicles intend to work predominantly as private hire drivers within the other authority areas thus circumventing the stricter age limits in those other areas.

3.5.4 The table below outlines the year of first registration and number of Waverley's current fleet of Hackney Carriage & Private Hire Vehicles. The table shows that 36 vehicles that are or about to be over 10 years old which equates to approximately 12%.

| Year vehicle first registered | No. of vehicles |
|-------------------------------|-----------------|
| 2019 | 8 |
| 2018 | 8 |
| 2017 | 17 |
| 2016 | 28 |
| 2015 | 44 |
| 2014 | 31 |
| 2013 | 30 |
| 2012 | 45 |
| 2011 | 21 |
| 2010 | 16 |
| 2009 | 15 |
| 2008 | 6 |
| 2007 | 12 |
| 2006 | 2 |
| 2005 | 1 |
| | |

3.5.5 Whilst older vehicles may pass the mechanical inspection there is a concern about other general wear and tear on the vehicles interior and exterior which make it less comfortable or desirable from a customer perspective. It is important that as vehicles licensed by Waverley and bearing the Council's name, that the private hire and taxi fleet in Waverley maintains a high standard of appearance, quality and safety.

3.5.6 In addition, older vehicles will be discharging higher emission than newer vehicles and in the light of Waverley declaring a Climate Emergency it is important that taxi and private hire vehicle emissions are as low as possible. The re-introduction of an age limit would further promote the lowering of vehicle emissions from them.

3.5.7 Officers therefore recommend consideration of the introduction of a new vehicle age policy, with some exemptions, in order to further promote safety, the image they portray of the borough and to minimise vehicle emissions from them..

- 3.5.8 In light of the above and reviewing the age limit policies of other councils, Members are recommended to consider a policy of a maximum of 3 years of age when first licensing a vehicle as a taxi or private hire vehicle and a 7 year upper age limit for all vehicles.
- 3.5.9 Exemptions could be applied in relation to wheelchair accessible, specially adapted, 'vintage' vehicles used for special occasions or for 'executive' style travel provided they passed a more extensive mechanical and cosmetic inspection and met appropriate standards of comfort and appearance.

3.6 Electric Vehicles

- 3.6.1 Licensing Officers across Surrey have been in discussion for some time about encouraging the introduction of Ultra Low Emission Vehicles (ULEV) for use as Taxis and Private Hire Vehicles. Already referred to and at **Annexe 4** is a document prepared following a Surrey licensing forum meeting in May 2019 (circulated in July 2019) which shows the current/ future policy direction on emissions/age policies of the Surrey Councils where known.
- 3.6.2 Members will be aware that the Government has announced that no diesel or petrol powered cars will be manufactured after 2040. There is already a growing trend nationally for taxi and private hire operators to switch to ultra low emission vehicles.
- 3.6.3 Given that trend and the declaration of a Climate Emergency by Waverley, Members may wish to consider setting a date before 2040 when it would like all licensed Hackney Carriage vehicles and Private Hire vehicles to be Ultra Low Emission Vehicles (ULEV) in order to accelerate this process. A phasing out period will be required to allow existing licenced vehicles to reach the end of their life. It is therefore suggested that 2030 (the target date for Waverley BC becoming carbon neutral) would be an appropriate date.
- 3.6.4 As recommended by the Govt (Recommendation 7, para 2.7 above) Members may also consider it appropriate to offer an added incentive for operators to switch to such vehicles by discounting the licence fees by 50%.

3.7 Vehicle Write Offs

- 3.7.1 Officers would recommend the introduction to the policy to refuse to licence any vehicle that have been written off by an insurance company. Where permitted, a statutory declaration should be provided by the applicant and or appropriate evidence in support from a suitably qualified expert.

3.7.2 Write-off categories

| Category | Repairing the vehicle | Using the vehicle |
|----------|--|---|
| A | Cannot be repaired | No use of the vehicle |
| B | Cannot be repaired | No use of the vehicle (save for salvaging of parts) |
| C | Can be repaired, but it would cost more than the vehicle's worth | No use of vehicle unless repaired to a roadworthy condition |
| D | Can be repaired and would cost less than the vehicle's worth, but other costs (such as transporting your vehicle) take it over the vehicle's value | No use of vehicle unless repaired to a roadworthy condition |
| N | Can be repaired following non-structural damage | No use of vehicle unless repaired to a roadworthy condition |
| S | Can be repaired following structural damage | No use of vehicle unless repaired to a roadworthy condition |

3.9 Tyre Age

3.9.1 The Department for Transport has consulted on legislation to make it illegal for certain larger vehicles to run with a tyre aged 10 years or over. This consultation has been investigating whether the age of a tyre has a direct impact on its safety. The Transport Secretary (at the time) Chris Grayling said:

“Keeping people safe on our roads is our priority, and we have been working hard to understand the link between tyre age and road safety.

Emerging evidence and leading expert testimony shows us that we need to ban tyres over the age of 10 years from larger vehicles based upon the ‘precautionary principle’ – a move that will make our roads safer for everyone.

3.9.2 The consultation sought views on extending the proposals to include Taxis and Private Hire vehicles.

3.9.3 Officers ask that members consider introducing a new condition to the policy for both Hackney Carriages and Private Hire vehicles that states;

3.9.4 Second hand tyres and/or tyres that are 10 years or older from manufacture are prohibited from being used or carried as a spare for any licensed vehicle.

4.0. Requests for review from the trade

4.1.1 Vehicle Window Tinting

Waverley's current policy states ;

“A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted.”

4.1.1 Officers have received 79 copies of the same letter (signed by different licensed drivers) requesting Waverley Borough Change it's policy regarding window tinting. A copy of the letter is attached at **Annexe 5**

4.1.2 Two other written comments from drivers have been recieved;

- This letter is to confirm that due to the current tinting regulation within Waverley Borough Council, I had to go to great expense in changing the factory fitted privacy glass to standard clear glass consisting of 2 rear quarters, 2 dors & the tailgate glass. Total Costings £960.
- I had a car accident on 15 February 2019 which led to my car being damaged. As a consequence I received a courtesy car on the 27 February 2019. After two weeks the insurance sorted it out the money and the car was written off. I spent 4 weeks looking for a new car but on my search all the cars I saw only had tinted windows. After I brought the car, I waited for the council to retest the car which took a week. Could you review this matter and discuss this further with me as I see it as unfair.

4.1.3 On the 25 September 2017 the Licensing and Regulatory Committee, as part of the review of the Hackney Carriage & Private Hire Policy, most recently considered the tinting policy. A copy of the report is attached at **Annexe 6** and the minutes of the meeting is attached at **Annexe 7**

4.1.4 Attached at Annexe 10 is a document compiled following a Surrey licensing forum meeting in May 2019 (circulated in July 2019) which shows the window tinting policies of the various Surrey Councils at that time.

4.1.5 Members last considered this issue at its meeting on 25 September 2017, when Members resolved to retain the existing policy but ensure that the council's requirements were clearly set out.

4.1.6 There is no doubt that it is now becoming increasingly difficult to purchase new vehicles without window tinting or privacy glass to the rear side windows and rear screen. It is also proving very expensive for operators to retrofit plain glass to such vehicles. In the case of some vehicle models it is not possible to

obtain plain glass for these windows, and this is effectively excluding some higher quality vehicles from use as taxis or Private hire vehicles. It is also the case that we are receiving increasing numbers of requests to allow tinting of rear side windows and rear screens due to customer demands for privacy and security, (especially in the executive travel market).

- 4.1.7 There is therefore a need to find a balance between the need to address safeguarding concerns, the practicality of obtaining vehicles without tinted rear windows and the increasing requests and expectations from customers for privacy and security when travelling.
- 4.1.8 This is undoubtedly a difficult balance to find but allowing some discretion to Officers would enable Waverley to accommodate substantiated requests for exemption from the tinting restrictions, for private hire vehicles only, in appropriate circumstances. Such discretion could be caveated so that exemptions are only authorised by the Head of Service in consultation with the Chair of the Licensing Committee.

4.2 Testing Station

- 4.2.1 The letter attached at Annexe 8 also requests that operators are permitted to obtain vehicle MoT's at alternative locations to 'Atkinsons' in Guildford. Vehicle operators can obtain MoT's at any registered MoT testing centre.
- 4.2.2 The current Hackney Carriage & Private Hire inspection of vehicles is carried out at Waverley's authorised Guildford Borough Depot near Slyfield, Guildford. This inspection is more extensive than a standard MoT inspection and includes compliance checks on additional items such as rear window tinting and internal and external cosmetic inspection to ensure the vehicle is of a suitable standard to be licensed as a taxi or private hire vehicle.
- 4.2.3 An agreement has been reached with Guildford Borough Council that operators can obtain their MoT at the same time as the licencing vehicle inspection at a reduced rate but this does not preclude the operator choosing to obtain the MoT elsewhere.

5.0 Timetable for consultation

- 5.1 The Proposed Timetable for the consultation is;

| | |
|---|------------------|
| Licensing & Regulatory Committee | 13 January 2020 |
| Public Consultation Notice at ranks | 20 January 2020 |
| Public Consultation on webpage | 20 January 2020 |
| Public consultation notice at Council Offices | 20 January 2020 |
| Public Consultation email to licensees | 20 January 2020 |
| Taxi Liaison meeting | 12 February 2020 |
| Public Consultation Ends | 02 March 2020 |
| Licensing & Regulatory Committee | 23 March 2020 |

6.0 Conclusion

6.1 The Committee is asked to consider the report and the recommended changes to the Hackney Carriage/ Private Hire Licensing Policy and agree those recommendations as a basis for public consultation. The Policy is ultimately agreed by the Committee as part of the Policy Framework, and the outcome of the feedback from the consultation will be reviewed before final recommendations are made to the Licensing and Regulatory Committee

7.0. Recommendation

7.1. It is recommended that the Licensing and Regulatory Committee

considers the draft Hackney Carriage and Private Hire Licensing Policy at Annexe 1 and agrees it, with or without amendments, as a basis for consultation; and notes;

- the Task & Finish Goup report regarding taxi and private hire licensing;'
- the Government's response to the Task & Finish Group report;
- Officer comments on the Task & Finish Group outlined in the report, including in relation to the NAFN project, English language test, complaints and dealings in relation to access refusal, employment factors relevant to the fit and proper test;

7.2 considers the recommendation in respect of;

- the introduction of a reduced vehicle licence rate for Ultra Low Emission Vehicles and the inclusion of a condition requiring licensees to cooperate with appropriate Officers from other licensing areas
- an additional requirement for all drivers to subscribe to and maintain DBS update service
- the introduction of an appropriate Privacy Notice
- the introduction of requirements for Private Hire Operators to;
 - a. hold & maintain a register of all staff that have contact with the public etc;
 - b. be able to evidence that a basic DBS is in place for staff listed on their register; and
- Operators being prohibited from using PCV licensed drivers the reintroduction of a vehicle age policy
- the introduction of requirements for door signs on Private Hire vehicles
- the setting of a date for all licensed vehicles to be electric
- the introduction of a refusal to licence written off vehicles
- the introduction of a condition prohibiting the use of second hand tyres or tyres that are 10 years old or more;
- the current Surrey conviction policy compared with the relevant

- IoL guidance
 - the proposal to allow exemptions to the window tinting policy subject to consultation with the Chair of the Licensing Committee.
 - the location of vehicle testing station
- 7.3 considers the draft Hackney Carriage and Private Hire Licensing Policy at Annexe 1 and agrees it, with or without amendments, and makes proposals for consultation;

8.0 **Reason for the recommendation(s)**

- 8.1 A review of the existing Policy is necessary following receipt of a Government report on the findings of the TFG report; the receipt of a number of comments and from licensed operators and drivers and on the basis of a number of Officer observations based on recent experience in administering and enforcing the policy.

9.0. **Relationship to the Corporate Strategy and Service Plan(s)**

- 9.1 Relevant matters within the Corporate strategy to this report are :-
 a thriving local economy, supporting business and employment;
 sense of responsibility for environment and protecting the planet;
 encouraging small businesses;
 encouraging carbon reduction and promotion of transport; and
 taking action on air quality issues.

Aspects of the report and proposals may be also be relevant to key decisions on the Council's forward programme, specifically in respect of Air Quality and Electric Vehicle Charge strategy.

10.0 **Implications of decision(s)**

10.1 **Resource (Finance, procurement, staffing, IT)**

Provision is made in the Council's budget for the licensing service which is run on a costs recovery basis. However, should members agree to particular condition(s) then there may be the question of who will bear the costs of the changes required. The resource implications would be the cost of the consultation on the policy, the possible advertising of any changes and following adoption.

10.2 **Risk management**

The Taxi and Private Hire Licensing Policy is in place to ensure public safety when using these services and to ensure the appropriate balances and mitigations are in place to minimise risk to public safety whilst enabling businesses to trade effectively, efficiently and legally.

10.3 **Legal**

Waverley is responsible for licensing Hackney Carriage, Private hire and dual drivers, proprietors and operators within the area. primarily through the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 as well as other legislation.

The Hackney Carriage and Private Hire licensing policy applies to all drivers, vehicles and operators and the policy is intended to ensure the trade and the public have access to a document that fully explains the licensing requirements to all in a clear and transparent manner.

The Committee is asked to note and consider the issues set out within the report and where appropriate determine matters to be subject to consultation

Following any consultation, a further report will be made to the Committee to consider responses received and to determine what (if any) changes to be made.

10.4 **Equality, diversity and inclusion**

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. No equality impact assessment has been conducted in connection with the preparation of this report but an equality impact assessment would be conducted as part of the consultation process, once the basis for any consultation is known.

10.5 **Climate emergency declaration**

The recommended conditions in relation to the age of vehicles and the measures to encourage a change to Ultra Low Emission Vehicles will help contribute toward the Council's target for net zero carbon emissions by 2030

11.0 **Consultation and engagement**

11.1 The recommended changes of the Taxi and Private Hire Licensing Policy set out above will be subject to consultation with the Taxi and Private Hire trade and the public before being finalised. The timetable for consultation is set out in section 5.0 above

12.0 **Other options considered**

12.1 Other options considered are commented on throughout the report.

13.0 **Governance journey**

13.1 Trade and Public Consultation with final recommendations to Licensing and Regulatory Committee.

Annexes:

Annexe 1 - Task and Finish Group report recommendation

Annexe 2 - Section 165 of the Equality Act 2010 Responsibilities Waverley's Training Document for drivers

Annexe 3 - A copy of the current Hackney Carriage Policy, with proposed amendments

Annexe 4 - Surrey licensing forum meeting in May 2019 document

Annexe 5 – Petition letter from licensed drivers

Annexe 6 - 25 September 2017 the Licensing and Regulatory Committee Report

Annexe 7 - 25 September 2017 the Licensing and Regulatory Committee Decision

Background Papers

There are / are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

Background papers are those that are referred to in the report, but are not published and accessible to the public.

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Agreed and signed off by:

Legal Services: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

1. List of Recommendations

Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (**see recommendation 6**). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

Recommendation 4

In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.

Recommendation 5

As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).

Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Recommendation 9

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (**recommendation 2**) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (**recommendation 11**).

Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHV and taxi – see **recommendation 6**) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.

Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Recommendation 15

All ridesharing services should explicitly gain the informed consent of passengers at the time of a booking and commencement of a journey.

Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of conduct as well as crimes, by taxi and PHV drivers (and applicants) is disclosed ensuring that licensing authorities are informed immediately of any relevant incidents.

Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (**recommendation 24**).

Recommendation 24

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.

Recommendation 27

Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consideration of the appropriate boundary between taxis/PHVs and public service vehicles (PSVs).

Recommendation 28

Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations**.

Recommendation 29

All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.

Recommendation 30

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

Recommendation 31

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.

Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.

Access for wheelchair users to taxis and private hire vehicles

From 6 April 2017 drivers of taxis and private hire vehicles (PHVs) designated by the local licensing authority as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

Sections 160 to 173 relate specifically to taxis and private hire vehicles. Sections 165, 166 and 167 of the Equality Act 2010 deal with the imposition of duties on the drivers of wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs. Although sections 165 to 167, have been contained in the Disability Discrimination Act 1995, the Government have now commenced these sections, April 2017, in so far as they were not already in force.

Driver responsibilities;

Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.

The duties are:

- to carry the passenger while in the 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.
- 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.

Once the duties are commenced, it will be an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them.

Although each situation will be different, we take the view that reasonable mobility assistance will be subject to other applicable law, including health and safety legislation. However, we would always expect drivers to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.

Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

It is our view that the requirement not to charge a wheelchair user extra means that, in practice, a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment.

THE METER SHOULD NOT BE TURNED ON UNTIL THE PASSENGER AND WHEELCHAIR ARE SAFELY ONBOARD.

If a driver of a designated wheelchair accessible vehicle fails to comply with the duties specified and any driver convicted would be liable to receive a level 3 fine which is currently £1,000.

Exemption

Drivers can however apply for a medical exemption to undertake the carriage of a wheelchair accessible passenger and the duties associated with that carriage under Section 165 of the EA 2010. It will be at the discretion of the Council as to who it will accept that medical exemption from, i.e. the drivers own General Practitioner, or one that the Local Authority designates such as an occupational health Doctor. Any such medical requests or examinations will be undertaken at the drivers own expense.

Applications and decisions on medical or physical exemptions for drivers will be fairer and more objective if medical assessments are carried out by an appropriately qualified medical professional who is independent of the driver and this will be achieved by referring the driver/applicant to the Council's Occupational Health provider/assessor who is independent of the Council and such a request and referral for an exemption will be entirely at the applicants own expense.

REMINDER RE: Assistance dogs

A passenger with an assistance dog must be allowed into the taxi or private hire vehicle with their dog, unless the driver has an exemption certificate. This can be issued if they've got a medical condition made worse by contact with dogs.

A driver with an exemption certificate will have a 'Notice of Exemption' notice on their vehicle windscreen

It's illegal to charge extra to travel in a taxi or private hire vehicle with an assistance dog. Otherwise the driver could be fined up to £1,000.

The following types of dog can be taken with the passenger in taxis or private hire vehicles:

- guide dogs trained by the Guide Dogs organisation
- hearing dogs trained by Hearing Dogs
- assistance dogs trained by Dogs for the Disabled, Support Dogs or Canine Partners

Access for wheelchair users to private hire and taxi vehicles :

Training Session

Waverley B C - 0410/19 at 16.00 — Licensing room

| Name | Signature |
|------|-----------|
| | |



Hackney Carriage and Private Hire Licensing

Policy and Application Process



Effect Period

01 MARCH 2018 to 01 MARCH 2023

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PART 1

INTRODUCTION AND GENERAL INFORMATION

Hackney carriages (often called taxis) and private hire vehicles, and their drivers and private hire operators, must hold the appropriate licences to work. Waverley Borough Council licenses these activities for its own area. This licensing is covered principally by two acts of parliament and licences have been the norm for hackney carriages, which are now usually called taxis, since early in the 19th century.

There is a great deal of legal history to the licensing of taxis. The current licensing system uses mainly the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The 1976 Act introduced private hire licensing and amended and updated parts of the 1847 Act. Other legislation also comes into play from time to time in licensing these activities, for example, the Transport Acts, the Human Rights Act 1998, Disability Discrimination Act 1995, to name a few.

This policy gives information about hackney carriage (taxi) and private hire licensing. The policies for licensing vehicles, drivers and private hire operators in the Waverley area have been agreed by Waverley Borough Council. The policies guide those within the Council responsible for taxi and private hire licensing and enforcement in the discharge of their functions, and guide applicants/licensees. These policies and the conditions of licences are individually set by Waverley to reflect circumstances in the Borough and may be different from the policies of other district or borough councils in the surrounding area.

Sometimes extra conditions may be added to licences where there are specific reasons for them (on disabled adapted vehicles, seating layout, drivers' medical conditions, etc). Personal or vehicle-specific conditions will be discussed with the person concerned before being added to the licence. These are not covered in this booklet.

Licences for drivers, vehicles and private hire operators may be issued provided all of the relevant criteria laid down by the Council have been met. Each licence will be subject to conditions, which the licence holder must understand and abide by, unless a special exemption has been formally issued.

Every vehicle and every driver must hold separate licences from the Council.

The Council's licensing section may be contacted by telephone on 01483 523219 or by email taxi@waverley.gov.uk.

Passengers have the right to know what fares may be charged for their journey. This is managed by private hire operators making an agreement with hirers at the time of booking. For taxis, the fare chart (the tariff) shows the way that fares are assessed, giving the maximum amount that may be charged for a journey. Passengers are entitled to see the tariff on display in any taxi and the taxi meter will always be visible to the passenger. The driver's details (photo card badge and licence number) must be worn by the driver or prominently displayed inside the vehicle for the passenger to see.. Passengers are advised to make a note of them, and the vehicle licence number.

What is the difference between a Hackney Carriage and a Private Hire vehicle?

Hackney carriages (commonly known as 'taxis')

Hackney carriages are public transport vehicles which are licensed to 'ply for hire'.

They can:

- **carry passengers for hire or reward**
- **be hailed by prospective passengers in the street**
- **park on a rank to await the approach of passengers**

Hackney carriage vehicles can be found at the ranks and they can be hailed in the street. These vehicles have a roof light with the word TAXI on them. They have a blue/white plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration.

Private hire vehicles (commonly known as 'minicabs')

Private hire vehicles (or minicabs) are public transport vehicles. However, a private hire vehicle cannot ply for hire or stand in a rank. It must be pre-booked with a private hire operator e.g. through the operator, usually by telephone.

They have a red/white plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration.

Both taxis and private hire vehicles have a maximum of eight passenger seats and must be driven by a licensed driver from the same licensing authority as the vehicle.

Waverley Borough Council issues licences for both Hackney Carriage and Private Hire Vehicles.

The table below highlights some of the key differences between the two types of vehicle

| | Hackney Carriage Vehicle | Private Hire Vehicle |
|---|--------------------------|----------------------|
| Can be hailed in the street | ✓ | ✗ |
| Can stand and be hired at a taxi rank | ✓ | ✗ |
| Can be pre-booked | ✓ | ✓ |
| Must display a fare meter in the vehicle | ✓ | ✗ |
| Must display a 'taxi' top light on the vehicle | ✓ | ✗ |
| Must work for a Private Hire Operator | ✗ | ✓ |

1. Privacy Notice & Information sharing

Our core data protection obligations and commitments are set out in the council's primary privacy notice at ????????????

This notice provides additional privacy information for:

- People accessing the Licensing Service
- Partners working with Waverley Council

It describes how we collect, use and share personal information about you

- In relation to the Licensing Service
- the types of personal information we need to process, including information the law describes as 'special' because of its sensitivity

It is important that you read this notice, together with any other privacy information we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

The information collected and held will vary dependent on the service used.

Purpose(s)

We collect your personal information for the following purpose(s):

Licensing forms part of Regulatory Services.

We collect data in order to determine each applicant's suitability for a licence and to ensure that they meet our criteria. We also collect data in order to correspond with licence holders as and when required.

The service processes and issues the following:

- Private Hire Driver Licence
- Private Hire Vehicle Licence
- Hackney Carriage Driver Licence
- Hackney Carriage Vehicle Licence
- Private Hire Operator Licence

Our Licensing Enforcement Team handle any complaints related to private hire operators, private hire and hackney carriage drivers,

The team also collects data for new and existing taxi drivers in order for the authority to determine whether the person is/remains a 'fit and proper' to hold a private hire/hackney carriage drivers licence or a private hire operators licence.

In order to carry out these purposes we collect and obtain the following where appropriate:

- Names
- Addresses
- Dates of birth
- Nationality
- Right to work status
- Telephone numbers
- Email addresses
- Vehicle registrations
- Medical conditions
- Convictions
- Police cautions
- Police Intelligence not resulting in a conviction
- Payment details (debit/credit card)
- Bank account number and sort code for Direct Debits
- Registered GP/Practice
- NI number
- DVLA licence number
- Photographs

Information which is given or obtained by the Council in processing a licence may be shared with certain other authorities, including the Police, Revenue and Customs, Benefits authorities and other departments of the Council, among

others. All applicants for licences will sign a declaration which includes acceptance of information sharing.

2. Hackney carriage and private hire drivers

People wishing to drive licensed hackney carriages (taxis) or private hire vehicles must themselves be licensed by the Council. Applicants for drivers' licences must undergo background checks which are designed to ensure the applicant is **'a fit and proper person'** to hold a licence, as stated in legislation. The Council's primary interest is to ensure the safety of the public.

Background driver checks include;

- ❑ a criminal records check through the Disclosure and Barring Service (DBS) and/or certificate of good conduct if the applicant has lived abroad during the past five years
- ❑ Previous convictions - your application may be referred to the Council's Licensing (General Purposes) Sub-Committee for determination if you have previous convictions. Please contact the Licensing Office if you have any doubt about the relevance of convictions before applying for a licence.
- ❑ a medical to Group 2 standards, applied by the DVLA with your own GP (at your own expense)
- ❑ Blue Lamp Trust(or equivalent AA DriveTech) pass certificate for hackney carriage and private hire drivers,
- ❑
- ❑ An onlinecheck on the DVLA driving licence
- ❑ **Right to work in the UK check**
- ❑ a knowledge test for journeys
- ❑ CSE Training
- ❑ **Wheelchair Accessible training for licensed drivers of designated wheelchair accessible vehicles**

Once all necessary paperwork has been submitted and application fee paid, the applicant will have a meeting/interview with the officers to clarify and advise on how a licensed driver should act and what the licences involve. At this meeting there is a local knowledge test of roads and landmark places in the Waverley area, which will also include some longer journeys. The knowledge test is more detailed for taxi applicants, who must be able to carry their passengers via the shortest route to their destination.

Applicants with criminal or certain other records may also have to be interviewed by the appropriate Licensing Sub-Committee before a decision is made on the application. When there is sufficient reason, it is the Council's right to refuse the grant of a licence. In such cases, the applicant has the right to appeal to the magistrates' court, where the application may be considered afresh.

How long do I have to complete my application?

It can take up to 12 weeks from submitting your application to being granted a licence providing there are no delays with your DBS form, you do not have to

attend a Committee hearing and you pass the knowledge test first time. However your application will remain open providing there is regular activity happening.

Your application will be cancelled and destroyed approximately 6 months from the date of submission if within the last 3 months you have not been in contact with Taxi Licensing, not completed the relevant modules or passed the knowledge test. This is because your documentation will be out of date or expired.

A refund of outstanding fees is only available upon written request. Documents provided during the application process will remain valid for 6 months during initial application otherwise you will need to reapply.

More detail on drivers' licences is shown in Part 2.

3. Taxis (hackney carriages) and Private Hire Vehicles

Taxis (hackney carriages) are operated by people who run them as a business and they may make their own business decisions within the licences granted by the Council. Taxis may charge the fares shown on the valid Waverley-approved fare chart as a maximum, but the proprietor of the vehicle or the driver, depending on their own arrangements, can choose to make lower charges. The fitted taxi meter (the meter) is tested for accuracy at each Council inspection. The driver must never charge more than the fares shown on the valid chart. All Waverley licensed vehicles must hold 'hire and reward' insurance, and they may be driven only by a Waverley licensed driver. Most vehicle proprietors set a fixed fee for longer journeys, such as to airports and ports for example.

Private hire vehicles (PHVs) are booked and operated under a private hire operator licence. The operator may set his/her own fares for journeys, and the car does not need to have a meter fitted. If a meter is fitted in a private hire vehicle, the current fare/tariff chart used for this meter must be submitted in advance to the Council, and the meter will be tested as part of the Council's vehicle inspection.

Both taxis and PHVs may be licensed if they are suitable, fit for purpose and within the Council's policy for licensing. Any changes/modifications to the manufacturer's original construction of the vehicle including modification, adaption, fixtures, fittings, stickers, decals or decorative painting must be applied for and authorised by the Council. Tariff meters, Waverley Licensed plates, and correct taxi roof signs are exempt and do not apply ..

More detail on vehicle licences is shown at Part 3.

4. Private Hire Operators' licences

Any person wishing to run a business taking bookings for one or more private hire vehicles must hold a Waverley Private Hire Operator (PHO) licence.

A private hire vehicle may only be dispatched 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.

All three licences:

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

must be issued by the same Licensing Authority - 'The Trinity of Licences'

Applicants for a PHO licence are subject to a 'fit and proper' test, so will need to have a criminal record check in the same way as a licensed driver would, unless they hold both licences, in which case one check might serve for both licences.

The PHO operators' staff may also take bookings (be it by phone or in person). A vehicle controller decides which driver to send to a user, a position that could be exploited by criminals. It is therefore appropriate that all staff that have contact with PHV users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

Operators or applicants for a licence are also required to provide a written policy regarding their employing ex-offenders in roles that have contact with the public and/or oversee the dispatching of vehicles.

As with the threshold to obtaining a PHV operators' licence, those with a conviction for offences detailed in our Conviction policy (see pages ?????) (other than those relating to driving) may not be suitable to handle the sensitive information the public may provide (e.g. that their home is likely to be empty between certain dates) or to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

PHV operators must hold and maintain register of all staff that have contact with the public and/or oversee the dispatching of vehicles and be able to evidence that they have had sight of a Basic DBS check on all individuals listed. and that this register is compatible with their policy on employing ex-offenders.

PHV Operators – Use of passenger carrying vehicles (PCV) licensed drivers – strictly forbidden.

Members of the public are entitled to expect when making a booking with a PHV operator that they will receive a PHV licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a PHV booking are not permitted as a condition of a PHV operator's licence. Drivers of PSVs who are PCV licence holders are not subject to the same checks as PHV drivers, as the work normally

undertaken, i.e. driving a bus or coach, does not present the same risk to passengers.

PHV operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations

A private hire operator is a person, partnership or company licensed to take bookings and send licensed vehicles and drivers to undertake the prebooked work. **He or she must have an office within the Waverley boundaries, Any existing Operators base that has previous been granted (pre Oct 2019) that is outside the boundry will be granted grandfather rights. However any change of office must be within the Waverley boundaries.**

The Operator will keep detailed records of all bookings, including information on the licensed private hire vehicle and driver who took the passengers to their destination. Private hire operator records are subject to occasional unannounced visits and checks by officers of the Council. More detail on operators' licences is shown in Part 4.

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

New application fees will also be dependant on whether the applicant is already a licensed driver, having undertaken the 'fit and proper criterea.'

5. Fees are Payable for the Various Elements of All Licences

The Council usually sets its own fees and charges. this includes the fees for licences and any associated administration. The Council must advertise certain licence fees, as required by the 1976 Act. Representations may be made to the advertisement of the proposed fees, and these must then be considered by the Licensing and Regulatory Committee and Council. Licensees are notified of changes to fees once they have been confirmed.

Waverley has a scale of fees for all of the following:

- all driver licences
- all vehicle licences
- 6-monthly vehicle tests for 5-year-old vehicles (as a second instalment)
- Surrender & replacement of licence to a new vehicle
- missed appointments at the test centre
- retests if a vehicle fails its test
- private hire operator licences
- Disclosure and Barring Service application (collected by the Council for the DBS)
- Vehicle plate bracket etc
- Knowledge test and failure to attend for knowledge test

Other costs for applicants, paid direct, are:

- ❑ the medical fee, payable to the applicant's own GP surgery
- ❑ Blue Lamp Trust(or equivalent AA DriveTech) test fee, paid to the Blue Lamp Trust or AA on booking the test
- ❑ Fitting and maintenance of the taximeter if applicable
- ❑ The taxi roof sign
- ❑ Barnados CSE training online

6. Hackney Carriage Fares (Tariff)

The Hackney Carriage fares are reviewed by the Licensing (General Purposes) Sub-Committee, usually upon request from licensees for an increase or other amendment. The process involves all licensees having the opportunity to comment on the proposed changes (a consultation with them) and a report to the Committee including comments made and a comparison with neighbouring councils' fares. Any increase approved by the Committee is then advertised in the public notices section of the local press. Any representations made are brought back to the Committee to consider. The finally agreed increase is then put into place on a set date. The current fares approved are shown in every taxi and in some private hire vehicles if they have a taxi meter allied to the same fare chart or any other set tariff. (NOTE; May require updating dependant on members decision following Guildford Methodoly report going to committee.)

7. Byelaws for hackney carriages

Byelaws for hackney carriages were confirmed in 1980. The main body of the byelaws is set out at Annexe 8. Some of the byelaws are also set out in the 'Important Notes' attached to hackney carriage licences.

8. Hackney Carriage Stands (Taxi Ranks)

Taxi ranks are provided in Waverley's main population areas, and can be located as shown below. Any licensed Waverley taxi may use any of these ranks (also known as stands). In addition, Farnham, Godalming and Haslemere stations provide ranks on their own land and will, for a set fee, give a permit to licensed vehicles to work from these ranks on the basis of one permit per vehicle. Waverley licensed vehicles may never, in any circumstances, use ranks outside the Waverley area, and vehicles licensed by other councils likewise may never use Waverley ranks. Waverley's own ranks can be found at;

- ❑ Village Way, Cranleigh
- ❑ High Street/Bank Buildings Road West, Cranleigh (by the war memorial)
- ❑ West Street, Farnham
- ❑ Castle Street Farnham
- ❑ Crown Court Car Park, Godalming
- ❑ High Street, Haslemere (by Georgian House Hotel, as part of bus stop lay-by)
- ❑ Bridge Street, Godalming

PART 2

LICENCES FOR DRIVERS

Hackney Carriage and Private Hire Drivers - Waverley's Driver Licensing Policy

Driver's licences will be issued for 3 years as standard or for a lesser period agreed by the Council for exceptional circumstances.

New applicants should make an appointment with the Licensing Section. They will be given a checklist of documents, certificates, reports, etc which must be completed or supplied for a new application to be considered. Identification documents must be brought to the first appointment so that a Criminal Records check through the Disclosure and Barring Service (DBS) can be started (see below). The list below shows what the applicant must do:

Disclosure and Barring Service (DBS) check:

This must be filled in and the fee paid at first appointment, with supporting documents. This is explained to applicants, and they are reminded about what papers they will need to supply/show. [Please note that the DBS check is at the 'enhanced' level including childrens & adults barred list check, which will disclose all criminal records.

| INFORMATION INCLUDED IN CRIMINAL RECORD CHECKS | | | | |
|---|----------------------|---------------------|---------------------|---|
| Information included | Type of check | | | |
| | Basic | Standard DBS | Enhanced DBS | Enhanced DBS (Including Barred list check) |
| Unspent convictions | Yes | Yes | Yes | Yes |
| Unspent cautions *1 | Yes | Yes | Yes | Yes |
| Spent convictions *2 | No | Yes | Yes | Yes |
| Spent cautions *1+2 | No | No | Yes | Yes |
| Additional police *3 Information³ | No | No | Yes | Yes |
| Barred list(s) *4 Information | No | No | No | Yes |

Please note:

**1. Cautions include reprimands and warnings, but not fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.*

**2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not disclosed on any level of certificate. Further guidance is available at <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>.*

**3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.*

**4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).*

Subsequent to submitting an application for an enhanced DBS disclosure, applicants will need to subscribe to the DBS' online update service so that snapshots of their criminal history (or lack thereof) can be provided in real-time to the Council's Licensing department.

Any Taxi and Private Hire drivers already licensed by Waverley Borough Council will also need to sign up to the DBS' online update service at the time their next DBS application is submitted. It is not anticipated that further paper applications will be submitted on their behalf beyond March 2023,

Applicants are advised that the Council may take all convictions and cautions, including those 'spent' under the Rehabilitation of Offenders legislation, into account for this type of work]. The form must be completed in black ink and the Licensing Administrator will need to see documentation, so that the Council can verify the information supplied; for example

- Passport (if you hold one)
- Driving Licence
- Marriage certificate (if married)
- Printed National Insurance number (on a P45/P60)
- Proof of address - (utility bills or statements from bank, for instance, not more than three months old)

The Licensing Administrator can advise on documentation required.

The Council's policy in respect of criminal convictions (which also explains how cautions will be considered) is set out at Annexe 6. When the

personal information on the form has been completed, the Licensing Administrator will take details from the documents provided to complete and send off the DBS request. The application cannot proceed until the DBS Disclosure is issued. A copy is sent direct to the applicant. This can take several weeks. When the DBS Disclosure is received, the applicant should call the licensing office (01483 523219) to make an appointment for interview. The Council will hold a DBS disclosure for three months. After this and if no contact has been made by the applicant, the disclosure will be destroyed. Once a driver is licensed, a DBS check is required every three years.

A Certificate of Good Conduct (*for people who have not lived in the UK for all of the past 5 years*). It will be necessary to contact the relevant home/resident country's Consulate/Embassy in Britain to obtain a certificate of good conduct. The Licensing Administrator may be able to offer a contact number, if required.

Medical Report to Group 2 standard, will be completed by the applicant's own General Practitioner surgery using the Waverley form. The doctor/surgery will make its own charge for the medical. Applicants are advised to check with the Council (tel: 01483 523219) before proceeding with the medical. The Council will provide the Group 2 form to take to the GP. **Unless the result of the medical is completely satisfactory**, it may have to be referred to the Council's consultant doctor for a second opinion. **The consultant doctor's fee has to be paid by the licence applicant. The Licensing section must receive this report within 3 months of the Doctor signing the report.**

Unless there are special circumstances in an individual case, medicals for licensed drivers are required every 3 years, (prior to the renewal of their 3 year licence). up to 65 years of age after which they are required annually. If any serious illness occurs, an extra medical may be required, on the Council's Doctor's advice.

DVLA Check - New applicants and existing licensees, on renewal, are required to **undertake a DVLA online check with officers or to go online to the DVLA driver licence check page and request a code.**

<https://www.gov.uk/view-driving-licence>

Licensees will be required to share the code with officers in order that officers can check their DVLA licence online.

Officers may request a further check/report at any time if it is felt it is required.

Any refusal to grant authorisation for such a check/report will lead to refusal to grant/renew or suspension/revocation of a Hackney Carriage and/or Private Hire driver's licence.

Valid DVLA driving licence - a full driving licence, with the current home address, held for a minimum of 2 years (No photocopies are accepted).

This will be a Department of Transport or equivalent EU driving licence.. You may be required to convert your (foreign) licence to a DVLA licence.

Four passport size photos (for the driver's badge) which are deemed acceptable by officers or attend offices for a digital photograph to be taken by officers.

Waverley believes that the general role and responsibilities of a hackney carriage and/or private hire driver demands high standards in driving and customer service. It also believes that such competencies can impact on both public safety, comfort and passenger experience; particularly for the vulnerable, those with disabilities and other medical conditions. Paid/professional drivers therefore require relevant knowledge, skills and experience to safely and effectively discharge their role and responsibilities to their passengers and others.

For these reasons Waverley requires that all new driver applicants provide a Blue Lamp Trust pass certificate or AA DriveTech equivalent). For hackney carriage/private hire drivers. No new licence application can be considered without this pass certificate. The fee will be advised by the the relevant assessment centre. The certificate will be produced to the Council to show that the driver has undertaken and passed the Blue Lamp Trust certificate of competence for hackney carriage and private hire vehicles or AA Drive Tech equivalent.

If you intend to drive a disabled accessible vehicle you would have to pass an extra part of the test specific to using a disabled accessible vehicle.

Applicants can book Blue Lamp Trust on-line at www.bluelamptrust.org.uk, or telephone 0300 777 0157.

AA Drive TECH on-line at tellmemore@AAdrivetech.com on 0345 373 1360

Mandatory CSE and Safeguarding Training

Mandatory CSE and safeguarding training for taxi and private hire drivers. The training would include how to spot signs of child sexual exploitation and how to report concerns of children or vulnerable persons at risk using agreed Surrey processes. There will be a multiple-choice assessment to ensure understanding of the subject matter.

All new drivers are required to pass the CSE training in advance of first being licenced.

Right to Remain and work in the United Kingdom

Applicants for the Grant of a Licence will be required to produce documentary evidence of a right to remain and work in the UK. If an applicant has an expiry date on their right to work, any licence that may be granted will not be valid past

the said expiry date unless further evidence of a right to remain or work is produced. If there is a restriction regarding the number of hours allowed to work then if a licence is granted a condition will be added to reflect said restriction.

Application Fee depending on licence (subject to increase). Methods of payment are by Credit/Debit card or cheques payable to Waverley Borough Council – (NO CASH is accepted at Council Offices). Applications paid for by cheque will not be processed until the cheque has been cleared by the bank. This will take approximately 12 working days.

PLEASE NOTE NO CASH IS ACCEPTED AT COUNCIL OFFICES

The Next Steps for New Applicants

Interview as a New Applicant, including test of knowledge The applicant will contact the Licensing Office (01483 523219) when he/she has received the DBS disclosure, (and certificate of good conduct, if required) to arrange for an interview with Council's officers. At this time the applicant will be required to produce all the above papers/certificates. He/she will be asked to explain what they understand about driving a taxi or a private hire vehicle. The officers will help with advice on this, if necessary. The applicant will take and have to pass a written and/or verbal knowledge test of the Waverley area, its boundaries and the town where you intend to work. Questions will cover landmarks, places of interest and journeys. You will be asked to clearly and understandably describe local journeys and also journeys to a wider area (other towns, ports and airports for instance). You will be told at the end of the interview whether the licence is to be granted, and if not, what you can do next.

If the applicant fails the initial knowledge test they can arrange a further test for which an additional fee will be charged.

Please note that any application may be referred to the Council's Licensing (General Purposes) Sub-Committee for consideration. This will be explained at interview, if needed. See also Part 5 of this book which deals with the Council and its Committees.

Renewals Once A Licence Has Been Granted: Vehicle Licences last for one year, **Driver Licences** last for three years & **Operator Licences** last for five years, and can only be renewed while they are still 'live'. Renewal invitations may be sent by email about 6 weeks before expiry to those who have agreed to receive correspondence by email. The responsibility to ensure that a licence is renewed rests solely with the licensee. Whilst the Council may choose to remind existing licensees that their licence is about to expire and needs renewing, there is no duty on the Council to do so. The licence-holder must apply at least 10 days prior to the expiry of the licence. It is important to allow time for the renewal to be processed. Last minute renewal applications may result in the licensee being unable to

work whilst the paperwork is processed and the new licence badge issued. If there is any difficulty with this, licensees should contact the Licensing Administrator to explain the situation, and it may be that a solution can be agreed.

If you make a late application when the licence has expired, it may not be accepted as a renewal. A complete new application may be required. This can cause a delay during which the applicant is unable to work, and involves extra costs. See also **Important Note** below.

Renewals And Subsequent Criminal Records Checks - These are dealt with at the Waverley main offices at Godalming.

The expiry date is printed on the paper licence and on the licence badge (which must be worn and visible to passengers while working). Licences must be renewed prior to expiry. If the licence is allowed to expire, you may be required to apply for a licence as though you had not been previously licensed.

Important Note: If a licence has expired, even by one day, then it is no longer valid, and therefore there is nothing to renew. The applicant may have to start the full process from the beginning, and can not work as a licensed driver while this process takes place, and there are costs for the 'start again' process. Therefore it is important to apply for renewal while the licence is still live, in order to avoid having to undergo the full 'new applicant' process as above for any further licence to be considered. There is also a higher cost to the 'start-again' process.

Hand in or return the renewal application and supporting paperwork to the Licensing Section, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR. If you have any questions, please contact the Licensing Section on **01483 523219**. Please use this number to make any appointment needed, when you are ready.

Conditions applied to drivers' licences: These are shown at Annexe 1 for hackney carriage/private hire driver licences and at Annexe 2 for private hire driver licences. Specific conditions may be applied in certain special cases. These will be discussed and explained to the individual licensee as required.

PART 3

LICENCES FOR VEHICLES

Hackney Carriage (Taxi) and Private Hire Vehicle policy

Hackney carriage licences are issued to various types of vehicles, purpose built, saloon and some MPV style vehicles and occasionally 4x4 vehicles if appropriate. provided that they are fit for purpose.

Private hire vehicle licences are issued for saloon, some MPV style vehicles and occasionally 4x4 vehicles if appropriate. Private hire vehicles must not look like taxis, therefore may not be purpose-built taxi style nor may they have a roof sign.

A vehicle may be licensed provided

- it is fit for the purpose (it must pass the licence vehicle condition test),
- it is suitable for the purpose (see licence conditions overleaf and consult the Licensing Office for advice before you purchase any vehicle)

Insurance write Offs

On the 1st October 2017 the system insurance companies use to classify vehicle write offs changed. As a result of these changes the following details how the Council, in its capacity as licensing authority, will deal with vehicles that have been written off by an insurance company.

Categories

A - Scrap only -the Council will not licence, or re-licence, a vehicle that has been written off as 'Category A'.

B - Break for parts - the Council will not licence, or re-licence, a vehicle that has been written off as 'Category B'.

S (Cat C Pre Oct 2017) - Structurally damaged but repairable - the Council will consider licensing, or re-licensing, a vehicle that has been written off as 'Category S'. However, a vehicle will only be considered for a licence if it has passed an 'Autolign' inspection, and a satisfactory report / certificate produced.

N (Cat D Pre Oct 2017) - Not structurally damaged, repairable - the Council will consider licensing, or re-licensing, a vehicle that has been written off as 'Category N'. However, dependant on the information contained within the report by the insurance assessor, a vehicle may have to pass a 'Autolign' inspection, and a

satisfactory report / certificate produced before it is considered for a licence.

Age of the vehicle (REVIEW)

As from **1 March 2016**, there will be no age limit for a new vehicle submitted for a licence provided the vehicle is fit for purpose. However if at the date of first licensing or renewal date, the vehicle is 5 years or older then, it becomes subject to 6-monthly tests.

What happens next

The applicant will submit an application form and payment to the Council (Credit/Debit Card or Cheque payable to Waverley Borough Council – NO CASH is accepted at Council Offices) so that a vehicle test can be arranged. Applications paid for by cheque will not be processed until the cheque has been cleared by the bank. This will take approximately 12 working days.

A licence is issued for a vehicle after it has taken and passed a Ministry of Transport vehicle test (MOT) within 30 days of the renewal date, the Council test (vehicle external and internal suitability test) and where required a metered mile test, which shows that the vehicle is fit for the purpose intended. No licence is issued unless it is covered by full hire and reward insurance, which will give continuous cover while the licence is in force. A licensed vehicle may be driven only by a driver who holds the right matching licence. Insurance is not accepted if it includes an extra person who does not hold a licence from Waverley to drive the vehicle. The applicant for the licence will produce

- Firstly a fully completed application form, MOT certificate and payment, (and the licensing office will arrange a time and day for the vehicle test -)
- Before any licence or licence plate is issued, sight of test pass paper
- Evidence of current hire and reward insurance
- Sight of the registration document (or bill of sale, if newly bought).

Most of the information detailed below is also contained in the vehicle licence as conditions of the licence or as legislation and other information. The following is a quick check of what is expected for a licensed taxi:

- both the vehicle and the driver should be presentable and they must carry evidence of the licences (plate, window sticker, driver badge) in a visible position as defined in the licence conditions, unless they carry an authority to do otherwise;
- the vehicle licence number plate (white/blue for a taxi, white with a red/white for a private hire vehicle) is affixed to the back exterior of the vehicle and a window sticker must be displayed in the front window;

- for taxis and PHVs with a meter, the vehicle licence number is repeated on the fare chart , and the fare chart will be clearly visible to the passengers in the vehicle;
- a taxi will carry an illuminated ‘taxi’ roof sign;
- a private hire vehicle will not look like a taxi, nor will it have any roof sign;
- the driver of the vehicle will wear on the lapel or on a neck cord the licence badge issued by the Council, which includes his/her photograph and driver licence number. A cord is provided for this purpose, and a clip is available for those who prefer it. This licence badge must be visible to passengers.

Applying for or renewing a vehicle licence

To renew an application for a vehicle licence for a taxi or a private hire vehicle, the licence must still be ‘live’. A lapsed licence of any sort may not be renewed as it will have ceased to exist. A car with a lapsed or out-of-date licence may not be used for taxi or private hire work.

The Council has set a policy as to what is required in a licensed vehicle and it is the duty of the licence holder to ensure that the vehicle is well looked after, clean and properly insured. The Council’s officers are entitled to see evidence of documents as required.

Policy Requirements for the vehicle licence:

General

1. A fully completed application form must be submitted with payment of the appropriate licence fee
2. Evidence of ownership (registration document, or invoice if newly purchased, followed by the updated log book within 6 - 8 weeks)
3. Current valid MOT certificate
4. Appropriate and continuing ‘Hire and Reward’ type insurance for the vehicle
5. The vehicle must pass the Council’s vehicle inspection test
6. All licensed vehicles must carry a first aid kit, indelibly identified to the licence plate of the vehicle, which complies with the suggested list of contents included within the Approved Code of Practice and Guidance: First Aid at Work – The Health and Safety (First-Aid) Regulation 1981 L74.
7. All licensed vehicles must carry a multi-purpose dry powder or foam (AFFF) spray extinguisher conforming to British Standard EN3,

- minimum weight 1kg, indelibly identified to the licence plate of the vehicle.
8. Waverley Borough Council hackney carriage plates are white/blue and displayed on the rear exterior of the vehicle, issued annually unless there are special circumstances
 9. Waverley Borough Council Private Hire vehicle plates are white/red and displayed on the rear exterior of the vehicle, issued annually, unless there are special circumstances
 10. All licensed vehicles, without exception, must display the internal licence (front window) sticker
 11. Licensed vehicles shall have not less than four passenger doors
 12. Convertible vehicles shall not be licensed, but those with not more than 50% sunroof area are permitted
 13. The minimum engine capacity shall be 1575 cc. Applications to licence a hybrid/electric vehicle, or any other type of vehicle with an engine capacity of less than 1575cc shall be made to the Licensing Manager in writing. Officers shall have discretion to consider the grant of a licence, provided they are satisfied with the efficiency, size, design and safety standards of the vehicle
 14. Seating Capacity is determined by Road Traffic Regulations and further defined by the seatbelt provision in the vehicle offered for licensing.
 15. Subject always to the vehicle being fit for the purpose and passing its test, commencing from 1 March 2016 , there will be no age limit for vehicles presented to be licensed for the first time. However if on the date of first licensing or renewal date, the vehicle is 5 years or older then it becomes subject to 6-monthly tests (REVIEW)
 16. Any replacement vehicle must meet the Council's policy.
 17. Mechanical Inspections - Licences are annual and an MOT is required each year (except see 19 below)
 18. Interior & exterior inspections – vehicle interior & exterior inspections will be carried out on renewal inspections and may also be carried out on an ad hoc basis by council officers.
 19. When a vehicle reaches five (5) years old, it shall be required to undergo an interim vehicle test (MOT & inspection by officers) 6 months after licence renewal. Vehicles in this age bracket will be issued with six-month duration plates.
 20. In the event of a space saver tyre, run flat tyre (when punctured) or puncture repair kit being used it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such tyre should be replaced before taking another fare to ensure passenger safety. All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle, and an appropriate means of changing the wheel.
 21. No taxi or private hire vehicle may be dual-licensed (i.e. it shall not be accepted for licence by Waverley if it is licensed by any other licensing authority).

Vehicle Testing

There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

22. A meter must be fitted, tested and illuminated - taxis and specified private hire vehicles only
23. The Council may charge reasonable fees to cover the issue of licences and require the production of the licence and any other documents at any reasonable time.
24. The Licensing Officer is authorised to refuse applications to license any left-hand-drive vehicles. Any dispute may be brought to the appropriate Licensing Committee in the first instance. There may also be an option for further appeal to the Courts against the Council's decision in some cases.
25. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted. (REVIEW)

Taxis (hackney carriages) only

26. The TAXI roof sign must be displayed on the roof (taxis only)

Private Hire Vehicles only

27. Private Hire vehicles shall be of a suitable type, size and design. They should be safe and comfortable and must not appear in any way to look like a hackney carriage vehicle.
28. Private hire vehicles may carry no signs, illuminated or otherwise, unless approved by the Council (see the conditions to the private hire vehicle licence)
29. A meter need not be fitted in a private hire vehicle, but if a meter is fitted, it must be tested with the private hire operator's scale of charges, which must be supplied to the licensing authority with the licence application (see also 26 above).
30. Should an application be made to license a stretch limousine of less than 9 passenger seats and right hand drive, this will be referred to the appropriate Licensing Committee in the first instance, prior to arranging any other aspect of the licence, such as the vehicle test.
31. Private Hire Vehicles may be saloon cars, multi purpose vehicles (MPVs), some 4x4 vehicles such as Range Rover and similar high base vehicles. Applicants are advised to refer to the Licensing Office before committing

to purchase any vehicle for licensing purposes, to ensure that no unnecessary outlay is made on a car which may not be suitable for licensing as a taxi or private hire vehicle.

32. The Council may, following written application, exempt the need for an operator to display the licence plate on the rear of the vehicle or the need for the driver to wear their personal badge. Where this exemption is granted the vehicle operator shall be issued with a letter of exemption which shall be retained with the vehicle plate inside the vehicle at all times. The driver must also have their badge on their person although not required to have it displayed. NOTE: The internal licence (front window) sticker must be displayed at all times.

Conditions applied to vehicle licences are shown at Annexe 3 (hackney carriage licence) and Annexe 4 (private hire licence). Vehicle specific conditions may be applied in certain special cases. These will be discussed and explained to the individual licensee as required.

PART 4

LICENCES FOR PRIVATE HIRE OPERATORS

Any person who wishes to take bookings for Waverley-licensed private hire vehicles and their drivers must hold a Waverley private hire operator's licence. The vehicles and the drivers themselves must also be licensed separately by Waverley. The Council has a duty to ensure that Private Hire Operators are fit and proper persons before considering the grant of the licence. New applicants may be required to take a knowledge test and Criminal Records Bureau check, if not already in place. More information on this is set out in Part 2 above.

Applicants will be asked to state whether the business is to be operated by an individual, a company, or a partnership, and to answer questions about whether they have been or still are company director or Secretary.

Duty of licence holder to comply with other legislation: All applicants have a duty to comply with all other legal requirements relating to the running of a business, for example, it may be necessary to obtain planning permission for the

use of the premises from which the business operates, particularly where there is an office where vehicles may gather outside. It is unlikely that planning permission would be needed for a very small operator's business when it is run from home, for instance. The Licensing Section is not able to offer advice on planning matters. Council departments and others may share the information you give, if necessary, and as the law permits.

Insurance. It is considered appropriate for the Council to check that the relevant public liability insurance has been taken out for premises that are open to the public. **New applicants** may be required to have a Criminal Records Bureau (DBS) check, repeated every three years. If the applicant is already licensed by Waverley, the officers will advise whether these checks (the fit and proper test) will be needed, since the driver will already have provided the information.

All applicants are reminded that the Council requires under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 that Private Hire Operator licences may be granted only for businesses carried on at addresses within the Waverley boundaries. Accordingly, all records must be kept at the licensed address. Licensed operators are subject to unannounced inspections of their records at any time by an authorised officer of the Council.

Applications have to be fully and honestly completed or they may not be accepted for processing. As stated above in relation to other licences, a private hire operator's business may have to close for a period if he/she is late in renewing an existing licence.

Conditions applied to private hire operators' licences are shown at Annexe 5. Specific conditions may be applied in certain special cases. These will be discussed and explained to the individual licensee as required.

PART 5

THE COUNCIL'S LICENSING COMMITTEES

As part of the democratic process, members are elected to serve on the Council every four years. These elected councillors are appointed to committees to manage the various types of work that they handle, and they permit the officers to have certain authority to deal with specific matters (known as delegated authority).

All meetings of the Council, and its Committees and the Executive, are open to the public. Where a matter for discussion or decision may be sensitive or affect an individual there are rules which allow the meeting to exclude the press and public while it deals with that business.

The Council and its committees have regular meetings. The **Licensing and Regulatory Committee** deals with a variety of general licensing business. This Committee will usually consider such things as changes to licensing policies, income and expenditure, and the setting of fees for licences.

Changes to taxi and private hire licensing policies will normally be subject to consultation with licensees, which is usually both face to face at a meeting, and by email, giving opportunity for all to make comment. There are twice yearly liaison meetings between the Chairman of the Committee and the licence-holders. All licence-holders are invited by email to attend these meetings.

The Council also has a **Licensing (General Purposes) Sub-Committee**, which often follows on after the meetings of the Licensing and Regulatory Committee on the same date. It will normally deal with individual applications which need a decision, where the issues involved are beyond the scope of matters which the officers are allowed to deal with. Among other things, issues such as new or existing drivers where there may be criminal or driving convictions to deal with, complaints of a serious nature and similar situations will be considered by this Sub-Committee. Such issues are not generally considered in the open meeting, so the press and public will be excluded.

The Licensing (General Purposes) Sub-Committee will also consider requests for increases in the taxi fare scale and some miscellaneous matters.

[N.B. There are also **Licensing Sub-Committees** which deal specifically with the Licensing Act 2003 and the Gambling Act 2005 and deal with pubs, clubs and gambling matters. These meetings are normally held in the morning, starting at 10.00 am.]

PART 6

COMPLAINTS, DISCUSSIONS AND INTERVIEWS

On occasions, such as when a complaint is received, officers may request a licensee to attend the Council offices for discussion. The information notes at Annex 10 outline the nature of the discussion.

If a licensee is invited to attend a formal interview (rather than an informal discussion), the licensee will be informed of his legal rights with regard to the interview.

PART 7

PENALTY POINTS SCHEME

Hackney Carriage and Private Hire Operators, Drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Conditions and the Council's Byelaws.

The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.

The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

Where there is good evidence that a breach covered by the scheme has occurred (usually where this has been witnessed by a Council Officer) a Penalty Points Notice will be issued to the licensee.

Penalty points may be awarded against the proprietor of a vehicle or anyone holding a Hackney Carriage driver's licence, a Private Hire driver's licence or a Private Hire Operator's licence issued by Waverley Borough Council

Penalty Points will remain current for 3 years from the date the penalty points were issued. Points issued will be confirmed in writing and normally within 10 working days from the completion of an investigation.

In the event that a driver/owner/operator commits an offence or breaches a condition as listed in the penalty points table attached at Annexe 7, he/she shall be awarded the number of points applicable to the circumstances as shown in the table for the breach/offence shown in the table.

Where a licence holder accumulates 12 penalty points or more in any three year period, the matter will be referred to the Council's Licensing (General Purposes) Sub-Committee to decide whether the licence holder is a fit and proper person. The Licensing-Sub Committee may then suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances. Periods of suspension of a licence by a Sub-Committee will be dependant on the nature of the breaches of the legislation/conditions and the compliance history of the individual.

Any disputes regarding the issuing of penalty points should be made in writing and will be referred by the Licensing Team to the Head of Environmental Services .

If points are issued to a proprietor/driver for a matter which is also a criminal offence, eg bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council regarding the same matter.

Officers will not normally issue points for any offence/breach that has been dealt with or reported for prosecution etc.or any other enforcement action taken,

The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.

Following a revocation (due to accumulation of penalty points in this scheme) a new licence will not usually be granted by the Council for a minimum period of twelve (12) months.

The Council's Penalty Points Table is set out at Annexe 7

ANNEXE 1

CONDITIONS OF LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE (A DUAL LICENCE)

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Conditions subject to which Licence is granted:

1. The licence holder shall at all times
 - (a) Conduct himself/herself in a civil and orderly manner and comply with the reasonable requests of passengers in the vehicle.
 - (b) Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 - (c) Be well dressed, neat and clean.
 - (d)
 - (i) Convey a reasonable quantity of luggage if so required by the person hiring the vehicle;
 - (ii) Give reasonable assistance in loading and unloading the luggage;
 - (iii) Give reasonable assistance in removing luggage to or from the entrance of any place at which he may take up or set down a passenger.
 - (e) A Licensed vehicle must not carry in the vehicle more than the number of passengers, of whatever age, specified in the vehicle licence. NOTE: Every child over 3 years of age must have his/her own designated seat in the vehicle and the vehicle must accord with the seatbelt requirements set by the Road Traffic Acts in force.
 - (f) Not carry any person in the vehicle during a hiring without the express permission of the person who has first hired the vehicle
2. When the vehicle has been hired to be present at an appointed time and place the driver shall, unless delayed by some sufficient cause, punctually attend with the vehicle at that time and place.
3. After every hiring the driver shall search the vehicle for any article which may have been accidentally left in the vehicle and, if any such article is

found, shall within 48 hours (unless sooner claimed by the owner) deliver the article to the nearest convenient office of the Council.

4. The licensee shall at all times comply with the instructions of the Council or of its authorised Officers concerning any matter relating to his occupation as a Hackney Carriage or Private Hire vehicle driver.

The Licensee shall cooperate with requests from authorised compliance officers from licensing authorities in other areas when requested.

5. When operating as a Private Hire driver the licensee shall not display signs, call out, stand with the vehicle at a taxi rank or do anything else whatsoever which is likely to give any person the impression that the vehicle is available for hire as if it is a Hackney Carriage.

6. The licensee shall notify the Council in writing as soon as possible and, in any event, within fourteen days of any:

- (a) Change of name, change of address, change of telephone number(s); N B any telephone number given to the Council for licensing purposes shall be capable of receiving withheld numbers;
- (b) Illness or injury affecting his fitness to drive in any way;

7. The licensee shall report to the Council in writing as soon as possible, and in any event within 7 days, details of any:

- (a) convictions or formal police cautions;
- (b) motoring offences or endorsements of any type, including speed awareness courses;
- (c) charges/summons/postal requisitions/fixed penalty notices in respect of any criminal offence;
- (d) arrest or interview under caution for any alleged offence
- (e) any communication notifying of any alleged offence.

and the licensee is advised to contact the Licensing Administrator (01483 523219) if in any doubt of his/her duties under this condition.

IMPORTANT NOTES

1. The above conditions are **additional** to the requirements of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Disability Discrimination Act 1995, the more important of which are summarised below:

- (i) A vehicle may not be used as a private hire vehicle unless there is a vehicle licence in force for it and the person inviting or accepting hiring's has an operator's licence (1976 Act, Section 46).

- (ii) This licence must be produced within five days at the request of an authorised Officer of the Council or a Police Officer (1976 Act, Section 53).
 - (iii) The driver must at all times when acting under this licence wear the driver's badge issued by the Council in such position and manner as to be plainly visible (1976 Act, Section 54).
 - (iv) The driver shall not without reasonable cause unnecessarily prolong, in distance or in time, any journey for which the vehicle has been hired (1976 Act, Section 69).
2. When operating as a **hackney carriage (taxi) driver** the licensee must observe the provisions of the **byelaws** and the above mentioned Acts, among the more important of which are the following:
- (i) If the hackney carriage is standing at a rank or in a street the driver must not without reasonable excuse refuse to drive to any place within the 'prescribed distance' (i.e. the Waverley Borough) (1847 Act, Section 53).
 - (ii) The authorised fare scale must be used at all times for journeys within the Borough (however the hiring is effected) and may only be dispensed with for journeys ending outside the Borough **IF** the hirer agreed **BEFORE** the journey commences (1847 Act, Section 58; Waverley Borough Council byelaws; 1976 Act, Section 66). (It is however at the discretion of the proprietor/driver to charge **less than** the metered fare in a hackney carriage.)
 - (iii) If a hackney carriage is used for a 'private hire contract' the fare is calculated from the point at which the hirer starts the journey. A 'private hire contract' for this purpose is one made either with some person other than the driver, or when the hackney carriage is not at a rank or plying for hire (1976 Act, Section 67).
 - (iv) A hackney carriage **must not be left unattended** in a street or place of public resort or entertainment; and if it is one of the first two on a rank the driver must be ready to be hired at once (1847 Act, Section 62 and Byelaws).
 - (v) The hackney carriage/private hire driver's badge provided by the Council must be worn in a plainly visible position, i.e. on the driver's lapel, at all times when plying for hire or hired (Byelaws).
 - (vi) As a hackney carriage/private hire driver, you must be civil and orderly and give reasonable assistance with passengers' luggage (Byelaws).
 - (vii) The following condition is attached to all **hackney carriage vehicle licences** and shall be complied with by the hackney carriage driver,

unless he/she holds and displays an Exemption Certificate, which must be clearly exhibited, facing outwards, on the windscreen, or in a prominent place on the dashboard:

The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37 A of the Disability Discrimination Act 1995.” (1995 Act, Section 37).

3. Children in taxis and private hire vehicles: If child restraints are not available in a licensed taxi or a licensed private hire vehicle, then:
 - Children under three years old may travel unrestrained, but this must be in the rear of the vehicle only
 - Those aged three years and above **MUST** use an adult seatbelt, and in the rear seat only
 - Any child up to 135 cms in height (4 foot 4 inches approx) in the front seat of **any** vehicle must use the correct child seat or booster seat.
 - The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions).



ANNEXE 2

CONDITIONS OF LICENCE TO DRIVE A PRIVATE HIRE VEHICLE

Local Government (Miscellaneous Provisions) Act 1976

Conditions subject to which Licence is granted:

1. The licence holder shall at all times when acting as a driver of a Private Hire vehicle:
 - (a) Conduct himself/herself in a civil and orderly manner and comply with the reasonable requests of passengers in the vehicle.
 - (b) Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 - (c) Be well dressed, neat and clean.
 - (d)
 - (i) Convey a reasonable quantity of luggage if so required by the person hiring the vehicle;
 - (ii) Give reasonable assistance in loading and unloading the luggage; and
 - (iii) Give reasonable assistance in removing luggage to or from the entrance of any place at which he may take up or set down a passenger.
 - (e) Not display signs, call out, stand with the vehicle at a Hackney Carriage rank or do anything else whatsoever which is likely to give any person the impression that the vehicle is available for hire as if it were a Hackney Carriage.
 - (f) Not carry in the vehicle more than the number of passengers, of whatever age, specified in the vehicle licence. N B every child must have his/her own designated seat in the vehicle and the vehicle must accord with the seatbelt requirements set by the Road Traffic Acts in force.
 - (g) Not carry any person in the vehicle during a hiring without the express permission of the person who has first hired the vehicle

2. When the vehicle has been hired to be present at an appointed time and place the driver shall, unless delayed by some sufficient cause, punctually attend with the vehicle at that time and place.
3. After every hiring the driver shall search the vehicle for any article which may have been accidentally left in the vehicle and, if any such article is found, shall within 48 hours (unless sooner claimed by the owner) deliver the article to the nearest convenient office of the Council.
4. The licensee shall at all times comply with the instructions of the Council or of its authorised Officers concerning any matter relating to his occupation as a Hackney Carriage or Private Hire vehicle driver.
The Licensee shall cooperate with requests from authorised compliance officers from licensing authorities in other areas when requested.
5. The licensee shall notify the Council in writing as soon as possible and, in any event, within fourteen days of any:
 - (a) Change of name, change of address, change of telephone number(s); N B any telephone number given to the Council for licensing purposes shall be capable of receiving withheld numbers;
 - (b) Illness or injury affecting his fitness to drive in any way;
6. The licensee shall report to the Council in writing as soon as possible, and in any event within 7 days, details of any:
 - (a) convictions or formal police cautions;
 - (b) motoring offences or endorsements of any type, including speed awareness courses;
 - (c) charges/summons/postal requisitions/fixed penalty notices in respect of any criminal offence;
 - (d) arrest or interview under caution for any alleged offence
 - (e) any communication notifying of any alleged offence.

and the licensee is advised to contact the Licensing Administrator (01483 523219) if in any doubt of his/her duties under this condition.

IMPORTANT NOTES

The above conditions are **additional** to the requirements of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised below:

- (i) A vehicle may not be used as a private hire vehicle unless there is a vehicle licence in force for it and the person inviting or accepting hiring's has an operator's licence (Section 46).

- (ii) This licence must be produced within five days at the request of an authorised Officer of the Council or a Police Officer (Section 53).
- (iii) The driver must at all times when acting under this licence wear the driver's badge issued by the Council in such position and manner as to be plainly visible (Section 54).
- (iv) The driver shall not without reasonable cause unnecessarily prolong, in distance or in time, any journey for which the vehicle has been hired (Section 69).

The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37 A of the Disability Discrimination Act 1995." (1995 Act, Section 37).

- (v) Children in taxis and private hire vehicles: If child restraints are not available in a licensed taxi or a licensed private hire vehicle, then:
 - Children under three years old may travel unrestrained, but this must be in the rear of the vehicle only
 - Those aged three years and above **MUST** use an adult seatbelt, and in the rear seat only
 - Any child up to 135 cms in height (4 foot 4 inches approx) in the front seat of **any** vehicle must use the correct child seat or booster seat.
 - The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions).



ANNEXE 3

HACKNEY CARRIAGE LICENCES - STANDARD CONDITIONS OF THE LICENCE

1. The maximum permitted number of passengers is **xxxx**
2. The vehicle shall at all times when available for hire carry a roof sign and this shall be capable of illumination and connected to the taximeter, bearing the word 'TAXI'.
3. The plate supplied by the Council shall be clearly displayed on the rear exterior of the vehicle, using the bracket fixing provided, or an acceptable substitute exterior fixing method, such substitute to be agreed with the licensing enforcement officer; and the Council's fare chart and notice of the Licence Number shall be clearly displayed inside the vehicle using the window sticker and fare chart provided.
4. The vehicle shall at all times be maintained in sound and roadworthy mechanical condition and serviced according to the manufacturer's recommendations.
5. No alteration to the manufacturer's specification for the vehicle shall be carried out except with the approval of the Council.
6. The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37A of the Disability Discrimination Act 1995.
7. The vehicle shall be kept properly taxed and insured for the purpose for which it is used (insurance shall be continuous - without breaks during the period of the licence - and shall cover hire and reward use) and the provisions of the Road Traffic Acts and all other relevant legislation shall be observed.
8. The vehicle shall carry a first aid kit and fire extinguisher, the minimum standard for which is as follows:

First Aid Kit

The first aid kit must comply with the suggested list of contents for travelling first aid kits as included within the Approved Code of Practice and Guidance: First Aid at Work - The Health and Safety (First-Aid) Regulation 1981 L74. These contents include:

- A leaflet giving general guidance on first aid
- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins

All drivers are responsible for ensuring that items within the first aid kit that are marked with 'best before dates' are replaced by the dates given. All other items should be checked regularly by the driver/operator, and any damaged items should be replaced.

Fire Extinguisher

The vehicle shall carry a multi-purpose dry powder or foam (AFFF) spray extinguisher conforming to British Standard EN3. The minimum weight should be 1kg.

All first aid kits and fire extinguishers must be marked with the current licensed vehicle plate number, to be written in indelible ink

SPARE/EMERGENCY TYRE

9. In the event of a space saver tyre, run flat tyre (when punctured) or puncture repair kit being used it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.

All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle, and an appropriate means of changing the wheel

10. The proprietor may advertise his taxi company by one of the following:-
 - (a) the name and telephone number of the taxi company operating the vehicle, on the rear of the 'TAXI' sign on the roof of the vehicle; or
 - (b) on the rear windscreen of the vehicle using a form of sign which does not affect visibility either in or out of the vehicle; or
 - (c) on the front and/or rear doors of the vehicle or,
 - (d) as authorised in writing by the Council following written application

11. No signs (including those of a campaigning nature) or advertisements whatsoever which are visible from the outside or inside of the vehicle shall be displayed other than as mentioned in (2 & 10 above), unless applied for and authorised by the Council.
12. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the Council.
13. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted.(REVIEW)
14. The proprietor of the vehicle shall report to the Council any damage or accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers as soon as possible and, in any case, within 72 hours of the accident/damage occurring. This is in addition to any obligation to notify the Police.

Six-monthly inspections for vehicles of 5 years and older:

Commencing on 1st March 2008, licensed vehicles of 5 years and older are subject to a six-monthly vehicle inspection. You will receive a licence plate of 6 months duration if this applies to you, and a reminder may be sent to you to arrange to have the vehicle tested in good time for issue of a plate for the further 6-month period of the licence year, once the inspection has been passed.

IMPORTANT NOTES

The above conditions are **additional** to the relevant requirements of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised as follows:

1. The proprietor(s) must not employ as a driver any person who does not hold a Hackney Carriage Driver's Licence (1847 Act, Section 47).
2. If the proprietor of a hackney carriage transfers his/her interest in it to another person he/she must within fourteen days give to the Council written notice of the name and address of the new proprietor (1976 Act, Section 49).
3. The proprietor must present the vehicle for mechanical inspection within such period and at such place as the Council by notice reasonably require (1976 Act, Section 50).
4. The proprietor of the vehicle involved in an accident affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of its passengers **shall report the accident to the Council** as soon as possible and,

in any case, **within 72 hours**. This is in addition to the normal obligation to notify the Police (1976 Act, Section 50).

5. The vehicle licence and insurance certificate must be produced to an authorised officer of the Council on request (1976 Act, Section 50).
6. Authorised officers of the Council (or Police Officers) may carry out 'spot checks' and may require further examination of the vehicle (1976 Act, Section 68).
7. A hackney carriage must not be left unattended in any street or place of public resort or entertainment (1847 Act, Section 62).



ANNEXE 4

PRIVATE HIRE VEHICLE LICENCES - STANDARD CONDITIONS OF THE LICENCE

Private Hire Vehicle Conditions

1. The maximum permitted number of passengers is **shown on the vehicle plate and vehicle's paper licence.**
2. The plate supplied by the Council shall be clearly displayed on the rear exterior of the vehicle, using the bracket fixing provided, or an acceptable substitute exterior fixing method, such substitute to be agreed with the licensing enforcement officer; and notice of the Licence Number shall be clearly displayed inside the vehicle using the window sticker provided.
3. The vehicle shall at all times be maintained in sound and roadworthy mechanical condition and serviced according to the manufacturer's recommendations.
4. No alteration to the manufacturer's specification for any vehicle licensed or to be licensed shall be carried out except with the approval of the Council.
5. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the Council.
6. The vehicle shall be kept properly taxed and insured for the purpose for which it is used (insurance shall be continuous - without breaks during the period of the licence - and shall cover hire and reward use) and the provisions of the Road Traffic Acts and all other relevant legislation shall be observed.
7. No signs (including those of a campaigning nature) or advertisements whatsoever which are visible from the outside or inside of the private hire vehicle shall be displayed other than as mentioned in (2 above), unless applied for and authorised by the Council.
8. The Licence holder shall ensure that neither he/she nor any person employed by him/her does anything in connection with the private hire vehicle which might lead members of the public to believe that the vehicle is standing or plying for hire in a street or acting in any way as a hackney carriage might do.

9. A taximeter need not be provided on a private hire vehicle but if one is fitted:
- (a) the taximeter shall not be altered or tampered with except with the approval of the Council, and must be retested by the Council if it is altered or if the seal/s affixed by the Council are broken;
 - (b) the fare shall be recorded on the taximeter in plainly legible figures, and the word 'FARE' shall be clearly displayed so as to apply to such figures;
 - (c) the taximeter shall be kept securely fixed in such a position that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.
10. The vehicle shall carry a first aid kit and fire extinguisher, the minimum standard for which is as follows:

First Aid Kit

The first aid kit must comply with the suggested list of contents for travelling first aid kits as included within the Approved Code of Practice and Guidance: First Aid at Work - The Health and Safety (First-Aid) Regulation 1981 L74. These contents include:

- A leaflet giving general guidance on first aid
- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins

All drivers are responsible for ensuring that items within the first aid kit that are marked with 'best before dates' are replaced by the dates given. All other items should be checked regularly by the driver/operator, and any damaged items should be replaced.

Fire Extinguisher

The vehicle shall carry a multi-purpose dry powder or foam (AFFF) spray extinguisher conforming to British Standard EN3. The minimum weight should be 1kg.

All first aid kits and fire extinguishers must be marked with the current licensed vehicle plate number, to be written in indelible ink.

SPARE/EMERGENCY TYRE

11. In the event of a space saver tyre, run flat tyre (when punctured) or puncture repair kit being used it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety. All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle, and an appropriate means of changing the wheel.
12. The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37A of the Disability Discrimination Act 1995.
13. [A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted. \(REVIEW\)](#)
14. The proprietor of the vehicle shall report to the Council any damage or accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers as soon as possible and, in any case, within 72 hours of the accident/damage occurring. This is in addition to any obligation to notify the Police.

Six-monthly inspections for vehicles of 5 years and older:

Licensed vehicles of 5 years and older are subject to a six-monthly vehicle inspection. A licence plate of 6 months duration will be provided in these circumstances, and a reminder will be sent to the proprietor to arrange to have the vehicle tested in good time for issue of a plate for the further 6-month period of the licence year, once the inspection has been passed

IMPORTANT NOTES

The above conditions are **additional** to the relevant requirements of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised as follows:

- (i) No proprietor of a private hire vehicle may employ for the purpose of any hiring a person who does not hold a Private Hire Driver's Licence, and no bookings may be invited or accepted for a private hire vehicle in the course of business unless the person inviting or accepting the bookings has an operator's licence (Section 46).
- (ii) If the proprietor of a private hire vehicle transfers his/her interest in it to another person he/she must within fourteen days give to the Council written notice of the name and address of the new proprietor (Section 49).

- (iii) The proprietor must present the vehicle for mechanical inspection within such period and at such place as the Council by notice reasonably requires (Section 50).
- (iv) The proprietor of the vehicle involved in an accident affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of its passengers shall report the accident to the Council as soon as possible and, in any case, within 72 hours. This is in addition to the normal obligation to notify the Policy (Section 50).
- (v) The vehicle licence and insurance certificate must be produced to an authorised officer of the Council on request (Section 50).
- (vi) Authorised officers of the Council (or Police Officers) may carry out 'spot checks' and may require further examination of the vehicle (Section 68).
- (vii) If a taximeter is fitted it must be tested by the Council (Section 71).

In addition it should be noted that it is unlawful to stand or ply for hire in any street within the Waverley Borough without a Hackney Carriage Licence.

ANNEXE 5

PRIVATE HIRE OPERATOR - STANDARD CONDITIONS OF THE LICENCE

1. The operator shall keep in a form similar to that set out in Appendix A (overleaf) a record of all the particulars prescribed therein in respect of every booking of a private hire vehicle operated by him/her, whether the booking is effected directly with the hirer or undertaken at the request of another operator.
2. The operator shall keep in a form similar to that set out in Appendix B (overleaf) a record of the particulars prescribed therein in respect of every private hire vehicle operated by him/her.
3. The operator shall notify the Council of any material change in the circumstances on the basis of which the Licence was granted, in particular the operator must inform the Council of:-
 - (a) any change of address;
 - (b) any change in the nature of the business carried on by him/her;
 - (c) any change in the composition of the firm, if a partnership;
 - (d) any convictions, formal police cautions, motoring offences or endorsements, fixed penalty notices, charge/summons/postal requisition, arrest or interview under caution and any communication notifying of any alleged offences against the operator or a partner of the operator or a company of which the operator is a director or secretary;
 - (e) any other change in the information given by the operator to the Council at the time of granting the current Licence.

Notification must be given in writing within 14 days of the event.

4. No advertising material, letter headings or other stationery, or any business name used by the operator, shall include the words 'taxi' or 'cab' whether in the singular or plural and whether they form part of another word or not, unless the proprietor is the holder of a Hackney Carriage Licence issued by the Council.
5. The operator shall ensure that neither he/she nor any person employed by him/her causes or permits anything to be done which could lead a member of the public to believe that a private hire vehicle operated by him/her is standing or plying for hire in a street.
6. When a booking is accepted for a private hire vehicle to be present at a particular time and place, the operator shall take all reasonable steps to ensure that such a vehicle is so present.

IMPORTANT NOTE

The above conditions are **additional** to the requirements of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised below:-

- (i) No operator shall operate any vehicle in a controlled district as a private hire vehicle unless both vehicle and driver are correctly licensed under the Act (Section 46).
- (ii) An operator who accepts a booking for a private hire vehicle is liable under the contract for its hire, whether or not he/she provides the vehicle (Section 56(1)).
- (iii) The particulars required to be kept under conditions (i) and (ii) must be produced to an authorised Officer of the Council or to a Police Officer when required (Section 56(2) and (3)), as must this Licence (Section 56(4)).

In addition note:-

- (a) to 'operate' a private hire vehicle is to make provision in the course of business for the invitation or acceptance of bookings for it;
- (b) this Licence is granted to a particular person and cannot be sold or transferred. Therefore, for example, a new owner of the business must apply for a new licence;
- (c) the carrying on of a business may need planning permission for the building from which the business operates, registration of a business name, etc. Operators must comply with all relevant legislation.

APPENDIX A

| Date of Booking | Time of Booking | Place(s) where passengers collected from | Place or places where passengers set down | PHV licence number of vehicle | PHD licence number of driver | Fare | Meter used (Y/N) |
|-----------------|-----------------|--|---|-------------------------------|------------------------------|------|------------------|
| | | | | | | | |

APPENDIX B

| Private Hire Vehicle licence number | Registration Number | Make and Model | Proprietor of vehicle | Council issuing the vehicle licence | Date of vehicle licence expiry | Remarks |
|-------------------------------------|---------------------|----------------|-----------------------|-------------------------------------|--------------------------------|---------|
| | | | | | | |

Hackney Carriage & Private Hire Licensing

Policy regarding the relevance of convictions and other related information

Contents

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- 1 Introduction
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- 5 Options when determining an application/licence
- 6 Offences involving violence
- 7 Offences involving a weapon
- 8 Sexual and indecency offences
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- 16 Licensing Offences
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1. Introduction

- 1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
 - Applicants for a driver's, vehicle or private hire operator licence
 - Existing licensees whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/sub-committee
 - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of Waverley Borough Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:

- That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.8 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

‘Would you (as a member of the licensing committee or other person charged with the ability to a grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?’

If the answer to this question (or a similar test) is an unqualified ‘Yes’ then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver’s licence.

1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving licence penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing / former licence holders.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services other licensing authorities, other departments within the Council, and statutory agencies.

1.10 In this policy, the word “applicant” refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

1.11 In this policy, the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands and other relevant information.

- 1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.
- 1.13 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

2 General Policy

- 2.1 Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
 - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.
- 2.2 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3 Powers

- 3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847 or of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration

offence or required to pay an immigration penalty, or for any other reasonable cause.

- 3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

4 **Consideration of disclosed criminal history**

- 4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Operator or Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- The applicant's attitude
- Any other character check considered reasonable (e.g. personal references if requested by the Council)
- Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the applicant has intentionally misled the council or lied as part of the application process,
 - Information provided by other agencies/council departments.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

- 4.2 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the

sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.

- 4.3 Existing holders of driver’s licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.
- 4.4 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.5 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

5 Options when determining an application/licence

- 5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:
- grant the licence or take no further action
 - grant the licence with additional conditions
 - refuse, revoke, or suspend the licence
 - issue a warning which may include the use of enforcement penalty points
- 5.2 If a licence holder’s conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

6. Offences involving violence

- 6.1 Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.2 A licence will not normally be granted until at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Assault occasioning actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Common assault
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Affray
- Any offence that may be categorised as domestic violence
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Any offence (including attempted or conspiracy to commit offences) similar to those above.

6.3 A licence will not normally be granted until at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

7. **Offences involving a weapon (not a firearm)**

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. For firearms offences see 6.2.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

7.3 2 or more convictions for a violent offence will normally result in an application being refused.

8. **Sexual and indecency offences**

8.1 All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) or offences which replace the above

8.2 In addition to the above the council will not normally grant a licence to any applicant who is or has ever been on the Sex Offenders Register or similar register.

9. **Dishonesty**

9.1 A serious view is taken of any conviction involving dishonesty.

9.2 A minimum period of 5 years free of conviction or at least 5 years since the completion of sentence (whichever is longer) is required to have passed before a licence is granted. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- false representation
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) or offences which replace the above

9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

9.4 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will normally be rejected or refused.

10. **Alcohol and Drugs**

10.1 A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.

10.2 At least 5 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offence and the quantity /type of drugs involved.

10.4 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs.

10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug

or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6 A licence will not normally be granted for drunkenness offences not involving a motor vehicle for a period of one year after a single conviction and 2 years after 2 or more convictions within 2 years of each other.

11. **Driving offences involving the loss of life**

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

11.2 A licence will not normally be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

12 **Other traffic offences**

12.1 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.

12.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

12.3 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. However, with existing licensees they may be subject to separate consideration as part of the Penalty Points Enforcement Policy.

12.4 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

12.5 In this policy, the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of

disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

- 12.6 In “totting up” cases where disqualification is considered by the Court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a hackney carriage or private hire driver’s licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

13 Outstanding Charges or Summonses

- 13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 13.2 If the outstanding charge or summons involves a serious offence and the individual’s conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

14 People banned from working with children and vulnerable adults

- 14.1 A serious view is to be taken of any applicant or licence holder who has been banned from working with children or vulnerable adults. A licence will not be normally be granted if an applicant has been found unfit to work with children or vulnerable adults.

15 Non-conviction information

- 15.1 The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public. In considering the most appropriate action to take following the receipt of information), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 15.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or revoking an existing licence.
- 15.3 In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.

15.4 A licence will not normally be granted until at least 1 year has elapsed since a Criminal Behaviour Order.

16 **Licensing Offences**

16.1 Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

17 **Insurance Offences**

17.1 A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.

17.3 Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

18 **Applicants with periods of residency outside the UK**

18.1 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

18.2 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

19 **Summary**

19.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to

have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.

19.2 While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

ANNEXE 7

| <u>PENALTY POINTS SCHEME</u> | Offence/Breach of Condition | Maximum Points Applicable | Driver | Vehicle Owner or Operator |
|---|--|--|---------------|--|
| 1 | Providing false or misleading information on licence application | 6 | ✓ | ✓ |

| <u>PENALTY POINTS SCHEME</u> | Offence/Breach of Condition | Maximum Points Applicable | Driver | Vehicle Owner or Operator |
|------------------------------|---|----------------------------------|---------------|----------------------------------|
| | form/failing to provide relevant information or the relevant fee (including dishonoured cheques) | | | |
| 2 | Failure to produce relevant documents within timescale when requested by an authorised officer | 4 | ✓ | ✓ |
| 3 | Failure to notify, in writing, the Council of change of address within 14 calendar days | 3 | ✓ | ✓ |
| 4 | Failure to report, in writing, within 72 hours accident or damage to licensed vehicle, in accordance with licence condition | 4 | ✓ | ✓ |
| 5 | Failure to notify the Council, in writing, of any motoring offences/endorsements or criminal convictions/cautions or charges brought against them within 7 days | 4 | ✓ | ✓ |
| 6 | Failure to submit renewal application at least 10 days before expiry | 4 | ✓ | ✓ |
| 7 | Littering | 3 | ✓ | ✓ |
| 8 | Failure to provide proof of insurance cover when requested | 4 | ✓ | ✓ |
| 9 | Failure to notify, in writing, within fourteen days a change in medical circumstances | 4 | ✓ | |
| 10 | Failure to notify transfer of licence Private Hire or Hackney Carriage vehicle | 4 | | ✓ |
| 11 | Failure to carry an assistance dog without requisite exemption | 12 | ✓ | |
| 12 | Failure to wear driver's badge or have prominently displayed so a customer can see it | 4 | ✓ | |
| 13 | Driver not holding a current/valid DVLA Licence | 12 | ✓ | |
| 14 | Unsatisfactory appearance of driver | 3 | ✓ | |
| 15 | Refusal to accept hiring without reasonable cause eg drunk or rude customer | 6 | ✓ | |

| <u>PENALTY POINTS SCHEME</u> | Offence/Breach of Condition | Maximum Points Applicable | Driver | Vehicle Owner or Operator |
|------------------------------|---|----------------------------------|---------------|----------------------------------|
| 16 | Using a non approved or non-calibrated taximeter | 4 | | ✓ |
| 17 | Failure to display fare card | 3 | ✓ | |
| 18 | Hackney Carriage vehicle unattended on a rank not available for immediate hire | 4 | ✓ | |
| 19 | Failure to observe rank discipline. (Hackney Carriage) | 3 | ✓ | |
| 20 | Unreasonable prolongation of journeys or any misconduct regarding the charging of fares | 6 | ✓ | |
| 21 | Using unlicensed vehicle or vehicle without insurance | 12 | ✓ | ✓ |
| 22 | Using a vehicle subject to a suspension order issued by an authorised officer or a police officer | 12 | ✓ | |
| 23 | Using a vehicle for which the licence has been suspended or revoked | 12 | ✓ | |
| 24 | Unsatisfactory condition of vehicle, interior or exterior | 4 | ✓ | ✓ |
| 25 | Failure to display external/internal licence plate or signs in accordance with Policy | 4 | ✓ | ✓ |
| 26 | Carrying more passengers than stated on the vehicle licence | 6 | ✓ | |
| 27 | Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence | 6 | | ✓ |
| 28 | Dashboard warning light illuminated | 4 | ✓ | |
| 29 | Failure to carry fire extinguisher in accordance with Policy | 3 | ✓ | ✓ |
| 30 | Failure to carry first aid kit in accordance with Policy | 3 | ✓ | ✓ |
| 31 | Displaying unsuitable, unauthorised or inappropriately sited signs or advertisements in or on the vehicle | 6 | | ✓ |
| 32 | Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle | 8 | ✓ | ✓ |

| <u>PENALTY POINTS SCHEME</u> | Offence/Breach of Condition | Maximum Points Applicable | Driver | Vehicle Owner or Operator |
|------------------------------|--|----------------------------------|---------------|----------------------------------|
| 33 | Failure to cooperate with a reasonable request from an authorised officer from another Council Authority | 6 | ✓ | |
| 34 | Smoking, using e-cigarettes and/or vape sticks or strong evidence of any of these in the vehicle | 6 | ✓ | |
| 35 | Illegally plying for hire | 12 | ✓ | |
| 36 | Parking/Stopping a Private Hire Vehicle on a rank | 9 | ✓ | |
| 37 | Parking/Stopping a Private Hire Vehicle within 100 meters of a rank without a booked fare | 6 | ✓ | |
| 38 | Displaying any feature on private hire vehicle that may suggest that it is a taxi | 6 | ✓ | ✓ |
| 39 | Misleading use of the words 'Taxi' or 'Cab' on advertising materials | 6 | ✓ | ✓ |
| 40 | Failure to produce on request records of drivers work activity | 4 | | ✓ |
| 41 | Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced | 6 | | ✓ |
| 42 | Abusive behaviour to Council Officer | 5 | ✓ | ✓ |
| 43 | Unsatisfactory behaviour or conduct of driver | 1-12 | ✓ | ✓ |
| 44 | Failure to give assistance with loading/unloading when requested | 3 | ✓ | |
| 45 | Failure to carry legal spare wheel or repair kit and tools if run flat tyres are not fitted | 3 | ✓ | ✓ |
| 46 | Minor vehicle defects e.g. blown exhaust, ineffective/broken windscreen wiper/washer | 3 | ✓ | |
| 47 | Urinating or defecating in a public place | 5 | ✓ | |
| 48 | Failure to comply with any other licensed conditions | 3 | ✓ | ✓ |
| 49 | A licensed vehicle with a bald tyre or other major defect | 5 per tyre | ✓ | ✓ |

| <u>PENALTY POINTS SCHEME</u> | Offence/Breach of Condition | Maximum Points Applicable | Driver | Vehicle Owner or Operator |
|------------------------------|--|----------------------------------|---------------|----------------------------------|
| 50 | Minor contravention of a section of the Road Traffic Act or other legislation relating to vehicle, driver or operator licensing | 3 | ✓ | |
| 51 | Parking in contravention of public highway parking restrictions | 3 | ✓ | |
| 52 | Parking/stopping or picking up or dropping passengers on zigzags of a pedestrian crossing or school entrance | 3 | ✓ | |
| 53 | Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle | 3 | ✓ | |
| 54 | Use of hand held mobile device (eg mobile phone) whilst driving licensed vehicle | 12 | ✓ | |
| 55 | Eating or drinking whilst driving a licensed vehicle | 3 | ✓ | |
| 56 | Points awarded by Licensing Sub-Committee where matters referred to them for decision | 1-12 | ✓ | ✓ |

ANNEXE 8

NOTE: By virtue of a Charter, Waverley District Council was granted Borough status from 21st February 1984 and these Byelaws remain in force in respect of the area now known as Waverley Borough.

BYELAW NO 17 - STANDS FOR HACKNEY CARRIAGES

Pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the Waverley District Council has appointed each of the several places specified in the following list as a stand for such number of Hackney Carriages as is specified in the list (*the latest list of hackney carriage stands is set out at page 6? of this booklet*)

WAVERLEY DISTRICT COUNCIL

BYE-LAWS

made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875 by the Waverley District Council with respect to Hackney Carriages in the Waverley District.

Interpretation

1. Throughout these bye-laws “the Council” means the Waverley District Council and “the district” means the whole Waverley District.

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 the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto:
- (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. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say
- (i) If the taximeter is fitted with a flag or other device bearing the words **“FOR HIRE”**:
 - (a) The words **“FOR HIRE”** shall be exhibited on each side of the flag or other device in plain letters at least one inch in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
 - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
 - (c) when the flat or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - (ii) If the taximeter is not fitted with a flag or other device bearing the words **“FOR HIRE”**:

- (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word **“HIRED”** to appear on the face of the taximeter;
 - (b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
 - (iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the bye-law in that behalf for the hire of the carriage by distance.
 - (iv) The word **“FARE”** shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - (v) The taximeter shall be so placed that all letters and figures on the face thereof may be 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.
 - (vi) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. The proprietor of a Hackney Carriage provided with a taximeter not fitted with a flag or other device bearing the words **“FOR HIRE”** shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
- (i) The sign will bear the words **“FOR HIRE”** in plain letters at least one inch in height;
 - (ii) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.
 - (iii) The requirements specified in byelaws 4(i) (a) and 5(i) shall not apply to a hackney carriage provided with a taximeter which bears the sign of European Economic Community pattern approval or the mark of European Economic Community partial verification mentioned in regulation 2 of, and described in Schedule 1 to, the Measuring Instruments (European Economic Community Requirements) Regulations 1975 or any other regulations replacing those regulations or containing provision for the same purpose, and for the time being in force.

Provisions regulating the conduct of the Proprietors and Drivers of Hackney Carriages plying within the district in their employments and determine whether

such Drivers shall wear any and what badges

6. The driver of a Hackney Carriage shall
 - (i) if the taximeter is fitted with a flag or other device bearing the words **“FOR HIRE”**
 - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - (b) before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and so that the word **“HIRED”** is legible on the face of the taximeter, and keep the machinery of the taximeter in action until the termination of the hiring.
 - (ii) If the taximeter is not fitted with a flag or other device bearing the words **“FOR HIRE”**
 - (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of bye-law 5 so that the words **“FOR HIRE”** are clearly and conveniently legible by persons outside the carriage;
 - (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word **“HIRED”** is legible on the face of the taximeter in action until the termination of the hiring.
 - (iii) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
7. 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.
8. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:
 - (a) proceed with reasonable speed to one of the stands fixed by the bye-law in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately

behind the carriage or carriages on the stand and so as to face in the same direction;

- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
9. The drivers of the first two Hackney Carriages standing upon a stand appointed by the Council shall be in constant attendance in or adjacent to their carriages or in a shelter provided at that stand ready to be hired at once.
 10. 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.
 11. The driver to 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.
 12. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
 13. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
 14. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons (excluding the driver) than the number of persons specified on the plate affixed to the outside of the carriage. Provided that for the purpose of this bye-law two children under the age of twelve years shall be regarded as one person and children under the age of three years shall not be reckoned.
 15. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
 16. 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.

Provision fixing the stands of Hackney Carriages

17. Each of the several places specified in the following list shall be a stand for such number of Hackney Carriages as is specified in the list:-

Description of Stand

Number of Carriages

As designated by the Waverley Borough Council from time to time pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976

Provisions fixing the rates or fares to be paid for Hackney Carriages within the district, and securing the due publication for such fares

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

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance 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 following table which it may not be possible to record on the face of the taximeter.

Fares for Distance

(inclusive of V.A.T.)

As determined by Waverley Borough Council from time to time pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

(Copy of current fare tariff available on demand and on the Council's web site)

- (b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this bye-law 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

20. 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.
21. 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-

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

Penalties

22. Every person who shall offend against any of these bye-laws shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of continuing offence to a further fine not exceeding five pounds for each day during which the offence continued after conviction therefor.

Repeal of Bye-Laws

23. The bye-laws relating to Hackney Carriages which are referred to in the Schedule attached to these bye-laws are hereby repealed.

Schedule

| Date of Bye-Laws | By Whom Made | Date of Confirmation | By Whom Confirmed |
|------------------|----------------------------------|----------------------|--------------------------------|
| 28.9.1964 | Farnham Urban District Council | 25.1.1965 | Secretary of State Home Office |
| 27.1.1972 | Farnham Urban District Council | 30.3.1972 | Secretary of State Home Office |
| 25.9.1972 | Haslemere Urban District Council | 16.4.1973 | Secretary of State Home Office |
| 15.1.1974 | Haslemere Urban District Council | 26.2.1974 | Secretary of State Home Office |

Made under the Common Seal of the Waverley District Council on the 25th day of March 1980.

The **COMMON SEAL** of the)
WAVERLEY DISTRICT COUNCIL) (Sgd) M C V ALLCHIN
was hereunto affixed in the) Member
presence of: -)
(Sgd) E D RICHENS
Assistant Secretary

L.S.

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on 1st day of July 1980.

L.S.

R F D SHUFFREY
An Assistant Under
Secretary of State,
Home Office

12th June 1980

ANNEXE 9

Hackney Carriage/Private Hire Trade Offences

Town Police Clauses Act 1847

| Section | Offence | Maximum Penalty |
|---------|--|-----------------|
| 40 | Giving false information on application for HC(V) proprietor's licence | Level 1 |
| 44 | Failure to notify change of address of HC(V) proprietor | Level 1 |
| 45 | Plying for hire without HC(V) proprietors licence | Level 4 |
| 47 | Driving a HC (V) without HC drivers' licence. | Level 3 |
| 47 | Lending or parting with HC drivers' licence | Level 3 |
| 47 | HC(V) proprietor employing unlicensed driver | Level 3 |
| 48 | Failure of HC(V) proprietor to hold HC drivers' licence | Level 1 |
| 48 | Failure of HC(V) proprietor to produce HC drivers' licence | Level 1 |
| 52 | Failure to display HC(V) plate | Level 1 |
| 53 | Refusal to take a fare | Level 1 |
| 54 | Charging more than the agreed fare | Level 1 |
| 55 | Obtaining more than the legal fare | Level 3* |
| 56 | Travelling less than the lawful distance for the agreed fare | Level 1 |
| 57 | Failing to wait after a deposit to wait has been paid | Level 1 |
| 58 | Charging more than the legal fare | Level 3 |
| 59 | Carrying another person than the hirer without consent | Level 1 |
| 60 | Driving HC(V) without proprietor's consent | Level 1 |
| 60 | Allowing another to drive HC(V) without proprietors' consent | Level 1 |
| 61 | Drunken driving of HC(V) | Level 1 |
| 61 | Wanton / furious driving / wilful misconduct causing injury / danger | Level 1 |
| 62 | Driver leaving HC(V) unattended | Level 1 |
| 64 | HC driver obstructing other HC(V)'s | Level 1 |

• This incurs a level 3 penalty and 1 months' imprisonment until the excess is refunded.

Local Government (Miscellaneous Provisions) Act 1976

| Section | Offence | Maximum Penalty |
|----------------|--|------------------------|
| 49 | Failure to notify transfer of HC(V) proprietors' licence | Level 3 |
| 50(1) | Failure to present HC(V) for inspection as required | Level 3 |
| 50(2) | Failure to inform local authority where HC(V) is stored if requested | Level 3 |
| 50(3) | Failure to report an accident to local authority | Level 3 |
| 50(4) | Failure to produce HC(V) proprietors' licence and insurance certificate | Level 3 |
| 53(3) | Failure to produce HC driver's licence | Level 3 |
| 57 | Making false statement or withholding information to obtain HC drivers licence | Level 3 |
| 58(2) | Failure to return a plate after expiry of notice, revocation or suspension of HC(V) proprietor's licence | Level 3 |
| 61(2) | Failure to surrender driver's licence after suspension, revocation or refusal to renew | Level 3 |
| 64 | Permitting any vehicle other than HC(V) to wait on HC stand | Level 3 |
| 66 | Charging more than the meter fare for a journey ending outside the district without prior agreement | Level 3 |
| 67 | Charging more than the meter fare when HC(V) used as private hire vehicle | Level 3 |
| 69 | Unnecessarily prolonging a journey | Level 3 |
| 71 | Interfering with a taximeter | Level 3 |
| 73(1)(a) | Obstruction of an authorised officer or constable | Level 3 |
| 73(1)(b) | Failure to comply with requirements of authorised officer or constable | Level 3 |
| 73(1)(c) | Failure to give information or assistance to authorised officer or constable | Level 3 |

Private Hire Trade Offences

Local Government (Miscellaneous Provisions) Act 1976

| Section | Offence | Maximum Penalty |
|----------------|---|------------------------|
| 46(1)(a) | Using an unlicensed PH(V) | Level 3 |
| 46(1)(b) | Driving a PH(V) without a PH driver's licence | Level 3 |
| 46(1)(c) | Proprietor of a PH(V) using an unlicensed driver | Level 3 |
| 46(1)(d) | Operating a PH(V) without a PH operator's licence | Level 3 |
| 46(1)(e) | Operating a vehicle as a PH(V) when the vehicle is not licensed as a PH(V) | Level 3 |
| 46(1)(e) | Operating a vehicle as a PH(V) when the driver is not licensed as a PH driver | Level 3 |

| | | |
|----------|---|--------------------------|
| 48(6) | Failure to display PH(V) plate | Level 3 |
| 49 | Failure to notify transfer of PH(V) licence | Level 3 |
| 50(1) | Failure to present PH(V) for inspection as required | Level 3 |
| 50(2) | Failure to inform local authority where PH(V) is stored if requested | Level 3 |
| 50(3) | Failure to report an accident to local authority | Level 3 |
| 50(4) | Failure to produce PH(V) licence and insurance certificate | Level 3 |
| 53(3) | Failure to produce PH drivers licence | Level 3 |
| 54(2) | Failure to wear PH driver's badge | Level 3 |
| 56(2) | Failure by PH operator to keep records of bookings | Level 3 |
| 56(3) | Failure of PH operator to keep records of vehicles operated by him | Level 3 |
| 56(4) | Failure to produce PH operator's licence on request | Level 3 |
| 57 | Making false statement or withholding information to obtain PH driver's or operator's licence | Level 3 |
| 58(2) | Failure to return plate after expiry of notice, revocation or suspension of PH(V) licence | Level 3 + £10 daily fine |
| 61(2) | Failure to surrender driver's licence after suspension, revocation or refusal to renew | Level 3 |
| 67 | Charging more than the meter fare when HC used as PH vehicle | Level 3 |
| 69 | Unnecessarily prolonging a journey | Level 3 |
| 71 | Interfering with a taximeter | Level 3 |
| 73(1)(a) | Obstructing of authorised officer or constable | Level 3 |
| 73(1)(b) | Failure to comply with requirement of authorised officer or constable | Level 3 |
| 73(1)(c) | Failure to give information or assistance to authorised officer or constable | Level 3 |

Transport Act 1980

| Section | Offence | Maximum Penalty |
|----------|--|-----------------|
| 64(2)(A) | Driving a PH(V) with a roof sign which contravenes s64(1) | Level 3 |
| 64(2)(b) | Causing or permitting a PH(V) to be driven with a roof sign which contravenes s64(1) | Level 3 |

Disability Discrimination Act 1995

| Section | Offence | Maximum Penalty |
|---------|---|-----------------|
| 37 | Refusing to carry a guide dog and hearing dogs | Level 3 |
| 37A | Refusing to carry a assistance dogs in private hire vehicle | Level 3 |

Standard Scale of Fines

Fine 'levels' refer to the concept of the standard scale of fines, which was introduced in 1982. The amount equating to each level may be increased from time to time, allowing fine levels to maintain a sensible level relative to inflation. The current fine levels are shown below.

Standard scale of Fines

| Level | Maximum Fine |
|-------|--------------|
| 1 | £200 |
| 2 | £500 |
| 3 | £1,000 |
| 4 | £2,500 |
| 5 | £5,000 |

The Use of Mobile Phones and Other Devices Whilst Driving

It is a specific offence to use a hand-held phone, or similar device, when driving, incurring a £200 fixed penalty fine or up to £1,000 on conviction in court (£2,500 for drivers of goods vehicles, buses or coaches). Six penalty points will also be imposed on your licence, and while penalty points can mean higher insurance costs, if you get six points within two years of passing your test, your licence will be revoked and you will need to re-sit the test. However, drivers can still risk prosecution (for failure to have proper control) if they use hands-free phones when driving.

**LICENSING TEAM
Discussion Format**

INFORMAL DISCUSSION

Date -----

with-----

1. Introduce staff present and job titles
2. The discussion is for the purpose of information gathering
3. Notes will be taken. The discussion will not be audio and/or video recorded. A copy of the notes will be provided on request.
4. The licensee is not under arrest and is free to leave at any time. If during this discussion an offence is admitted, officers may caution the licensee and stop the discussion so that a more formal interview may take place under caution at a later date.
5. The information gathered will be considered by the Head of Service, who may decide that the matter should be reported to the Licensing & Regulatory Committee or Sub-Committee for them to decide what action is appropriate, or the Head of Service may take action in consultation with the Chairman and Vice-Chairman without referral to Committee.
6. If the matter is reported to Committee or Sub-Committee you will be notified of the date of the meeting at least two weeks in advance. You will be asked to attend the meeting and may bring a representative with you.

Signed

Date

Surrey Las HC&PH Emissions and Window Tinting policies questionnaire.

Information collected post Licensing Forum meeting in May 2019. Circulated July 2019.

ANNEXE 4

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|-----------|---|---|---|---|
| Guildford | n/a | <p>Max 5 years old for initial licensing.</p> <p>Max age of 10 years for saloon vehicles and 15 for W/AVs.</p> <p>However, will renew vehicles for a full year before age limit reached. Will allow departure from age policy for 'exceptional' vehicles.</p> | <p>Unknown, but awaiting Surrey position for consistency. New Council members are very keen to address air quality, however there is a lack of infrastructure for EVs. The 'exceptional' vehicle rule is contentious and 'muddies the waters'. Intend to remove this in next policy review.</p> | <p>The windows of any vehicle shall not have been treated so that anything other than the manufacturer's original fitted windows are in use (privacy glass is excluded).</p> <p>The windows of any vehicle shall not have been treated with any tint other than that originally fitted to the vehicle, i.e. tinting film. All windows let enough light through for a person 20 meters away to be able to see the number of passengers in the vehicle in daylight.</p> |
| Runnymede | <p>6.84. Environmental vehicle standards</p> <p>6.85. General environmental policy approach</p> | <p>6.81. Age of hackney carriage and private hire vehicles</p> | <p>I think we would have to be guided by either Government or Surrey policy on emissions. Having standalone emissions policies in the 11 different</p> | <p>6.46. Tinted windows</p> <p>6.47. The Road Vehicles (Construction and Use) Regulations 1986 as</p> |

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|-----------|---|--|---|---|
| | <p>6.86. In recognition of the RBC's wider role, the licensing authority will normally seek to promote and encourage vehicle proprietors to invest in vehicles and related technologies that offer the best environmental standards in terms of emissions, the use of cleaner fuels, fuel and engine efficiency (i.e. performance) and end-of-life recycling etc.</p> <p>6.87. RBC will monitor the developments of less polluting internal combustion engines and their effect on the local environment and in keeping with the RBC's Air Quality Action Plan, will in due course, consider a requirement for all hackney carriages and private hire vehicles to meet certain emission control standards, i.e. Euro 5, Euro 6.</p> | <p>6.82. The licensing authority has taken the view that vehicle age limits are not justifiable and can produce an environment where competing proprietors and operators from other boroughs can gain an advantage.</p> <p>Providing vehicles meet the requirements of the licensing authority they can be considered for licensing.</p> | <p>Surrey authorities is not the way forward.</p> <p>We are not convinced Vehicle age limits are justifiable, we have not had an age limit for the last 4 years, our approach concentrates on the condition of the vehicle.</p> <p>Our policy states at 6.87—</p> <p>RBC will monitor the developments of less polluting internal combustion engines and their effect on the local environment and in keeping with the RBC's Air Quality Action Plan, will in due course, consider a requirement for all hackney carriages and private hire vehicles to meet certain emission control standards, i.e. Euro 5, Euro 6.</p> | <p>6.58. The licensing authority recognises that many manufacturers fit tinted windows as standard original fittings as either 'dark tint' or 'light tint'.</p> <p>6.59. There is a distinct difference between standard tinted windows which meet the legal requirements and what is commonly known as 'privacy glass' which is much darker and lets a minimum of light through as well as</p> |

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|-----------|---|-------------------------------|--|--|
| | <p>6.88. Alternative fuels</p> <p>6.89. In recognition of their comparatively clean emissions, any vehicle that runs or has been suitably adapted to run on Liquid Petroleum Gas (LPG), Compressed Natural Gas (CNG), Hydrogen, electric power or Bio methane will be considered providing it is of original manufacture.</p> <p>6.90. Modifications to enhance environmental standards of vehicles</p> <p>6.91. In recognition of the RBC's wider role, the licensing authority will, subject to all other requirements being met and, subject to conditions, where these may be appropriate, normally look sympathetically on the</p> | | | <p>6.60. To address public safety concerns around the use of 'privacy' glass and to allow as wide a range of vehicles as possible to be used by the trade the following conditions apply to vehicle windows on the rear windscreen / rear side windows:-</p> <p>(a) All rear windows must allow at least 70% of light to be transmitted through them.</p> <p>(b) An exception will be made for 8 seater MPV vehicles, tinted windows will be permitted on</p> |

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|-----------|--|-------------------------------|--|--|
| | <p>conversion to, installation and use of green/alternative fuels and other enviro-friendly features.</p> <p>6.92. However, In recognition that fuel conversions can be dangerous if not done correctly, the licensing authority will normally accept vehicles that have been converted to use alternative fuels only where, in addition to all other requirements having been met, the vehicle is –</p> <p>(a) listed on the <u>UKLPG</u> vehicle register; and</p> <p>(b) supported by an inspection and test certificate by a <u>UKLPG</u> Approved Auto gas Installer dated within the last 12 months or</p> | | | <p>(c) this type of vehicle.</p> <p>No vehicle shall be fitted with any form of additional film to darken or tint the windows on any part of the vehicle.</p> <p>(d) Front side windows and the front windscreen must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986.</p> <p>(e) Privacy glass shall only be acceptable where fitted to plate exempt vehicles</p> <p>6.60(i) In order to avoid unnecessary expense</p> |

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|-----------|--|-------------------------------|--|---|
| | <p>(c) subject to a satisfactory Voluntary Individual Vehicle Assessment (DVSA individual vehicle type approval) (or suitable equivalent), that certifies the safety of the vehicle as a whole and the modifications made.</p> | | | <p>being caused to the trade through this policy. It is proposed that any existing licensed vehicles which currently have factory fitted privacy glass be allowed to continue to be licensed on a yearly basis until such time as the vehicle is replaced or changes ownership (by change of ownership this includes the regular use of the vehicle by another driver). This will also allow time for drivers to make other arrangements for those customers who insist on vehicles with privacy glass.</p> <p>6.60(ii) In relation to 6.60(b) above, in recognition that the larger MPV type vehicles are limited in choice and widely used as wheelchair accessible vehicles any restriction on these may have an adverse</p> |

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|-----------|---|---|--|---|
| | | | | <p>effect on the number of wheelchair accessible vehicles in Runnymede. As such an exception has been made for this type of vehicle.</p> |
| Woking | <p>Private Hire Vehicles must be Euro Emissions 5 (or higher). There is no Emissions policy for the Hackneys as the larger wheelchair accessible vehicles often do not meet Euro Emissions requirements. (Though this is often no longer the case due to pretty much every modern vehicle being Euro 5 or higher)</p> | <p>Hackney Carriage Vehicles must be brand new at date of plating (i.e. whatever the most recent VRN date is) and will only be licenced up until the 12th year of their age.</p> | <p>As from the 20 January 2022, all PHV's must be Euro Emissions 6 or higher. There is no current changes planned for age limits.</p> | <p>Woking Borough does not currently have a policy on window tinting.</p> |
| Elmbridge | <p>2 x MOT per year for vehicles over 5 years inc. emissions test Reduction in licence fee for hybrid vehicles</p> | N/A | <p>The Council recognises the need to ensure the health and wellbeing of our residents and through this policy aims to improve air quality by encouraging the use of low emission taxi and private hire vehicles, such as electric, hybrid or liquified petroleum gas (LPG). By 1 January 2025, we intend to phase out the use of all diesel vehicles and petrol vehicles that</p> | <p>All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows, which state that as a minimum:</p> <ul style="list-style-type: none"> For vehicles first used before 01 April 1985 the windscreen and front side windows must allow at |

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|-----------|-----------------------------|-------------------------------|--|---|
| | | | <p>do not meet the latest Euro emissions standard.</p> <p>The Council encourages the use of vehicles powered by alternative fuels such as electric, hybrid or liquified petroleum gas (LPG).</p> <p>The Council will not issue any new licences for diesel vehicles or petrol vehicles that do not meet the latest Euro emissions standard.</p> <p>Exhaust emission standards</p> <p>The Council will not issue a new licence for any diesel vehicles.</p> <p>The Council will only issue a new licence for a petrol vehicle that meets the latest Euro emissions standard.</p> <p>The Council will not issue a licence for a replacement vehicle if the replacement vehicle is diesel.</p> <p>The Council will only issue a licence for a replacement petrol</p> | <p>least 70% of light to be transmitted through them;</p> <ul style="list-style-type: none"> For vehicles first used on or after 01 April 1985, the light transmitted through the windscreen must be at least 75% and the front side windows must allow at least 70% of light to be transmitted through them. <p>Newly licensed vehicles will only be considered suitable where all rear side windows allow at least 22% of light to be transmitted through them.</p> <p>There is no minimum transmission requirement for the rear windscreen.</p> |

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|-----------|-----------------------------|--|---|--|
| | | | <p>vehicle that meets the latest Euro emissions standard.</p> <p>After 30 December 2024, the Council will not renew any existing licences for</p> <ul style="list-style-type: none"> diesel vehicles or petrol vehicles that do not meet the latest Euro emissions standard | |
| Waverley | No current emissions policy | <p>Age of the vehicle</p> <p>As from 1 March 2016, there will be no age limit for a new vehicle submitted for a licence provided the vehicle is fit for purpose. However, if at the date of first licensing or renewal date, the vehicle is 5 years or older then, it becomes subject to 6-monthly tests.</p> | <p>It is something that has been discussed but the way forward will depend on the new incoming councillors and we would also have to be guided by either Government or Surrey policy on emissions.</p> | <p>A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted</p> |
| MVDC | None | <p>Max 6 years for initial licensing. Reicensing up to 9 years old.</p> | Unknown at moment. | <p>Accept all manufacturer tinting. No specific policy re after manufacture tinting.</p> |

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|---------------|--|---|---|---|
| Epsom & Ewell | New licensed Hackney Carriage Vehicles to be Euro 5 compliant | <p>Will allow departure from age policy for 'exceptional' vehicles</p> <p>All vehicles which are being presented for first licensing by the Authority may be no older than six years old as of the date of application. An exception may be made for older vehicles if considered by an Authorised Officer to be in an excellent condition ie. bodywork which is free from scratches, dents and rust, a cosmetically clean interior and good service history records</p> <p>Max 3 years for initial licensing both HC & PH</p> <p>Max age 6 years but exception for WAVs, max 10 years0</p> | <p>No current plans to change policy</p> <p>Discussions ongoing regarding the installation of charging points on the High Street Rank during forthcoming redevelopment but nothing confirmed.</p> <p>Following May 2019 local elections, the new political structure may influence a different approach to lower emissions.</p> | <p>Any vehicles which are brought in to be licensed must meet a minimum of 70% light transmission for front glass and to both sides of the driver.</p> <p>Currently no restrictions on privacy glass.</p> <p>Tinting of windscreen and front side windows controlled by national legislation.</p> |
| Surrey Heath | <p>No specific policy but this is controlled by vehicle age limits.</p> <p>All diesel vehicles new to licensing must be Euro 6 or better</p> <p>All diesel vehicles currently licensed will be Euro 6 or better by 2020 due to age restrictions</p> <p>With the exception of WAVs (currently just 5)</p> | | | |

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|------------|---|---|--|--|
| Spelthorne | <p>No restriction on minimum engine capacity for hybrid vehicles</p> <p>Nothing at the minute in our policy regarding emissions</p> | <p>At present time, our age limit on vehicles is 10 years. The latest a licence can be issued is on the 9th anniversary of the vehicle's date of registration.</p> | <p>Officers have concerns over limited range of all-electric vehicles.</p> | <p>6.5 Tinted Windows</p> <p>All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows, which state that as a minimum:</p> <ul style="list-style-type: none"> • The light transmitted through the windscreen must be at least 75% and the front side windows must allow at least 70% of light to be transmitted through them. <p>Newly licensed vehicles will only be considered suitable where all rear side windows allow at least 22% of light to be transmitted through them. There is no minimum transmission requirement for the rear windscreen.</p> |

| Authority | Current Policy on Emissions | Current Policy on Vehicle Age | Future Policy Direction on Emissions/Age | Current Policy on Window Tinting |
|--------------------|-----------------------------|---|--|---|
| Reigate & Banstead | n/a | <p>Max 7 years old for initial licensing.</p> <p>Max age of 9 years for initial licensing of WAVs.</p> <p>Will allow vehicles to renew beyond if in 'showroom condition'.</p> | <p>No set plans however the majority of vehicles are 3 to 5 years old.</p> <p>Considering fewer mechanical inspections and older age for first licencing to encourage 'all electric' vehicles</p> <p>New policy will be written when Government Guidance has been issued, following consultation.</p> | <p>Factory fitted tinted windows only</p> |
| Tandridge DC | None | No age limit | <p>We use the Tinted Windows law</p> <p>Front windows – Front windscreen, Vehicles first used on 1st April 1985 or later at least 75% Front side windows at least 70% light.</p> <p>Rear windows, if they are manufacturers fitted tinted windows then we allow. Drivers are advised of the dangers of these tinted rear windows.</p> | |

Dear Cllr Knowles,

TAXIS – ALLOWING TINTED WINDOWS

Please accept this letter as my formal request that Waverley Borough Council change their Licensing rules regarding tinted windows in taxis.

Tinted Windows Direct from the Manufacturers

- If vehicles, with manufactured tinting, are not licensed this greatly reduces the choice of vehicle available for taxi drivers to buy and, therefore, limits the choice of vehicles available for the travelling public too.
- Many of the more 'up market' vehicles are sold with tinting as standard. Therefore the Council not licensing these vehicles results in a lower class of fleet and thus a poor image of the Borough.
- Research shows that 90 - 95% of all new cars are now manufactured and sold with tinted windows as standard.
- The Tinting that Manufacturers apply is set at legally specified levels and will, therefore, meet the laws of this land.

After Market Tinting

- Taxi driving is not a particularly well-paid occupation. Some driver are not in a position to buy brand new vehicles and can only afford to purchase second-hand vehicles which may have after-market tinting already fitted.
- I have checked with my colleagues and we, as taxi drivers, would be willing to seek written confirmation, from an approved After-Market Tinter, that the tinting conforms to 35% (plus or minus 2%).

Reasons for Tinting (both pre- and post manufacture)

- We are experiencing increasingly hot summers. Tinting helps to keep the vehicle cool, aiding passenger comfort.
- Most vehicles do have air-conditioning but running the engine, whilst on the ranks, or outside a customer's premises is not good for the environment.
- During winter tinted windows help prevent fogging and condensation.
- Less fogging and condensation gives the taxi drivers better all round vision which increases safety and reduces blind spots.
- Less condensation prevents passengers drawing or writing rude and/or offensive words or pictures on the windows (Drivers sometimes arrive at their next pick-up point before having chance to check the rear windows).

- The surrounding Boroughs of Guildford, Rushmoor and Surrey Heath allow tinted windows and having asked around I am unable to find any instances of tinting causing problems for passengers.
- Some passengers have special needs and some are 'light sensitive' and tinting makes their journey more comfortable.
- I have made enquiries and find that other local Boroughs allow 'school runs' to be carried out by vehicles with tinted windows.
- Having checked with other taxi drivers in neighbouring Boroughs I find that Hampshire County Council allows 'school runs' to be done by vehicles with tinted windows.

MOT

Whilst writing about the tinting of windows may I ask why you will only allow us to use Atkinsons in Guildford for our MOTs.

Travelling to Guildford is a substantial distance from Farnham and not only causes difficulties for Taxi Drivers but also, I feel, adds unnecessarily to pollution to the environment with the excess mileage that the drive entails.

May I respectfully suggest a selection of MOT stations authorised by Waverley Borough Council. Perhaps four or five authorised MOT stations spread round the area? Maybe one in Farnham, one in Aldershot, Atkinsons in Guildford, plus one or two more?

Thank you for taking the time to read this.

I am told that I need to formally ask if you would you be kind enough to ensure every Member of the Licensing and General Purposes Committee receives a copy of my letter.

WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE – 25 SEPTEMBER 2017

Title:**HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW**

[Wards Affected: All]

Summary and purpose:

The purpose of the report is to enable the Committee to consider proposed changes to Hackney Carriage/Private Hire policy. The primary change relates to a complete revision of the current convictions policy, in order to help prevent the sexual exploitation of children by introducing consistent standards across Surrey. The key changes are:

- Adopting a consistent taxi and private hire convictions policy across Surrey
- Mandatory CSE training for all taxi and private hire drivers in Surrey

Waverley's current Hackney Carriage/Private Hire Licensing policy was originally adopted by the Council in July 2010 and was last revised on 01 March 2016. A copy of the current policy with track changes (in red) is attached at [Annexe 1](#).

The report seeks approval to consult on the proposed changes.

The report has no direct resource, environmental or "Opportunities for All" implications for Waverley.

How this report relates to the Council's Corporate Priorities:

Taxis play an important part in the overall public transport network in the Borough, and contribute to policies on the environment and improving lives.

Financial implications:

The financial implications include the cost of the consultation of the policy, the possible advertising of any fee changes and following adoption the printing (internal) and posting of approximately 320 updated policy booklets to licensees.

Legal implications:

Once granted, licences are classed as a possession under Article 1 of the First Protocol of the European Convention on Human rights (enshrined in UK law under the Human Rights Act 1998), which states that every person is entitled to the peaceful enjoyment of his possessions. Policies or guidelines should not be established by the Body (in this case, the Licensing and Regulatory Committee) which regulates or determines a function. Accordingly, this Committee is asked to address the Policy issues around such licensing, in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act

1847, and make recommendations to the Executive to update Waverley's policy regarding taxi and private hire licensing.

Introduction:

1. On the 20 July 2010 the Waverley's Hackney Carriage and Private Hire Licensing policy was adopted by the Council, with the latest amendments adopted in March 2016.
2. Since the introduction of the policy, Surrey Safeguarding Children Board (SSCB) and its partners including all 11 Surrey Local Authorities have agreed a Child Sexual Exploitation Strategy and action plan, which aims to develop a coordinated response to child sexual exploitation (CSE) across the County. Licensing targets include taxi and private hire licensing, premises licensed under the Licensing Act 2003, participation in Operation Make safe and information sharing.
3. Achieving the targets will help Surrey Local Authorities to fulfil their statutory responsibilities defined in Section 11 of the Children's Act 2004 to safeguard children and to promote welfare effectively. Delivery of the strategy supports the SCCB's statutory duties to co-ordinate activities to safeguard and promote the welfare of children in Surrey, as well as ensuring the effectiveness of what is being done by partners.
4. Two actions identified within the CSE action plan relating to taxi and private hire are:
 - Adopting a consistent taxi and private hire convictions policy across Surrey
 - Mandatory CSE training for all taxi and private hire drivers in Surrey
5. The two changes will raise the standards of public safety across Surrey and build on the positive steps already taken to protect the most vulnerable in our communities.
6. Once considered by the Licensing and Regulatory Committee, the policy, with any amendments, will be sent out for consultation.

Convictions Policy

7. Following recent cases of licensed drivers and operators across the country involved in sexual exploitation of children, it is important that Local Authorities take appropriate steps to prevent future cases by ensuring that licensed drivers are 'fit and proper'. Consideration of a person's criminal convictions and other relevant character or behaviour information is a key part of the 'fit and proper' assessment.
8. Local Authorities across Surrey are seeking to standardise the information taken into account when determining if someone is 'fit and proper' by adopting the same convictions policy. Whilst there are significant similarities in the majority of the conviction policies, there are some differences, and these

could result in applicants being revoked or refused then being granted a licence in another Surrey Local Authority with different standards. The differences mainly relate to the number of years an offence is considered relevant.

9. As only 'fit and proper' persons must conduct these responsible duties, the convictions policy proposes to add that people banned from working with children or vulnerable adults will not normally be granted a licence.
10. Currently, those banned from working with children and vulnerable persons would not be permitted to drive under a Surrey County Council contract but could potentially be granted a licence by a Surrey District or Borough Council. This is an unacceptable risk, as taxis and private hire vehicles are likely to transport children at times other than to school plus elderly and disabled users often rely on taxis and private hire vehicles to access local services.
11. The sample Convictions Policy produced by the Local Government Association has been referred to in the production of this policy.
12. When applying the convictions policy, all Licensing Authorities are mindful that each case must be considered on its merits and where the circumstances demand, the Council may depart from its policy.

Mandatory CSE and Safeguarding Training

13. Surrey Local Authorities want to take appropriate steps to protect the most vulnerable in our society by introducing mandatory CSE and safeguarding training for taxi and private hire drivers. Following the recent examples of the sexual exploitation of children in our communities, a number of Local Authorities have already introduced this requirement.
14. The training would include how to spot signs of child sexual exploitation and how to report concerns of children or vulnerable persons at risk using agreed Surrey processes. There will be a multiple-choice assessment to ensure understanding of the subject matter.
15. If adopted, it is proposed that all new drivers would be required to pass the CSE training in advance of first being licensed and all existing drivers to pass within one year of adopting the requirement.

CSE Training & Convictions Policy Consultation ONLY

16. Reigate and Banstead Borough Council will host the six week web based consultation on behalf of all 11 Surrey Local Authorities. The results will be reported separately for each Local Authority and to date
 - Surrey Safeguarding Children Board have been involved throughout and endorse these proposals.

- The Surrey Licensing Officers Group and Surrey Solicitors Group have both been consulted on the proposed convictions policy and training package.
- The Surrey Chief Executive Group are in support work of the proposed changes and have made resources available and a financial contribution to help ensure that the project is delivered in a timely manner

Amendments/Consideration of changes to Waverley Borough Council's Policy Only

17. Officers have taken the opportunity to bring to the Committee a number of Waverley specific amendments to its policy which will be consulted on as a separate exercise. These are explained in more detail below, and there are also some amendments to the text which help to clarify the policy or which reflect changes that have come into effect since the last policy review. These changes are all shown in red in Annexe 1.

Window Tinting Consideration

18. Waverley current policy states

There shall be no additional tint (darkening) of windows beyond the legal limit of light transmission to minimum 75% for front and side front windows, and light transmission of minimum 70% for all other windows, or the manufacturer's specification, whichever is the lightest.

19. The current law requires all vehicles to allow not less than 75% transmission of light through the front windscreen and not less than 70% transmission of light through the front passenger/driver side windows. There are no regulations relating to rear passenger windows or rear windscreens (i.e. all windows rear of the front driver/passenger seats). This facilitates the proliferation of vehicle manufacturers that provide, as standard, dark tinted rear windows.
20. A significant number of vehicle manufacturers offer the option of very dark windows behind the front driver/passenger seats and an increasing number fit these windows as standard without the option of alternate clearer glass.
21. Officers recently used a light meter to check the rear windows on a number of different manufacturers new models on sale at Slyfield Industrial Estate, the results of which are shown below;

| Make | Model | Light transmission % |
|-------------|-------------------------------|-----------------------------|
| KIA | CEE'D | 40% |
| VW | GOLF 1.6 Diesel (5 years old) | 70% |
| BMW | 5 SERIES 520D | 18% |
| BMW | I3 (ELECTRIC) | 37% |
| VW | SHARAN TSI | 31% |
| VW | PASSAT 2.0 TDI | 27% |
| VW | TOURAN 2.0 TDI | 20% |

| | | |
|----------|------------------------|-----|
| VAUXHALL | MOKKA X ACTIVE | 74% |
| VAUXHALL | MOKKA S.E. DIESEL | 20% |
| VAUXHALL | INSIGNIA CDTI SPORTS | 27% |
| VAUXHALL | INSIGNIA GRAND TOURER | 28% |
| VAUXHALL | INSIGNIA SRI HATCHBACK | 27% |
| VAUXHALL | ZAFIRA 1.8 TOURER | 34% |

22. The main benefits of tinted glass are considered to be;

- Improved privacy/security
- Added protection from ultraviolet rays (UV) coming from the sun
- Improved thermal comfort by reducing heat build-up inside the vehicle
- Aesthetic appearance by enhancing the look of the vehicle

23. Dark tinted windows fundamentally make it more difficult to see into the rear of a vehicle and may conflict with other parts of the policy.

- Activities taking place in the vehicle cannot be viewed from the outside posing a potential risk to both passengers and driver.
- Enforcement officers need to see that the maximum number of passengers the vehicle is licensed to carry is not being exceeded
- Vulnerable passengers, for example young persons, the elderly and lone females may feel safer in a vehicle where they can be seen.
- A potential threat/person may already be in the vehicle that the passenger may not be able to see.

24. Officers have experienced a growing issue regarding tinting owing to the increasing number of vehicles being manufactured with dark tinted rear windows as standard. It has also been alleged that in some cases there is no clear glass option to allow the glass to be replaced. The Department of Transport Taxi & Private Hire Vehicle Licensing best practice guidance March 2010 states;

The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

25. The Freight Transport Association's (FTA) Hackney Carriage and Private Hire Vehicles National standards August 2012 states;

Only vehicles complying with the following conditions will generally be considered for licensing as private hire vehicles;

- With the exception of stretch limousines, vehicles will not be accepted with blacked out windows. Passengers being carried in the vehicle

must be visible from the outside. **In exceptional circumstances**, tinted windows may be acceptable.

26. Rotherham Metropolitan Borough Council's Hackney Carriage Vehicle condition states:

Glazing

All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.

27. Attached at Annexe 2 is a list of neighbouring Councils and their policy regarding tinted windows in Hackney Carriage and Private Hire vehicles.

Options to consider

28. The Committee is invited to consider whether there is merit in amending the wording of the current policy to clarify the situation with regards to tinting of licensed vehicles at Waverley. Consideration may also be given to one of the following options;
1. Retain the existing policy (subject to rewording) for both Hackney Carriage and Private Hire Vehicles
 2. Retain the existing policy (subject to rewording) for Hackney Vehicles only with no condition on Private Hire vehicles
 3. Revise percentage of light transmission for all or only Hackney Carriages
 4. Remove tinting condition for all vehicles
 5. A combination of the above.

Using a mobile phone while driving

29. Mobile phone driving laws were first enacted in December 2003, and since 2007 the penalty had been three points on A DVLA licence and a fine (£60 at first, but £100 from 2013).
30. From 1 March 2017, the penalty was doubled – so being caught using a mobile phone while driving carries a penalty of six points and a £200 fine.
31. Waverley's Penalty Point Scheme was introduced in 01 March 2016, with 6 penalty points given for using a mobile phone while driving. As this was before the change in law, the committee is invited to consider whether it is necessary to increase the number of penalty points issued in accordance with Waverley Penalty Point Scheme.

Waverley Hackney Carriage & Private Hire Policy ONLY – Public Consultation

32. The consultation will include notification to all Hackney Carriage and Private Hire licensees of the proposed changes, a public notice at all the taxi ranks

within Waverley, notice placed on Waverley's website and offices, and an item included on the agenda of the taxi liaison meeting on 9 October 2017.

Consultation timetable

- Initial report to Licensing & Regulatory Committee – 25 September 2017
- Write/mailed all HC/PH licencees – Late September 2017
- Placed notice at all taxi ranks – Late September 2017
- Place consultation information on web – Late September 2017
- Inspection copies at Council Offices – October 2017
- Consultation period ends 10 November 2017 (6 weeks)
- Licensing and Regulatory Committee 15 January 2018
- Executive – 05 February 2018
- Council – 19 February 2018

Human Rights Implications

33. The Human Rights Act 1998 incorporated into English law the protection of human rights enshrined in the European Convention on Human Rights (ECHR). The Council must have regard to the human rights of individuals affected by its decisions. In determining applications for licences and in matters of enforcement, the Council will have regard to Article 1 of the First Protocol of the ECHR (the right to the peaceful enjoyment of one's possessions), and Article 6 (the right to a fair trial). Existing licensees have a right to the peaceful enjoyment of their licence. However, this is a qualified right; a balance should be achieved between the protection of licence-holders' individual rights and the interest of the community.

Conclusion

34. The Committee is asked to consider the proposed changes made to the Hackney Carriage and Private Hire Licensing Policy and make its recommendations for amending the Policy to the Executive. The Policy is ultimately set by the Council as part of the Policy Framework, on the recommendation of the Executive, and the activity under the Policy is the remit of this Committee.
35. Approving consultation on the two changes regarding CSE training and the Convictions Policy to the Taxi and Private Hire Licensing Policy will help ensure a co-ordinated and consistent response across to prevent the sexual exploitation of children in Surrey.

Recommendation

It is recommended that the Licensing and Regulatory Committee approve the draft changes to the taxi and private hire taxi policy for public consultation over a 6 week period.

Background Papers

Waverley Hackney Carriage and Private Hire licensing Policy.

The sample Convictions Policy produced by the Local Government Association
<https://www.local.gov.uk/sites/default/files/documents/lga-example-taxi-and-priv-d6c.pdf>

Report of Professor Jay into Child Sexual Exploitation in Rotherham (September 2014)
http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham

Casey report into Rotherham Metropolitan Borough Council (February 2015)
<https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>

Surrey Safeguarding Children Board, Child Sexual Exploitation Strategy 2016-17
<http://www.surreyscb.org.uk/wp-content/uploads/2016/05/SSCB-CSE-Strategy-2016-17.pdf>

Surrey Safeguarding Children Board, Child Sexual Exploitation Action Plan 2016-17
<http://www.surreyscb.org.uk/wp-content/uploads/2016/12/Updated-joint-Surrey-CSE-Plan-Dec-2016-v.4.0.pdf>

DFT Taxi and Private Hire Vehicle Licensing Best Practice
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

Rotherham BC Taxi Licensing and Private Hire policy documents -Appendix M - Hackney Carriage Vehicle Conditions
http://www.rotherham.gov.uk/downloads/file/2486/appendix_m_hackney_carriage_vehicle_conditions

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WAVERLEY BOROUGH COUNCIL**MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 25 SEPTEMBER
2017****SUBMITTED TO THE COUNCIL MEETING – 17 OCTOBER 2017**

(To be read in conjunction with the Agenda for the Meeting)

Present

| | |
|--------------------------------|----------------------|
| Cllr Patricia Ellis (Chairman) | Cllr Simon Inchbald |
| Cllr Bob Upton (Vice Chairman) | Cllr Peter Isherwood |
| Cllr Maurice Byham | Cllr Anna James |
| Cllr John Fraser | Cllr Carole King |
| Cllr Tony Gordon-Smith | Cllr Robert Knowles |

Apologies

Cllr Michael Goodridge and Cllr Libby Piper

10. MINUTES (Agenda item 1.)

The minutes of the meeting that took place on 19 June were confirmed and signed.

11. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Apologies were received from Councillors Libby Piper and Michael Goodridge.

12. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest.

LICENSING ACT 2003 ITEMS**PART I – RECOMMENDATIONS TO THE COUNCIL**

There were no matters falling within this category.

PART II – MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

13. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW (Agenda item 6.)

The Committee received a report which outlined proposed changes to the Hackney Carriage/Private Hire Policy. The primary change related to a complete revision of the current convictions policy, in order to help prevent the sexual exploitation of children by introducing consistent standards across Surrey. The key changes were

- An adoption of a consistent taxi and private hire convictions policy across Surrey;
and

- Implementation of Mandatory CSE training for all taxi and private hire drivers in Surrey.

The Committee was advised that the Policy had been originally adopted by the Council in July 2010 and was last revised on 1 March 2016. The current policy was attached to the report with the proposed changes outlined in red. Members were asked to consider the proposed changes and to agree that it be put to public consultation over a 6 week period.

The Committee considered the proposed change to the convictions policy which would bring Waverley in line with its partners including all 11 Surrey Local Authorities who had agreed a Child Sexual Exploitation Strategy and action plan. This aimed to develop a coordinated response to CSE across the County. Licensing targets included taxi and private hire licensing, premises licensed under the Licensing Act 2003, participation in operation Make safe and information sharing. The changes would ensure a consistent approach.

The report outlined proposed changes to the Window Tinting arrangements. The current law required all vehicles to allow not less than 75% transmission of light through the front windscreen and not less than 70% transmission of light through the front passenger/driver side windows. Members were advised that an increasing number of vehicular manufacturers fitted these windows as standard without the option (or at a cost) the alternate clearer glass.

There were a number of benefits to having darkened windows such as added protection from ultraviolet rays and improved thermal comfort by reducing heat build up within the vehicle. However, the dark tinted windows fundamentally made it more difficult to see into the rear of a vehicle and could conflict with other parts of the Licensing Policy. Members agreed that it was important that activities taking place in the vehicle needed to be viewable from the outside. Therefore, the Committee recommended that the current policy should not be changed but the wording improved to ensure that the Council's requirements were clearly set out. Grandfather rights would apply to all vehicles which were currently licensed, and the policy would be fully applicable to all new vehicles being licensed.

The Committee was reminded that Waverley's Penalty Point Scheme, which was introduced in March 2016, issued 6 points for using a mobile phone whilst driving. Mobile phone driving laws were first enacted in December 2003 and since March 2017 the penalty imposed by the police was doubled. The Committee was asked to consider whether the same should apply with the Council's Penalty Point Scheme. Members agreed that this was a serious matter and agreed that the points be increased to 12points. Members also agreed to clarify that no smoking in a licensed vehicle included the use of electronic cigarettes and vaping.

The Licensing Manager also sought the Committee's approval to amend the wording relating to the plying for hire category within the penalty points scheme so that it was non-vehicle specific and would apply to a taxi or private hire vehicle. This was agreed.

RESOLVED that the draft changes to the Taxi and Private Hire Licensing Policy, subject to the comments above, be approved for the purpose of public consultation over a 6 week period.

14. MINUTES OF THE MEETINGS OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Agenda item 7.)

The minutes of the meeting of the Licensing (General Purposes) Sub-Committee which took place on 19 June 2017 were noted.

15. MINUTES OF THE MEETINGS OF THE LICENSING ACT 2003 SUB-COMMITTEES (Agenda item 8.)

The minutes of the meeting of the Licensing Sub-Committee C held on 21 August 2017, tabled at the meeting, were noted.

The meeting commenced at 10.00 am and concluded at 10.30 am

Chairman

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