

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

When calling please ask for:

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Policy and Governance

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Calls may be recorded for training or monitoring

Date: 13 March 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 Maxine Gale
Cllr Michael Goodridge
Cllr Anna James
Cllr Jacquie Keen
Cllr Michaela Martin
Cllr Ruth Reed

Substitutes

Cllr Peter Isherwood
Cllr Jenny Else

Cllr Joan Heagin
Cllr Jerry Hyman

Members who are unable to attend this meeting must submit apologies by the end of Monday, 16 March 2020 to enable a substitute to be arranged.

Dear Councillors

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

DATE: MONDAY, 23 MARCH 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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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**

To receive the minutes of the meeting held on 13 January 2020 (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 5pm on Monday 16 March 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 5pm on Monday 16 March 2020.

LICENSING ACT 2003 ITEMS

There are no Licensing Act 2003 items for consideration.

OTHER LICENSING ITEMS

6. **LICENSING BUDGET 2020/21 - FEES AND CHARGES** (Pages 5 - 14)

The purpose of this report is to seek the Committee's agreement to its draft Fees and Charges for 2020/21 as part of the Budget process. This report updates the Committee on the latest position regarding the General Fund Budget for 2020/21.

Recommendation

It is recommended that the Licensing and Regulatory Committee notes the proposed level of fees and charges for 2020/21 in accordance with the schedule at Annexe 3, noting that various fees will be subject to advertisement and consultation prior to implementation.

7. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW (Pages 15 - 124)

The purpose of this report is to enable the Sub-Committee to consider comments following the consultation on the review of Waverley Borough Council's Taxi and Private Hire Licensing policy with a view to amending them if appropriate. It is intended that the Policy will provide clarity for licensed vehicle owners, drivers, operators and the public as to how Waverley will undertake its licensing functions. The policy will also seek to assist the licensing Authority in making decisions.

Recommendation

It is recommended that the Licensing and Regulatory Committee considers the feedback from the consultation of the draft Hackney Carriage and Private Hire Licensing Policy and agrees it, with or without amendments and make recommendations so that the final revised version of the Hackney Carriage and Private Hire Licensing Policy for Waverley can be approved and be formally adopted by the Council.

8. 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).

9. 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

LICENSING AND REGULATORY COMMITTEE

23 MARCH 2020

Title:

LICENSING BUDGET 2020/21 – FEES AND CHARGES

Portfolio Holders: Cllr Mark Merryweather, Portfolio Holder for Finance, Assets & Commercial Services

Head of Service: Peter Vickers, Head of Finance

Key decision: No

Access: Public

1. Purpose and Summary:

- 1.1 The purpose of this report is to seek the Committee's agreement to its draft Fees and Charges for 2020/21 as part of the Budget process. This report updates the Committee on the latest position regarding the General Fund Budget for 2020/21.
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2. Recommendation

- 2.1 It is recommended that the Licensing and Regulatory Committee notes the proposed level of fees and charges for 2020/21 in accordance with the schedule at Annexe 3, noting that various fees will be subject to advertisement and consultation prior to implementation.

3. Reason for the recommendation

- 3.1 The Budget is a major decision for the Council and setting a balanced budget is a statutory requirement. Scrutiny of the financial plan and budget proposals demonstrate transparency and good governance

4. Background

- 4.1 The report puts forward proposals for the Licensing Service Revenue Estimates and Fees & Charges for 2020/21.

General Fund Background

- 4.2 Over the past few years Waverley has faced significant financial pressures and a further pressure is anticipated on top of the substantial reductions already made, resulting in significant savings required over the next four years in addition to those already achieved.

2020/2021 Draft Licensing Estimates

- 4.3 The Licensing Service 2020/21 Estimates are attached at Annexe 1. Annexe 2 provides an analysis of Licensing costs and income for 2020/21, showing the estimated recovery rates. This annexe also demonstrates that the enforcement costs (around 10% of costs) are not recovered through fees.

Fees & Charges

- 4.4 Fees and charges are reviewed annually as part of the budget process. Some fees and charges are statutory, but for those determined by Waverley, an exercise has been undertaken to analyse the fees and ensure that they equate to the costs of the service provided. For 2020/21, the proposed fees and charges for the Licensing Service are at Annexe 3.
- 4.5 In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, any proposed increase to certain fees must be advertised and this relates to hackney carriage proprietors' licences, private hire vehicle licences and private hire operators' licences. Any representations received in response to the advertisement will be brought back to the Licensing and Regulatory Committee in due course.

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

- 5.1 Having a robust, sustainable budget is essential to deliver all aspects of the Corporate Plan

6. Implications of decision(s)

6.1 Resource (Finance, procurement, staffing, IT)

All decisions made with regard to the budget will impact on Waverley's resources. Provision is made in the Council's budget for the licensing service which is run on a cost recovery basis.

6.2 Risk management

There are no risks directly arising from the recommendation above.

6.3 Legal

It is the annual responsibility of the Full Council to approve the Budget and set the Council Tax (Constitution Part 3:B6-7. P.40).

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.

Reg 18(4) Provision of Services Regulations 2009 provides that charges under an authorisation scheme must be reasonable and proportionate to, and not exceed, the cost of the procedures and formalities under the scheme. The fees can include the

administrative costs involved, the costs of vetting the applicants (in the case of applications) and the cost of investigating compliance with licence terms (in the case of renewals). A fee cannot include costs of enforcement. The proposals comply with these requirements.

6.4 **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.

6.5 **Climate emergency declaration**

There are no direct implications arising from this report but reference is made to the need for the main budget proposals to address the resource requirement for the emerging climate change action plan.

7. **Consultation and engagement**

7.1 The recommended changes to license fees set out above will be subject to consultation with the Taxi and Private Hire trade and the public before being finalised.

8. **Other options considered**

8.1 No other options considered due to the statutory requirement to cost recover.

9. **Governance journey**

9.1 N/A

Annexes:

Annexe 1 - Licensing Service 2020/21 Estimates

Annexe 2 - Licensing costs and income for 2020/21

Annexe 3 - Proposed fees and charges for the Licensing Service 2020/21

Background Papers

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

CONTACT OFFICER:

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Position: Accountant Manager
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Licensing		
<i>G3410</i>		
<i>Code</i>	2019-20	2020-21
	Budget	Draft Budget
	£	£
Supplies and Services		
1302 Equipment/Furniture purchase	1,520	1,520
1311 Items for resale	6,000	6,000
1333 Stationery	50	50
1344 Other professional fees	10,000	10,000
1345 Contracted services	35,210	35,210
1353 Telephones - mobiles	1,030	1,030
1386 Advertising/publicity/promotions	660	660
1387 Subscriptions	100	100
1393 Health and safety/first aid	460	460
1395 Meeting expenses	300	300
Support Costs		
1600 Recharge Expenditure	321,070	292,370
Gross Expenditure		
	376,400	347,700
Sales of goods and supply of services		
2301 Hackney Carriage and Car Hire income	131,510	134,140
2302 Licensing income other	140,000	141,400
Total Income		
	271,510	275,540
Net Cost		
	104,890	72,160

Licensing						
<i>G3410</i>						
<i>Code</i>		2019-20	2020-21	<i>2019-20 Analysis</i>		
				Budget	Draft Budget	Liquor Licensing
		£	£	£	£	£
				45%	45%	10%
Supplies and Services						
1302	Equipment/Furniture purchase	1,520	1,520		1,520	
1311	Items for resale	6,000	6,000		6,000	
1333	Stationery	50	50	23	23	5
1344	Other professional fees	10,000	10,000	4,500	4,500	1,000
1345	Contracted services	35,210	35,210		35,210	
1353	Telephones - mobiles	1,030	1,030	464	464	103
1386	Advertising/publicity/promotions	660	660		330	330
1387	Subscriptions	100	100		100	
1393	Health and safety/first aid	460	460	207	207	46
1395	Meeting expenses	300	300	135	135	30
Support Costs						
1600	Recharge Expenditure	321,070	292,370	131,567	131,567	29,237
Gross Expenditure		376,400	347,700	136,895	180,055	30,751
Sales of goods and supply of services						
2301	Hackney Carriage and Car Hire income	131,510	134,140		134,140	
2302	Licensing income other	140,000	141,400	111,100		30,300
Total Income		271,510	275,540	111,100	134,140	30,300
Net Cost		104,890	72,160	25,795	45,915	451
	Estimated rate of costs recovered	72%	79%	81%	74%	99%

Environment							
Schedule of Fees and Charges for 2020/2021							
Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	2019/20 Budget £	Proposed Additional Yield	
Licences							
Animal Welfare							
Boarding for Cats and Dogs - Kennels							
		384.00	384.00	0.0%			
		300.00	300.00	0.0%			
		684.00	684.00	0.0%			
Boarding for Dogs - Home Boarding							
		334.00	334.00	0.0%			
		300.00	300.00	0.0%			
		634.00	634.00	0.0%			
Boarding for Dogs - Day Care							
		384.00	384.00	0.0%			
		300.00	300.00	0.0%			
		684.00	684.00	0.0%			
Breeding Dogs(excl vet fee)							
		334.00	334.00	0.0%			
		300.00	300.00	0.0%			
		634.00	634.00	0.0%			
Hiring Horses (excl vet fee)							
1 - 8 horses	Part A	384.00	384.00	0.0%			
	Part B	325.00	325.00	0.0%			
	Total Fee	709.00	709.00	0.0%			
9 - 15 horses	Part A	459.00	459.00	0.0%			
	Part B	325.00	325.00	0.0%			
	Total Fee	784.00	784.00	0.0%			
Over 15 horses	Part A	534.00	534.00	0.0%			
	Part B	325.00	325.00	0.0%			
	Total Fee	859.00	859.00	0.0%			
Selling Animals as Pets							
	Part A	334.00	334.00	0.0%			
	Part B	300.00	300.00	0.0%			
	Total Fee	634.00	634.00	0.0%			
Exhibition of Animals							
	Part A	334.00	334.00	0.0%			
	Part B	300.00	300.00	0.0%			
	Total Fee	634.00	634.00	0.0%			
For each additional activity (to the main activity) the fee is half the standard application and grant fee.							
Each additional inspection/visit		150.00	150.00	0.0%			
Each advisory visit		150.00	150.00	0.0%			
Variation to the licence (inclusive of one visit)		200.00	200.00	0.0%			
Re-evaluation of rating (inclusive of one visit)		200.00	200.00	0.0%			
Variations to reduce licensable activities/numbers of animals		75.00	75.00	0.0%	140,000	1,400	
Transfer due to death of licensee		75.00	75.00	0.0%			

Environment							
Schedule of Fees and Charges for 2020/2021							
	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	2019/20 Budget £	Proposed Additional Yield
Other							
Cosmetic Piercing, Electrolysis, Acupuncture	per premise	OO	200.00	210.00	5.0%		
Cosmetic Piercing, Electrolysis, Acupuncture	per person	OO	200.00	210.00	5.0%		
	combined		290.00	300.00	3.4%		
Cosmetic Piercing, Electrolysis, Acupuncture	fee for premises and personal licence	OO					
Tattooing	per premise	OO	220.00	230.00	4.5%		
Tattooing	per person	OO	220.00	230.00	4.5%		
	combined		310.00	320.00	3.2%		
	fee for premises and personal licence	OO					
Semi-permanent skin colouring	per premises	OO	220.00	230.00	4.5%		
Semi-permanent skin colouring	per person	OO	220.00	230.00	4.5%		
	combined		310.00	320.00	3.2%		
	fee for premises and personal licence	OO					
Semi-permanent skin colouring							
Street Trading							
a) Sole Trader	Annual	OO	290.00	296.00	2.1%		
b) Schedule 2 event - up to 50 traders	Annual	OO	300.00	306.00	2.0%		
c) Schedule 2 event - 51 or more traders	Annual	OO	230.00	240.00	4.3%		
d) Schedule 2 event - up to 50 traders	Single Event	OO	140.00	143.00	2.1%		
e) Schedule 2 event - 51 or more traders	Single Event	OO	150.00	160.00	6.7%		

Environment								
Schedule of Fees and Charges for 2020/2021								
	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	2019/20 Budget £	Proposed Additional Yield	
Scrap Metal Dealers Licence								
a) Site - new application		OO	470.00	480.00	2.1%			
b) Site - renewal		OO	270.00	275.00	1.9%			
c) Site to collectors - variation		OO	410.00	418.00	2.0%			
d) Collectors - new application		OO	430.00	438.00	1.9%			
e) Collectors - renewal		OO	230.00	235.00	2.2%			
f) Collectors to Site - variation		OO	470.00	480.00	2.1%			
Please Note:								
All of these fees are subject to consideration by the licensing regulatory committee of consultation responses.								
<i>Hackney Carriage - Vehicles (not adapted) *</i>								
- less than 5 years old	Annual	OO	291.00	297.00	2.1%			
- 5 years old and over - first 6 months		OO	291.00	297.00	2.1%			
- 5 years old and over - second 6 months		OO	84.00	85.00	1.2%			
<i>Hackney Carriage - Vehicles (adapted) *</i>								
- under 5 years old	Annual	OO	105.00	110.00	4.8%			
- 5 years old and over - first 6 months		OO	105.00	110.00	4.8%			
- 5 years old and over - second 6 months		OO	84.00	85.00	1.2%			
<i>Missed Appointments (Vehicle Test)</i>								
	Per Test	OO	72.00	75.00	4.2%			
<i>Re-testing of vehicles following failure</i>								
	Per Test	OS	72.00	75.00	4.2%			
<i>Private Hire - Operators - renewal (5 vehicles and less)</i>								
	5 years	OO	125.00	130.00	4.0%			
<i>Private Hire - Operators - renewal (more than 5 vehicles)</i>								
	5 years	OO	176.00	180.00	2.3%			
<i>Private Hire - New Operators (5 vehicles and less)</i>								
	5 years	OO	150.00	153.00	2.0%			
<i>Private Hire - New Operators (more than 5 vehicles)</i>								
	5 years	OO	197.00	200.00	1.5%			
<i>Private Hire - New Operators (5 vehicles and less)</i>								
	5 years	OO	221.00	225.00	1.8%			
<i>Private Hire -New Operators (more than 5 vehicles)</i>								
	5 years	OO	268.00	275.00	2.6%			
<i>Private Hire - Vehicles (not adapted) *</i>								
- under 5 years old	Annual	OO	291.00	297.00	2.1%			
- 5 years and over - first 6 months		OO	288.00	294.00	2.1%			
- 5 years and over - second 6 months		OO	84.00	86.00	2.4%			
<i>Private Hire - Vehicles (adapted) *</i>								
- under 5 years old	Annual	OO	105.00	107.00	1.9%	131,510	2,630	
- 5 years and over - first 6 months		OO	105.00	107.00	1.9%			
- 5 years and over - second 6 months		OO	84.00	86.00	2.4%			
<i>Hackney carriage / private hire - New driver</i>								
	3 years	OO	269.00	275.00	2.2%			
<i>Hackney carriage / private hire licence renewal</i>								
	3 years	OO	175.00	179.00	2.3%			
<i>Hackney carriage / private hire - New driver</i>								
	1 year	OO	111.00	115.00	3.6%			
<i>Hackney carriage / private hire licence renewal</i>								
	1 year	OO	71.00	73.00	2.8%			

Environment								
Schedule of Fees and Charges for 2020/2021								
	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	2019/20 Budget £	Proposed Additional Yield	
<i>Private Hire only - New driver</i>	3 years	OO	269.00	275.00	2.2%			
<i>Private Hire only licence renewal</i>	3 years	OO	175.00	179.00	2.3%			
<i>Private Hire only- New driver</i>	1 year	OO	111.00	114.00	2.7%			
<i>Private Hire only licence renewal</i>	1 year	OO	71.00	73.00	2.8%			
<i>Knowledge test</i>	Per Test	OO	72.00	74.00	2.8%			
<i>Resit / non-attendance fee for Knowledge test</i>	Per Test	OO	72.00	74.00	2.8%			
<i>Surrender and replacement of Hackney Carriage / Private Hire Licence</i>		OO	84.00	86.00	2.4%			
<i>Hackney Carriage and Private Hire</i>								
- Replacement plate bracket		OS	10.30	11.00	6.8%			
- New/Replacement plate & window disc		OS	20.50	21.00	2.4%			
- Replacement driver's badge		OO	10.30	11.00	6.8%			
- Change of address		OS	10.30	11.00	6.8%			
<i>Transfer of P/H to H/C (new badge, knowledge test and admin)</i>		OO	92.20	95.00	3.0%			
<i>Gambling Act 2005</i>	Various		<i>Please see website for individual fees</i>					
- Including lotteries, permits, premises, etc								
Licensing Act 2003								
- Personal	New	OO	37.00	38.00	2.7%			
- Premises	Initial/Variation	OO	<i>Various depending on rateable value</i>					
- Premises: Sex Establishment	from -according to RV	OO	4,690.00	4,800.00	2.3%			
- Premises	Annual Fee	OO	<i>Various depending on rateable value</i>				* included above	
- Premises	DPS Variations, etc	OO	23.00	23.00	0.0%			
- Temporary Event Notice	Per Event	OO	21.00	21.00	0.0%			
<i>Data Barring Service (previously CRB)</i>	Per Applicant	OO	60.00	62.00	3.3%			

Vat Indicator: OS = Standard
 OE = Exempt
 OZ = Zero Rated
 OO = Outside Scope

Please Note:
 All of these fees are subject to consideration by the licensing regulatory committee of consultation responses.

Waverley Borough Council

LICENSING AND REGULATORY COMMITTEE

23 MARCH 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 The purpose of this report is to enable the Sub-Committee to consider comments following the consultation on the review of Waverley Borough Council's Taxi and Private Hire Licensing policy with a view to amending them if appropriate. It is intended that the Policy will provide clarity for licensed vehicle owners, drivers, operators and the public as to how Waverley will undertake its licensing functions. The policy will also seek to assist the licensing Authority in making decisions.

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 felt required update/clarification. It was also felt 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.

The draft guidance introduces four broad objectives :-

1. *To ensure the safety and welfare of the public which is the overriding objective;*
2. *Encourage environmental sustainability;*

3. *Ensure an efficient and effective hackney carriage and private hire provision; and*
4. *Monitor and improve standards of service in the trade.*

Key changes within the policy

- a. DBS Update service - requirement for licencees to sign up and maintain subscription;
- b. Joint Warranting – reciprocal enforcement powers with other licensing authorities;
- c. Tinting – reduction in light transmission requirement from 70% to 22%, allowing darker tinted windows;
- d. Age Policy – introduction of an age policy for vehicles;
- e. Ultra Low Emissions Vehicles
- f. Private Hire Operators requirement for staff to have DBS
- g. Door Signs for Vehicles introduced;
- h. No written off vehicles to be accepted for licensing
- i. No second hand tyres or tyres over 10 years old

How we consulted

2.2 Draft proposals were approved for consultation on 13 January 2020 by the Licensing And Regulatory Committee. Having been initially considered by the Licensing and Regulatory Committee, the policy, with amendments, was sent out for consultation.

2.3. Hackney Carriage & Private Hire Policy – Public Consultation

The consultation has been by a written process to all Hackney Carriage and Private Hire licensees, a public notice at all the taxi ranks within Waverley, notice placed on Waverley's website and available for inspection at Council offices, and inclusion on the agenda of the taxi liaison meeting on 12th February 2020. The consultation period closed on 2 March 2020.

2.4 Consultation timetable

- Initial report to Licensing & Regulatory Committee – 13 January 2020
- Letter /e-mail notification to all HC/PH licencees – 20 January 2020
- Placed notice at all taxi ranks; – 21/22 January 2020
- Place consultation information on Council website – 20 January 2020
- Inspection copies at Council Offices – 20 January 2020
- Consultation period ends 02 March 2020 (6 weeks)
- Licensing and Regulatory Committee – 23 March 2020
- Press release taken up by Farnham & Haslemere Herald newspapers

Who responded?

2.5 There have been 28 written responses received in relation to the consultation. A brief summary of each is set out below with Officer comment on whether the amendments proposed - full details are attached at Annexe 1.

Key findings

	Comment Made	Officer Comment
1	Vehicle Age Policy – A bit harsh- suggest going to the old age policy of upto 4 years old when new and up to 10 years old.	
2	<ul style="list-style-type: none"> • Tinting – allow factory fitted tints • Written off vehicles – allow non structural damage 	
3	<ul style="list-style-type: none"> • Too many taxi drivers in Farnham – limit number of drivers by not issuing H/C licences only PH. • Only licence people in that live in Borough • Vehicles too old – limit the age a vehicle can be. 	
4	Door Signs – Can exemption be given	Officers propose that exemption may be able to be given in line with plate exemption on a case by case basis following request for Private Hire Vehicles ONLY
5	Tinting – allow for chauffeur vehicles ect	Proposal in policy to reduce the requirement of light transmission from 70% to 22% already. Exemption already available for chauffeur type businesses.
6	<p>Why change age policy, vehicles already managed by testing at Guildford</p> <p>Two dates quoted for ULEV's – suggest all vehicles to be ULEV by 01/01/2030</p>	<p>Drop in vehicle standards, public safety re new vehicles and climate emergency action</p> <p>Dates quoted;</p> <p>01 Jan 2023 for all new vehicles to be ULEV</p> <p>And all vehicles ULEV by 01/01/2030</p>
6A	<ul style="list-style-type: none"> • Age policy- strongly disagree • Consider enforcing a totally green policy by 2030 	
7	Ban 're-treads' as well as 10 year old tyre.	Possibly already covered by no second hand tyres proposal however additional wording would make it clear.
8	Age policy – Purchased 2014 vehicle in 2019 (5 year finance plan) which will need replacing by Jan 2023 in accordance with new policy- will still be paying for it but wont be able to use it.	
8a	Futher to previous comment at 8.	

	Propose 3 years when new upto 10 years old.	
9	<ul style="list-style-type: none"> Age Policy – objection to proposed amendment ULEV's – Waverley does not have the infrastructure 	ULEV does not mean all electric, many petrol / Diesel and hybrid cars meet the ULEV standard
10.	Less than 2 years old when 1 st licensed and no more than 8 years old	
11	Age Policy- Under 3 years when first licensed would make it too expensive to buy prestige luxury vehicles. Recommend 3 and a half or 4 years when first licensed,	
12.	Applaud the date of ULEV introduction but concerned re limited charging points	ULEV does not mean all electric, many petrol / Diesel and hybrid cars meet the ULEV standard
13	<p>Age Policy – objection – currently has ULEV vehicle that is 5 years old- Under 3 years old too expensive</p> <p>To many drivers in Farnham</p> <p>Written off vehicle proposal not clear</p> <p>Tinted windows- propose if fitted by manufacture is ok</p>	No written off vehicles of any category
14	Leave age policy as is but set a date for all vehicles to be electric by 2030.	
14A	<p>Further to previous comment at 14</p> <p>Grandfather rights for all current registered taxis and new age limits to come in for new vehicles. Personal opinion that working life of a taxi (withstanding its previous history) is about 3 years so will naturally demise.</p>	
14B	Further to previous comment at 14 and 14 a	
15	Age Policy – objection re cost and too many drivers to make ends meet. ULEV too expensive	
16.	<p>Age Policy- objection</p> <p>Propose 4 years when new to 8 years old</p>	
17.	Happy with new policy	
18.	<p>Age Policy – Fully support age policy but would bring in 7 years old sooner for existing vehicles as too many old vehicles</p> <p>ULEV- Excellent idea</p> <p>Other items raised, see response for full details</p>	
19	Age Policy – New vehicles 5 years old and allowed to be licensed for 7 years of use.	
20.	<p>Age Policy – reintroduction welcomed</p> <p>Door Signage for both HC and PHV vehicles so as to enable easier identification</p> <p>Other items raised, see response for full details</p>	

21.	Window tint- delighted at new proposal	
22.	Age Policy – Opposition to proposals but if must change have no age policy but vehicles to be ULEV Engine Size – remove requirement regarding engine size Window tinting – raised question of how can drivers check tinting	
23	Legislation requiring Community transport providers to obtain Operators Licence Waverley officers to establish hackney carriage main area of operation.	Legislation issues would need to be taken to relevant Gov Dept. All Waverley licensed H/C vehicles are able to ply for hire in Waverley Borough.
24	Age Policy – welcomed Lower emission vehicles welcomed Reduced fee for operators of low emmissions vehicles before cut off date.	Currently revieing fees with this in mind.
25.	Sent on behalf of 5 licensees Age Policy – Objection, leave policy as it is Door signage – Objection, no need for change, current plates satisfactory General cooments re costs - see response for full details	
26.	Suggestion that officers should licence a vehicle etc and put thenselves in the shoes of licensees - - see response for full	
27.	Age Policy – Objection, against proposal but if some age policy is introduced it should be phased in. Propose from 1 Sept 2020 new vehicles under 5 years and from 1 Sept 2022 to be under 4 years With max age of 10 years	
28.	Sent on behalf of 38 licensees Age Policy – Objection, Propose new vehicles under 5 years and licensed till 10 years old to come into force in 2023 with the ULEV. Window tinting – Propose Waverley purchase a light meter Request more random spot checks of vehicles.	

3. **Further Officer Proposed Changes to Hackney Carriage/Private Hire Licensing Policy**

A copy of the current Hackney Carriage Policy, with proposed amendments marked in colour, is attached at **Annexe 2**.

Officers have identified a further proposed suggestion that they would like to incorporate into the policy for clarification. The additional amendment (which has not been consulted on) is suggested to add clarity that the 'right to work' check also applies to Private Hire Operators.

With effect from 1 December 2016, the Council as licensing authority has a legal duty to ensure that driver and operator licences are only issued to applicants who have the right to work and hold a licence in the UK.

The law applies to everyone regardless of where individuals were born; how long they have lived in the UK and, of they already hold a driver or operator licence, for how long they have held that licence.

Guidance for licensing authorities to prevent illegal working in the taxi and private hire sector in England and Wales (January 2018) can be found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf

The proposal is to include the additional wording at page 25 Para 4

“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.”

4.0 Conclusion

- 4.1 The Committee is asked to consider the comments 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 and its Licensing Act Sub-Committees.

5.0. Recommendation

- 5.1. It is recommended that the Licensing and Regulatory Committee considers the feedback from the consultation of the draft Hackney Carriage and Private Hire Licensing Policy and agrees it, with or without amendments and make recommendations so that the final revised version of the Hackney Carriage and Private Hire Licensing Policy for Waverley can be approved and be formally adopted by the Council.

6.0 Reason for the recommendation(s)

6.1 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.

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

7.1 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.

8.0 **Implications of decision(s)**

8.1 **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.

8.2 **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.

8.3 **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 responses received following the consultation and to determine what (if any) changes to be made.

8.4 **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.

8.5 **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

8.6 **Consultation and engagement**

The recommended changes of the Taxi and Private Hire Licensing Policy set out above have been subject to consultation with the Taxi and Private Hire trade and the public before being finalised. The timetable for the consultation is set out in section 2.4 above

8.7 **Other options considered**

Other options considered are commented on throughout the report.

8.8 **Governance journey**

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

Annexes:¹

Annexe 1 - Written responses received in relation to the consultation.

Annexe 2 -A copy of the current Hackney Carriage Policy, with proposed amendments marked in colour

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.

CONTACT OFFICER:

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

Agreed and signed off by:

Legal Services: date 13032020

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

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CONSULTATION - REVIEW OF WAVERLEY BOROUGH COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND APPLICATION PROCESS - GIVE YOUR VIEWS BY 2nd MARCH 2020

Waverley's Hackney Carriage and Private Hire Licensing Policy was first adopted by the Council in 2010 with the last revised amendments adopted on 1st March 2018. Officers are now reviewing the current Hackney Carriage and Private Hire Licensing policy with a view to any new Policy updates being in place by April 2020.

The Council is now formally seeking your views on it. The Policy itself as amended is attached and can also be found at www.waverley.gov.uk/taxiconsultation . If this is not a convenient format for you a hard copy of the policy can be viewed at the Council's office in Godalming. Please contact this office on 01483 523219 if you have any issues accessing the policy.

The main amendments or introductions are;

- Requirement for all licensed drivers to subscribe to and maintain DBS service (page 14)
- Joint warranting (page 6 para 2)
- Private Hire Operators to have; (page 9 & 10)
 - i. Hold & maintain a register of all staff that have contact with the public etc.
 - ii. Be able to evidence that a Basic DBS check is in place for staff listed on the register.
- PHV Operators – Use of passenger carrying vehicles (PCV) licensed drivers – strictly forbidden. (page 10)
- Reintroduction of a vehicle age policy (page 19 & 22)
- Requirement for door signs on Private Hire Vehicles (page 23 para 29 & page 41 para 2a)
- Setting of a date for vehicles, new to licensing, to be Ultra Low Emission Vehicles (ULEV's) (page 19 & 22)
- Setting of a date for all vehicles to be Ultra Low Emission Vehicles (ULEV's) (pages 19 & 22)
- Refusal to licence written off vehicles (page 19)
- A condition prohibiting the use of second hand tyres or ones that are 10 years or more. (pages 38 para 9a & page 42 para 11a)
- Window tinting policy amendments (page 23 para, 25 page 39 para 13 & page 43 para13)

There are two ways that you may comment on the existing Policy or proposed changes, making sure that the comments arrive here not later than 02 March 2020:

1. You may email your comments to taxi@waverley.gov.uk or
2. You may write to us, sending your letter/form to the Licensing Section, Council Offices, The Bury's, Godalming, Surrey GU7 1HR.

All comments will then be placed before the relevant Licensing Committee on the 23 March 2020 for final consideration and approval, and it is intended that the policy as revised following this consultation will be in place by April 2020. The new policy will then be placed on Waverley's website.

The deadline for responses on this consultation is **02nd March 2020**. I look forward to hearing from you before then.

The amendments to the policy will also be on the agenda for discussion at the Taxi Liaison meeting on 12 February 2020 at 13.00.

Yours faithfully
Paul Hughes

RESPONSES

1.

Good afternoon

Thank you for your email about policy document.

My only thoughts are:

Age policy is a little bit harsh, going back to the old system of 4 years first license then upto 10 would be much fairer.

Also maybe consider HPI checks for vehicle and calibration certificates for meters.

Regards

2.

Window tinting has caused a few issues. All other surrounding borough allow factory privacy tints. What is the benefit of having non privacy tints most modern vehicles comes with factory tints which is legal.

I think written off vehicles cat n is safe as it's not structural damage. Also the vehicle has an inspection to deem it safe.

Most vehicles from 2013 onwards are compatible with the ulez.

Thanks & Regards,

3.

Hi I am taxi driver in farnham, my name is tajul islam. I have a complain about the current taxis licenses which the council are issuing it's one to many taxi drivers in farnham. I think it's about time

the council should limit the taxi licences. If one of your guys come and have look out side slugs and lattice how may drivers picking illegally plus castle street only 4 or 5 parking spaces you will see around 20 plus cars parking and blocking the road . Also the station taxi rank has only 8 parking spaces. But station also to blame they have issued 40 plus permits in the station if want give visit in the weekend or in the week days you are welcome. What I want to say give permit to only private hire only and stop issuing hackney carriage licence out. That's my opinion and to add one more thing is to many drivers from other boroughs, I also think you should issues licence to people who live within the waverley borough . And most importantly most cars are to old you should get a limit on how old the car should be. Please look in to it . Thanks.

4.

Dear Paul

Thank you for sending me the draft policy document. I will attend the meeting on the 12th but in the meantime I feel that I need to address the matter of the door signs. As you are aware, my work is almost exclusively tour work via an agency and, as with the plate and tinted windows policy, it would make my life difficult, if not impossible were a waiver / exemption policy not included within the main policy. I spoke to the agency today and they confirmed that I would not receive work were my vehicle to be adorned with the proposed door stickers.

As I said, I will attend the meeting on the 12th and I would add that I do understand the theory behind the policy amendment but unless an exemption can be applied for, it would mean that I would loose my "sole" income stream.

Yours

5.

Dear Mr Hughes

Operator

Having received the Waverley Borough Council email regarding proposed changes •Window tinting policy amendments (page 23 para, 25 page 39 para 13 & page 43 para13) The chauffeur industry throughout the UK and indeed worldwide has 2 requirements unmarked vehicles and factory tint on the rear windows. I cannot believe that Waverley Borough Council fails to recognise the importance of these requirements both for safety and privacy. Should you not allow us to continue then you will leave us no option than to move our business to Hart or Surrey Heath. I am hoping that it will not come to this and we can move on. One suggestion I would like to make is maybe to charge a fee for exemption which we would be happy to pay or have a Chauffeur Licence which has the package of Plate and Privacy glass written into it. Making a blanket decision across the Taxi and Private Hire industry is incorrect. Lets be clear this is Mercedes-Benz factory tint not LIMO tint or Tint Film.

We stand to lose all work for the following events should you change the laws:

The Brits

The Baftas

Film Premier's (Leicester square)

Government Bookings

Farnborough Airport Bookings

O2 Arena Artists

Wimbledon Players

England Rugby Union Players and Representatives

Royal Opera Artists

Summits (Commonwealth)

Film & Music Artists and there Agency's

Mclaren Motorsport

We would not survive this already hostile business should our vehicles not meet there requirements.

Kind Regards

6.

Good morning,

Thank you for the circulation with regard to proposed changes them age of vehicles eligible to be registered / licensed as a hackney carriage vehicle.

I would first ask why the suggested change of policy, management of the condition of vehicles is already managed through testing on a six monthly basis and surely the condition and mechanical condition is more important than the age of any vehicle. I would suggest that a vehicle of under two years of age could have in fact covered more miles than an older vehicle. The age restriction in my mind only means that a large proportion of vehicles currently registered will have to be replaced and will, I feel have a Hugh adverse effect on the ability for a large numbers of drivers to trade.

Secondly two dates are quoted for the sole use of low emission vehicles 1/1/2023 and then 1/1/2030 which one is correct. Can I suggest that a better policy would be that all vehicles need to be low emission vehicles as of the 01/01/2030, this would allow all current vehicles currently in use to be naturally replaced with appropriate vehicles within a more appropriate time. I think the current policy of no age limit would allow also for all vehicles to be replaced in future with low emission vehicles bringing the carbon aim a lot closer voluntarily and hopefully allowing a smooth transition in 2030.

I would appreciate your comments.

Kind regards

6A.

Good morning having given this matter further thought, can I firstly ask if these amendments or whatever amendments are made to council policy are enforced when will be the next review date be. I need this information to try and future proof my business in essence if the age requirement is enforced which I strongly disagree with, this will lead to me having to replace both of my vehicles in the next 2 years. Has consideration been given to enforcing a totally green fleet of electric taxis to be enforced by 2030. I believe such a policy would allow all businesses to adapt their fleet over the next ten years and for the council to promote a green policy and to provide appropriate charging points. I strongly challenge the differing policy in relation to age of vehicles as this is in essence a change from initially 10 years old to no age limit then a reversal which is even more constricting.

Kind regards

7.

Dear Paul,

It seems like your considerations cover the important topics but in addition to the stipulations about new tyres only to be fitted and the age of tyres, I would like to see the use of "re-treads" banned.

On the roadsides, I see retreads that have come off the vehicle, surely making the vehicle illegal and unsafe.

Also tinted glass should not be allowed (but that me already be in the document) Regards Cllr
George Hesse Farnham Castle

8.

Dear Paul,

I'm writing this email today to give you my views regarding the newly drafted policy.

I have purchased and licensed my current vehicle in June last year. I have a 14 reg Volkswagen Sharan on HP finance of 5 years period which will end on June 2014.

According to the newly drafted policy, I have to change my vehicle by the 1st of January 2023. So, can I still pay for my current vehicle finance outstanding balance and I'm pushed to go and buy a new vehicle? When I'm able to use my current vehicle. And will allow me to earn money and clear my remaining balance and I also have other daily/monthly bills to pay for?

Could you please let me know what's my options regarding my current vehicle?

I look forward to hearing from you.

Kind regards,

8A.

Dear Paul,

Thank for your email and also your phone call today.

Following our conversation today I would like to append a new comment regarding the new proposed policy and also could you please pass it on to the next committee meeting.

I do like and accept the idea of bringing in a new vehicle with a maximum of 3 years old, but I do reject the idea of keeping the vehicles only for a maximum of 7 years old in duration. This new proposed policy will affect dozens of drivers including myself. Especially if is your vehicle under HP agreement. My proposed idea which I'm aware that lots of drivers are happy with is to keep the vehicles to a maximum of 10 years old.

Thus, the perfect policy will be licensing a new vehicle to a maximum of 3 years old and last only for 10 years from the first date of registration.

I look forward to hearing from you.

9.

With reference to the proposed vehicle age limit, as you should recall this was only amended in 2018 to a no age limit, what I want to know is why are you proposing to change it after only two years?

Drivers are finding it hard enough to make ends meet without worrying about having to replace their vehicle every seven years,if the testing centre does their job properly and takes cars off the road when they are not up to standard, I don't see what the problem is.

You may recall we had a petition about the age policy with over 50 signatures,as for wanting ULEVs, where is the infrastructure to support this, there are no charging points in Farnham, are you as a Council going to provide them on Taxi ranks bearing in mind all the cars in Farnham, there are only 7 bays at any one time,4 in Castle Street and 3 on West Street (when not occupied by private cars and vans) it's all well and good you wanting drivers to change, what incentive is there when the roads in Farnham are so bad that repairs are costing a fortune.

I hope as a Council you will see that changing the age policy will cause a lot of hardship for most of the drivers, please leave it as it is and take this as an objection to the proposed amendment.

10.

Thanks for your email I have the following opinions

1. Any car should be less than 2 years old for 1st plate as a taxi.
2. Any taxi shouldn't be as a taxi more than 8 years old.
3. To have a New driver license should be some more knowledge test like Rushmoor Borough and Guildford Borough does.

Regards

11.

Hi Paul

My badge No.: , Private Hire plate :

My only comments on the review are about the proposed age policy for vehicles when first offered for a licence.

Many private hire customers appreciate travelling in a prestige branded luxury vehicle. The adoption of an "under three year old, when first licensed ,policy " will preclude many drivers from buying such vehicles on grounds of non-affordability.

I don't drive a prestige vehicle myself but a " 3 year old " policy, would limit my choice when replacing my car.

There are many cars available on the used car market that are JUST OVER 3 years old because lease company & PCP agreements most commonly, run from new to 3 years old. There are far fewer cars available, just under 3 years old.

I suggest that a limit of three & a half or four years old would help most drivers & the quality of the "taxi stock " would still be very good.

That would probably still not be good enough for the "Prestige drivers". The luxury brands can still look immaculate & be reliable at far greater ages.

The quality of the " prestige private hire vehicle " stock will inevitably be diminished if you take the "3 year old " decision.

I hope these points can be considered.

12.

Dear Paul,

I applaud the introduction of the date by which only ULEV will be registered for this policy. However, this will require many more charging points in the street and at destinations like stations, airports, shopping centres, hospitals. What arrangements are being made to liaise with such organisations to co-ordinate the introduction of fast charging points in places other than public car parks.

Of course most taxi and private hire drivers will want to recharge at home. But not every one will be able to afford installing such private charging points or indeed be living where this is practical. We can only hope the Chancellor covers this point in the budget and proves to be more generous than previously.

Best wishes with this policy.

Cllr Heather Hullah

P.S. I own an electric car

13.

Good Evening,

In response to the email I received regarding the new taxi policy, I would like to voice my opinion and ask a few questions.

My main concern is the age limit on vehicles being 3 years from April. I agree completely to aiming for everyone to have a vehicle that is a ULEV, However I would like to ask the question as to why it has to be no older than 3 years old? My current vehicle is an ULEV and is 5 years old. Buying a car that is no older than 3 years is really expensive and would have a major impact on myself and I'm sure everyone else, to the degree that I would have to consider my future as a taxi driver. It is really difficult at the moment, every year everything goes up in price including your prices, but the meter price has stayed the same. Please can I point out that I don't want an increase at the moment as taxis are already way to expensive.

There has been a massive increase in the number of drivers, so many, that this past Friday I couldn't get on any taxi rank in Farnham. Castle street was full and queuing up to almost the Nelson Pub. West street had 3 taxis on and the station was full with 6 extra taxis in the bus lay-by. Oh and I nearly forgot about the artificial rank outside of the slug and lettuce. I work long hours everyday just trying to survive, I could earn more money a week working at Sainsburys and have all the benefits that come with it, sick pay holiday pay etc. I'm only talking about Farnham, I know it's only a small part of Waverly but it must be bad elsewhere as lots of drivers from Godalming and Haslemere are coming here throughout the week.

If the 3 year age limit is applied it will be forcing people to become more in debt and have a major impact on drivers mental health, the amount of working hours will have to increase just to survive. I also think that at the moment a lot of people have bought Mercedes which are better vehicles a 3 year old Mercedes is well out of most drivers price range and so you will end up with drivers replacing their vehicles with cheaper vehicles that have higher mileage.

Good vehicles to buy are ones that have been leased out however these would be no longer available as lease periods are normally 3 years and so then the vehicle would be too old for a taxi under the proposed new rules.

The policy about not using written off vehicles is not very clear do you mean all cats?

The tinted window policy has made it extremely difficult to purchase a vehicle if you are to keep it at a certain percentage it needs to be made easier somehow for when purchasing a vehicle. Why can't you allow windows that have been in the vehicle from manufacture?

I am fully supportive of working together with Waverly borough council to benefit the environment and the public and I have a few suggestions for the new policy.

All new vehicles from April 1st 2020 should be ULEVs

All vehicles should have the facility to take electronic payments

No need to look at a fare increase at the moment (unless you bring in the 3 Year old age policy)

So to summarise:-

Why are you changing the policy now when the current policy doesn't expire to 2023?

Why are you changing the age of vehicles?

Why are you changing the window tint to 22% and not just to manufactured standard glass?

What's the reason for stopping previously written off vehicles from being tested if they have been fixed and declared as being repaired satisfactorily?

Can you put a cap on the number of vehicles in Waverley?

I would appreciate if these questions could be discussed and answered in the liaison meeting on the 12th February.

Many thanks

Regards

14.

Good morning

Can I please raise an issue in line with the forthcoming suggested policy change, could it be considered that in line with the latest government policy on vehicle usage that Waverley leaves the present policy in force and a target date be set of 2030 for all taxis to be electric 5 years in advance of the government policy. This would allow natural wastage of all present taxis and the installation of charging points at the ranks across Waverley. This I believe will have a two fold effect of allowing a small revenue for the council for sale of electricity at such units and encourage a greener fleet.

Regards

14A.

Hi

Final suggestion for inclusion on the debate which I believe would keep all of the drivers happy, so here goes, give all present taxis registered grandfather rights to be operated under the present provisions as in no age limit etc, but with immediate effect for the new age limits to come into force. Therefore the wish to restrict older cars coming to the trade would be effective immediately. In order to control the possible ageing fleet to introduce a condition that the vehicle is kept to a certain standard with an appeal process in force as this would be obviously subjective. With this stance also a policy as previously suggested an overall policy of projected all electric vehicles by 2030. I believe that the life of a working taxi, notwithstanding its previous history is only about

three years therefore any older cars will naturally demise within that time only extending your suggested time policy by 12 months e.g. 2023 rather than 2022.

If the policy should be adopted as suggested I believe that as of 2022 nearly all of the currently Running taxis in Godalming would breach the 7 year age limit and therefore reduce available options for the residents of Godalming.

Kind regards

14C.

Hi

Having attended the meeting today I would like to put forward the following suggestions which I believe would give the benefit that the council requires and would be acceptable to current trading drivers.

1. With a view to allowing current drivers to continue to trade and plan for the future, that all currently licensed be allowed to be used in line with current policy e.g no age limit. (Grandfather rights).
2. That the current policy with effect to inspection be adjusted, for example that all tyres should have a minimum depth above current MOT allowances and that advisory's be required to be repaired /addressed priory to a further inspection say in one month. Failure to comply would require that the plate be revoked. This will therefore mean that older vehicles are no more economically viable and slowly reduce the older vehicles.
3. That the proposed age change e.g max 3 to 7 years comes into effect immediately ,therefore stopping the increase of older vehicles and making it harder to register in the Waverley area, this would have a two fold effect by reducing any increasing fleet and controlling future requests and hopefully increasing trade for current drivers.

I would suggest this policy would be acceptable to all at the meeting, as all other suggested changes met with very little opposition, again the main problem being the age change suggested.

Kind regards

15.

Hello

With reference to your recent email regarding the proposed changes to your licencing policy my main concern is the reintroduction of the age policy.

Firstly I feel that Waverley Borough Council have no idea how hard it is to make a living as a taxi driver. This is mainly due to the fact that they will not cap the number of licences issued because 'everyone has the right to earn a living'. No other organisation creates jobs for this reason. If there

isn't a vacancy then you have to go elsewhere. By doing this you are actually making it extremely difficult for drivers to make ends meet without working unsafe hours and by introducing this policy would actually put a lot of people out of work!

I don't know how you expect drivers to be able to afford to replace their vehicles once they get to 7 years old with a new car that is less than 3 years old?

I personally will only finish paying for my current car in May 2022 and at that point it will be 7 years old so would then only be licensed until December 2022. I would then not be expecting to have to start all over again with a new car so soon. As long as it passes the relevant tests then I don't see what the problem is?

You are also saying that it would have to be an ULEV which is very expensive and again would only be licensed for 7 years. Where is the incentive to do this?

16.

Waverley Borough Council licensing

I understand the council are considering a fare increase for Waverley drivers.

I propose an increase of 20 pence on tariff one.

Basic fare £3.60 Charge for any distance not exceeding. 11/13 of a mile (1489.2 yards, 1361.7 metres)

For each subsequent thirteenth (1/13) of a mile (135.3 yards

Waiting time to remain the same £18 per hour. Pro-rata with all the other tariffs.

With the vehicle age policy the council are proposing, I would suggest allowing vehicles to be licence up to the age of 4 years rather than only 3 years old. Leasing companies tend to sell a lot of their fleet cars once they reach 3 years old making these vehicles too old to be licensed with Waverley Borough Council. In addition to this from having an open vehicle age policy and restricting it to only 7 years I would suggest 8 years would be more appropriate.

17.

This email is to provide feedback from Busbridge Parish Council on the new licensing policy.

Busbridge Parish Council is happy with the new policy

Regards

Busbridge parish clerk

18.

Dear Mr Hughes,

Please find below my response to and suggestions regarding the consultation; plus some additional observations which I would like you to bring to the attention of the licensing committee when they next meet to review the licensing policy to 2025.

1. "From 01 April 2020 a vehicle submitted, for a new vehicle application for licence must be under 3 years old from date of first registration. Once licensed a vehicle may continue to be licensed up to the 7th anniversary of first registration. Once any vehicle reaches 5 years of age, it becomes subject to 6-monthly tests." – excellent idea. I fully support this proposal. How will the council conduct the 6 monthly test?
2. "Existing licensed vehicles that are over 7 year old, or that will become over 7 years old can continue to be licensed until the 31 December 2022. From 01 Jan 2023 a vehicle will not be licensed if it is 7 years old or more from date of first registration." – not a good idea. Some cars (Hackney and Private Hire) are very old indeed. I suggest: vehicles should only be licensed until 31 December 2021. From 1 Jan. 2022 a vehicle will not be licensed if it is 7 years old...
3. "From 01 January 2023 a vehicle submitted, for a new application, to licence must be an Ultra Low Emission Vehicles (ULEV)..." – excellent idea.
4. Clause 27: "Private Hire vehicles shall be of a suitable type, size and design" – how are these terms defined exactly? What is a 'suitable type etc'?"
5. p. 28 the penalty points scheme: is this different to penalty points under the normal Road Traffic Act 1988 – DVLA recorded scheme? Or this is Waverley's own scheme under the bylaws and secondary legislation issued by Waverley B. Council? Who actually 'awards' these points? Do other councils do the same? Is the Woking or Guildford penalty points scheme the same? Is there a national register or data base? Can drivers simply ignore these points as they work in another borough?
6. Could the Council please ensure that all operators have an office within the Waverley boundaries. This review should take place annually or at least every two years.
7. The Knowledge test: your document is silent about 'good use of written and verbal English' as a requirement to pass the test. Is the test multiple choice? Is no reasonable English required?
8. it is my understanding that the knowledge test (Waverley) is taken by each driver only once; how does the Council ensure that each driver who might have taken the Waverley Knowledge many years ago is still a fit and proper person? Should each driver not (re) take the knowledge test every four years?
9. Can the Council ensure that drivers who have had their licence revoked in another borough, e.g. Woking, Guildford or further afield, should not be able to apply for a hackney or private hire licence in Waverley.

10. Could the Council consider introducing a taxi rank situated in Godalming High Street e.g. outside the Fat Face shop – and remove the rank at the Crown Court carpark (old Waitrose carpark).
11. DBS (enhanced) checks: whilst new drivers have to undergo these checks – does the licensing committee/ Council check existing drivers' DBS (enhanced) certificates?
12. How does the Council make sure that badges/ DBS/ drivers' own badges/ on cars etc. are not forged or fake documents (i.e. lazer copies)?
13. How often are drivers' documents checked by the Council's Licensing Committee? Are there spot checks or does the council rely only on 'tip offs'?
14. "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..." – why do you use the conditional tense here? Why not make it clear: "the applicant will have to..."?
15. "Mandatory CSE and safeguarding training for taxi and private hire drivers. The training would include how to spot signs of child sexual exploitation" – excellent idea; whilst the Council is requiring all new drivers to undergo this training, what about existing drivers?
16. Once a driver has had 'child exploitation' training – what happens then? It is not only sexual exploitation but also county lines/ drug delivery etc. exploitation.
17. What sanctions are in place if a driver engages in the facilitation of child exploitation?
18. Annexe 6 para 4.3 notification: "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." How often does the Council check that this has been done?
19. Para 9.3: "A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence." Why is the word 'normally' in the text? Why not "a licence will not be granted" -
20. Overall the various policy clauses contain too many conditional tense – terms (may, would, could etc) – also featuring the word 'normally' or 'usually' – which provides a 'get out clause' for drivers and operators.

I look forward to feedback from you once these items have been discussed by the committee.

Yours sincerely

19.

Dear sirs

Here is my opinion regarding 12th feb meeting relating to the age of vehicle.

When we buy vehicle for taxi please allow us at least 5 years old after getting plate it should be allowed for 7 years to use in taxi.

Thank you

Kind regards

20.

Hi Paul,

I hope you are well.

Thank you for advising me on the Waverly Policy Review, and the opportunity to make comments.

As Guildford is one of the Authorities who have seen a number of our drivers migrate to Waverly, I am grateful that this and the need to act is recognised.

As such, moves to reintroduce an age limit are welcome. The report also mentions use of door signage and I would recommend this for both hackney carriages and PHVs so as to enable easier identification and enforcement.

Otherwise, for vehicles and operators the measures proposed are welcome.

For drivers you are proposing the safeguarding course and driving assessment. There does not appear to be any proposal for drivers to complete a knowledge test or equalities training as recommended by the draft s.177 guidance. For this reason, I would recommend that you require a BTEC in The Introduction of the Role of the Professional Taxi and Private Hire Driver (details on our website). This would cover the English, knowledge of legislation and equality issues, amongst other things and help with improving customer service in the trade.

I hope that this is of assistance.

Regards...Mike

Mike Smith

Licensing Team Leader

Regulatory Services

21.

Dear Taxi Licensing,

I wish to express my delight in the proposal for the amendment to the current Window-tinting policy.

I have for a while wished to apply for a Hackney Carriage licence, but have not been able to due to factory fitted tinted windows and the need to uphold privacy for wheelchair users.

I would be very pleased if I could be informed of the earliest date that I may submit my application to transfer from Private Hire licence to HackneyCarriage licence.

Thank you for your attention,

22.

Opposition to some changes to the taxi licensing

Why does there have to be an age restriction on vehicles, as long as they pass the stringent taxi test?

When some people bought their current car to be used as a taxi, like myself, we planned ahead and went for something that was going to last if we spent good money on it, but now having to face getting rid of the car a lot sooner than anticipated. If these new rules go ahead, who is going to invest a serious amount of money to buy, and indeed to run, knowing you're not going to get anything back from it after 7 years of age? I predict some people will probably get the cheapest car, which could well be unrefined, uncomfortable and quite possibly unreliable, and spend as little as they possibly can on it knowing they have to get rid of it regardless when it is 7 years old.

Surely by forcing people to buy new or newer vehicles, and potentially scrapping their current ones could well be causing greater, unnecessary environmental damage due to the materials and energy used in manufacturing new cars.

Other scenarios to consider,

What about people who have just bought a car, say within the last 6 to 12 months to be used as a taxi and got a loan or HP contract to buy the car, who will now be under financial stress or hardship because of these proposed new rules?

What if you buy a 3 year old car, due to financial restraints (as not a lot of people can afford a new or even a nearly new car), and the car has a catastrophic problem rendering it useless, but cannot afford to fix it or buy a replacement vehicle yet again?

Why can't new taxis just be ULEZ compliant? By means of progress anyway, all cars from 2015 have to meet ULEZ regulations, so older cars will gradually die off (unless they are classic cars, which wouldn't be used as taxis anyway)

If there really HAS TO BE A CHANGE, which I personally am against, my possible suggestion.....

No age limitations. All new car applications must be ULEZ compliant, and existing taxis can still be used until they are changed and then they too must be ULEZ compliant. (ULEZ complaint being Euro 4 for petrol and Euro 6 for diesel)

This way it would ease any possible financial hardship in the future.

Personally, I'm all for public safety, but I also believe in enforcing current regulations on drivers and driving standards should be priority, before vehicle changes.

From 01 January 2030 Waverley will only accept new applications and renewals for vehicles which are ULEV.

On the Electric car front, from 2030, what will Waverley BC set up of electric charging points be like? Coverage? Costs? Has this already been thought out?

Vehicle engine size.

As the environmental issue is being brought up, why is there still a limit on a vehicles engine size? Nowadays, manufacturers are bringing out smaller, less polluting engines, so I feel this also needs addressing.

Window tinting

Tinted Windows. All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows, which states that as a minimum: 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. Waverley also requires that vehicles will only be considered suitable where all rear windows allow at least 22% of light to be transmitted through them.

With regards to window tinting, when it comes to sourcing a replacement taxi, and according to the new proposed regulations, how will anyone know if the tinted windows, which come from the factory as such, will have the right level of tinting? As I for one, don't have a "light % detecting" appliance to check this, so is there a code on windows that can be looked up to determine just how much tinting/allowing light through?

Regards,

23.

Good Morning

The Parish Council has considered the Hackney Carriage and Private Hire Licensing Policy and Application Process consultation document and would like to make the following comments:

- The Parish Council is extremely concerned about the change in legislation that now requires community transport providers to obtain commercial operators' licences with the associated costs. This will impact their ability to serve those who cannot access public transport due to reasons such as social isolation, mobility issues or a disability.
- The Council recognises that whilst hackney carriages are private businesses when considering their licence application at interview, please can Waverley officers establish the hackney carriage main area of operation, and the company name. For instance one would assume that a hackney carriage business called Godalming taxis would operate mainly around Godalming. This is important as hackney carriages can be hailed from the street and it should be obvious to clients that they are hailing a taxi serving their destination.

Kind Regards

Cranleigh Parish Clerk

24.

Thank you for the consultation.

The proposals to restrict vehicle age and encourage lower emission vehicles are welcome and consistent with the need to reduce emissions and improve air quality in Waverley.

It is suggested that further consideration could be given to how to fund rapid chargers at taxi ranks to support these proposals.

A reduced application fee for operators using lower emission vehicles might also be considered, to encourage uptake prior to the cut-off dates outlined in the policy.

Regards,

Holly Appleton

Environmental Health Officer – Air Quality

25.

Reference review of:

Waverley Borough Council's Hackney Carriage and Private Hire Licensing Policy and Application Process

Dear Mr Hughes,

Please find below the views of members of the association, whose names and badge numbers are listed at the end of this letter.

Vehicle age policy.

We disagree with the reintroduction of a vehicle age policy as suggested.

If operators are forced to buy vehicles which are under 3 years old from date of first registration it forces the price of the vehicle up considerably. Many vehicles which operators purchase are just over 3 years old, these vehicles have just finished their initial 3 year lease and can be cheaper to purchase. In the main they will have been on lease or personal car plan and be main dealer serviced and maintained. Many operators can only afford to buy a car on a personal loan, or other types of finance, often over 5 years. By shortening the service life to potentially 4 years operators could permanently be in debt.

If a vehicle passes the council test we see no reason why the vehicle cannot be licensed indefinitely.

We would urge the council to leave the age policy as it is now.

More notice must be given if age policy is to be introduced, many drivers plan years ahead for replacing their vehicles.

If there is to be any changes made then 'grandfather' rights should be given to existing vehicles.

Private hire vehicles additional door signage

Private hire operators do not want this introduction. The current plate on the rear and front screen display should be adequate. Maybe a subtle disc in the rear screen similar to the PCO vehicles. Many customers get a private hire vehicle as they want a certain level of understated service and the appearance of arriving at their business meeting in a chauffeured vehicle. We can't see the reason for this change.

Tinted Windows.

The suggested amendment, below, needs to be simpler to understand so an operator can buy a standard manufactured vehicle knowing it will comply.

We would suggest that standard factory fitted glass would suffice.

All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows, which states that as a minimum:

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.

Waverley also requires that vehicles will only be considered suitable where all rear windows allow at least 22% of light to be transmitted through them.

Tinted films applied to the vehicle windows (after manufacture) are not permitted.

General comments

Many of the planned amendments will add considerable costs to operators and by doing this will put licensed operators under considerably more pressure, in what is an ever increasingly competitive market. Our costs are increasing every year from WBC, South Western Railways, servicing costs, insurance premiums to name a few, and we have not had a fare increase for many years.

What we don't want to happen is to risk more operators working 'under the radar'. This is already happening, and nothing is being done to stop it.

It is alleged some operators buy cars, or lease on a personal car plan, and then before council tests or MOT's, have the mileage 'corrected' so the vehicle would appear to have done less miles than it actually has. This artificially and illegally inflates the resale value of the car and deceives future owners as to the previous life of the vehicle.

I am sure WBC knows how many miles a full time operator would average in a year to earn a living out of taxi driving, anything less should be questioned.

Please consider the above points when reaching your decision.

Yours sincerely,

5 names typed on letter (2 of whom have also submitted personal responses)

26.

additional comments to proposed licensing policy

If you at the council want to understand what is like for us operating taxis, Before bringing in nonsensical and draconian regulations that could potentially be disastrous for us and for yourselves, and to show how hard we work for sometimes not a lot, I respectfully suggest that the Council go and buy a car of the sort/style that we use, get it licensed, put one of your staff in it as a licenced driver, they work their 40 hour week, you pay the drivers salary, tax and N.I contributions licence fees insurance servicing/maintenance costs, run that car independently as a taxi, as we do, come and work with us at Haslemere station taxi rank. After six months I think you will find that that car has done a lot of miles, cost a lot of money to licence and maintain And you will also find there not a huge amount to made operating a taxi, I think you will find that at the end of six months the driver will hate the job and you, the council will be several thousands of pounds out of pocket, If you do this as an experiment to understand what it like for us, then you may begin to understand our fears about your proposals, be aware that on top of our licence fee, there is an additional licence fee of £500 per car payable annually to south western railway allowing us to ply for hire on their property

27.

Proposed changes to vehicle age policy

I believe that introducing a 3 year old age limit for newly licenced vehicles to be rather restrictive as it ignores a market which I & several of my colleges explore when looking to replace our vehicles, Vehicles that become available on the second hand market when they reach the end of there PCP or Mobility contracts are a good source of low mileage dealer maintained vehicles of a high standard suitable for licencing, This source would be lost under the current proposal.

I also think the change from the current policy to the proposed policy to be quite dramatic & would suggest that any policy changes should be phased in over a period of time to soften its impact to licencees

I appreciate Waverley Borough Councils Position as regards Vehicle safety standards, & although I do not fully agree that a older vehicle is any less safe than a newer one, the newer vehicle is more likely to have more modern safety systems fitted, we must also consider the publics perception of 'newer vehicles being safer ' even if we do not entirely agree ! The public will probably feel safer in more modern vehicles.

Waverley must also do its bit for the environment & its policies must reflect a need to reduce harmful emissions & we should all do our bit wherever possible.

I Propose the following as an alternative for the licencing committee to consider:

From 1st September 2020 all newly licenced vehicles to be 5 Years old or younger at first registration
(this will ensure all vehicles newly licenced will meet the current ULEZ (Euro 6) standard)

From 1st September 2022 all newly licenced vehicles to be 4 Years old or younger at first registration

This should mean that if the new Euro 7 standard is introduced this year as expected (most likely to be 1st September) all newly licenced vehicles from September 2024 will meet this standard

Furthermore I think that it would be acceptable to licence vehicle up to the 10th anniversary of first registration subject to twice yearly testing when reaching the 5th anniversary of first registration (I believe a 7 year maximum age policy to be unnecessarily restrictive

28.

Dear Sir,

Reference: Proposed Policy Change 1ST April 2020/31ST March 2025

Please find attached a list of signatories who are principally opposed to the proposed policy changes, as of your document referenced above, for the following reasons.

To make a change to the age of policy from currently, no age limitations which has only been in force for 4 years, to proposed introduction of new vehicles being submitted for licencing having to be three years and younger as of the 1st April 2020, with a life time of 7 years, gives any new intended purchaser very little time in which to make that purchase. This would have a detrimental effect on Taxi drivers business plans, as they would subsequently incur higher costs in the purchase of any such vehicles.

We would like to propose, that the age of vehicle policy be firstly changed to 5 years and younger, with a life time of 10 years from 1st registration, and secondly for this to be delayed until 2023 to then coincide with the ULEV policy that it also proposed for that date of 1st January 2023. We are aware in Farnham that the majority of @Taxis fall into the age group 5/10 years old, as it is with the

largest group within Waverley. This proposal would allow Taxi drivers to have time to adjust their business plans and prepare for changes on 1st January 2020 and not 1st April 2020.

Whilst not part of the consultation directly, could it be proposed that Waverley Licencing have, in their possession, a light meter that could be used by ~Taxi drivers, when buying vehicle with tinted glass, to ensure it meets with your requirements prior to committing to a purchase. Coupled with the above, could it be that more random spot checks are carried out within the Borough to eliminate border line illegalities of licensed vehicles.

We respectfully submit this for your consultation and consideration in due course.

38 Signatures from licensed drivers (3 of whom have also submitted personal responses)

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Hackney Carriage and Private Hire Licensing
Policy and Application Process



Effect Period
01 APRIL 2020 to 31 MARCH 2025

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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	✗	✓
Must display signage regarding Pre-Booked Journeys Only	✗	✓

1. Information sharing

Information which is given to or obtained by the Council in processing a vehicle/driver/operator licence or whilst carrying out the licensing function, may be shared with others. This may include the Police, Immigration, DEFRA (air quality data), DBS, DVLA, DWP, HRMC, Home Office, other Councils, NAFAN and others to prevent and detect crime or with other lawful authority. All applicants for licences will sign a declaration which includes acceptance of information sharing.

2. Joint Warranting (**NOTE:Subject to approval by Council**)

The Council have delegated the Taxi and Private Hire enforcement functions under the legislation, set out below at 2a, to the Surrey local licensing authorities (also set out in 2a), in addition to retaining those functions within the Borough and to similarly receive the delegated Taxi and Private Hire enforcement functions of those local authorities. This enables improved enforcement of the taxi and private hire trade across the County and improves safety within the licensed hackney carriage and private hire vehicle service operating in Surrey

2a.

Functions 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
- Woking Borough Council

3. 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 online check 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.

4. 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.

5. 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 staff with a conviction for offences detailed in our Conviction policy, attached at Annexe 6, (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.

In relation to PHV Operators, the use of passenger service vehicles (PSV) licensed drivers is 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 guidance on registering as a data controller and how to meet legal obligations

A private hire operator is a person, partnership or company licensed to take bookings and send licensed vehicles and drivers to undertake the pre-booked work. **He or she must have an office within the Waverley boundaries. Any existing Operators base that has previously been granted (pre Oct 2019) that is outside the boundary are afforded granted grandfather rights. However any future 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.

6. 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

7. 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; **Hackney Carriage Fare and process currently under review**).

8. 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.

9. 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 the children & 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 must subscribe and maintain to the DBS online update service.

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 for renewal is submitted. It is not anticipated that further DBS renewal paper applications will be submitted on their behalf beyond March 2023,

Drivers will be required to provide the DBS certificate, if a driver is unable to do this they are at risk of suspension or revocation.

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.

For new applicants without an existing DBS subscription a DBS 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 they 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 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 wheelchair accessible vehicle you would have to pass an extra part of the test specific to using a wheelchair 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 Once officers have received all the completed relevant documentation they will contact the applicant to arrange for an interview with Council's officers. The applicant will be asked to explain what they understand about driving a taxi or a private hire vehicle and general questions regarding Waverley's Hackney Carriage/Private Hire Policy. 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

From 01 April 2020 Waverley will not accept any new applications for vehicles that have been written off by an insurance company.

Age of the vehicle

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From 01 April 2020 a vehicle submitted, for a new vehicle application for licence must be under 3 years old from date of first registration. Once licensed a vehicle may continue to be licensed up to the 7th anniversary of first registration. Once any vehicle reaches 5 years of age, it becomes subject to 6-monthly tests.

Existing licensed vehicles that are over 7 year old, or that will become over 7 years old can continue to be licensed until the 31 December 2022. From 01 Jan 2023 a vehicle will not be licensed if it is 7 years old or more from date of first registration.

From 01 January 2023 a vehicle submitted, for a new application, to licence must be an Ultra Low Emission Vehicles (ULEV), as defined by the Vehicle Certification Agency.

<https://www.vehicle-certification-agency.gov.uk/fcb/ulev.asp>

From 01 January 2030 Waverley will only accept new applications and renewals for vehicles which are ULEV.

Wheelchair accessible and speciality vehicles can apply for exemption from the standard age policy on a case by case basis.

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. As from 01 April 2020 a vehicle submitted, for a new application, to licence will be under 3 years old. Once licensed a vehicle may continue to be licensed up to the 7th anniversary of first registration. Once any vehicle reaches 5 years of age, it becomes subject to 6-monthly tests.

From 01 January 2023 a vehicle submitted, for a new application, to licence must be an Ultra Low Emission Vehicles (ULEV).

From 01 January 2030 all vehicles will be Ultra Low Emission Vehicles (ULEV).

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. **Tinted Windows.** All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows, which states that as a minimum:

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.

Waverley also requires that vehicles will only be considered suitable where all rear windows allow at least 22% of light to be transmitted through them.

Tinted films applied to the vehicle windows (after manufacture) are not permitted

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) or as stated in 29 below.
29. A sign of a style approved by the Council bearing the words "Licensed Private Hire Vehicle Waverley Borough Council" shall be displayed on

each front door of the vehicle. The sign shall also bear the words "This Vehicle must be pre-booked".

30. 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).
31. 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.
32. 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.
33. 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.

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.

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 Annexe 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 misdemeanors 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 dependent 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, e.g. bald tires, 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 [Part 12 chapter 1 of the Equality Act 2010](#)

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 Part 12 chapter 1 of the Equality Act 2010.

- (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 the Equality Act 2010**
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

- 9a. Second hand tyres and/or tyres that are 10 years old or more from manufacture are prohibited from being used on the vehicle or carried as a spare.

Advertising

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.

Vehicle Cleanliness

12. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the Council.

Window Tinting

13. **Tinted Windows.** All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows, which states that as a minimum:

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.

Waverley also requires that vehicles will only be considered suitable where all rear windows allow at least 22% of light to be transmitted through them.

25. Tinted films applied to the vehicle windows (after manufacture) are not permitted

Vehicle Damage

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. 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.
- 2a. A sign of a style approved by the Council bearing the words "Licensed Private Hire Vehicle Waverley Borough Council" shall be displayed on each front door of the vehicle. The sign shall also bear the words "This Vehicle must be pre-booked".
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.

Advertising

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 & 2a 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.
- 11a. Second hand tyres and/or tyres that are 10 years old or more from manufacture are prohibited from being used on the vehicle or carried as a spare

Window Tinting

13. **Tinted Windows.** All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows, which states that as a minimum:
 - 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.

Waverley also requires that vehicles will only be considered suitable where all rear windows allow at least 22% of light to be transmitted through them.

Tinted films applied to the vehicle windows (after manufacture) are not permitted

Vehicle Damage

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 Police (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

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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 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 form/failing to provide relevant information or the relevant fee (including dishonoured cheques)	6	✓	✓
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	✓	

<u>PENALTY POINTS SCHEME</u>	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
14	Unsatisfactory appearance of driver	3	✓	
15	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer	6	✓	
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	✓	✓

<u>PENALTY POINTS SCHEME</u>	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
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	✓	✓
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	✓	

<u>PENALTY POINTS SCHEME</u>	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
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	✓	✓
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 (e.g. 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) It 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)
was hereunto affixed in the)
presence of: -)

(Sgd) M C V ALLCHIN
Member

(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

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

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