

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

When calling please ask for:

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Calls may be recorded for training or monitoring

Date: 19 February 2021

Membership of the Licensing and Regulatory Committee

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

Cllr Jerry Hyman
Cllr Peter Isherwood
Cllr Anna James
Cllr Jacquie Keen
Cllr Michaela Martin
Cllr Ruth Reed

Substitutes

Cllr Steve Cosser
Cllr Jenny Else

Cllr Joan Heagin
Cllr John Ward

Members who are unable to attend this meeting must submit apologies by the end of Monday, 22 February 2021 to enable a substitute to be arranged.

Dear Councillors

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

DATE: MONDAY, 1 MARCH 2021

TIME: 10.00 AM

PLACE:

The Agenda for the meeting is set out below.

The meeting can be viewed remotely in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, via the Council's YouTube page.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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This meeting will be webcast and can be viewed by visiting www.waverley.gov.uk

NOTE FOR MEMBERS

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

AGENDA

1. **MINUTES** (Pages 7 - 10)

To receive the minutes of the meeting held on 10th December 2021.

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

3. **DECLARATIONS OF INTEREST**

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

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

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

The deadline for submission of written questions for this meeting is Monday 22nd February 2021.

5. **QUESTIONS FROM MEMBERS**

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

The deadline for submission of written questions for this meeting is Monday 22nd February 2021.

6. **ACTION AUTHORISED**

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

LICENSING ACT 2003 ITEMS

7. **LICENSING C SUB COMMITTEE 08/02/2021** (Pages 11 - 14)

To note the minutes of the Licensing C Sub Committee Meeting held on Monday 8th February 2021 and published on the Council's website..

OTHER LICENSING ITEMS

8. STREET TRADING REVIEW (Pages 15 - 54)

To review feedback from the formal consultation on the street trading review.

To agree a revised Street Trading Policy (Annexe D), pass the resolution agreed at Licensing Committee in December 2020 (Annexe E), and agree a draft notice that the Council has passed a resolution on street trading and designation of consent and prohibited streets (Annexe F)

Recommendation

The Licensing Committee notes feedback on the formal consultation and agrees the draft Street Trading Policy 2021, passes the resolution agreed at Licensing Committee in December 2020, agrees the draft notice that the Council has passed a resolution on street trading and designation of consent and prohibited streets and rescinds earlier resolutions on designations of streets within Waverley.

9. TAXI LICENSING POLICY (Pages 55 - 164)

The purpose of this report is to enable the 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 amendment, 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 outcome of the feedback from the consultation of the draft Hackney Carriage and Private Hire Licensing Policy and agrees it, with or without amendments.

10. 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).

11. LEGAL ADVICE

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

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

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 10 DECEMBER
2020

SUBMITTED TO THE COUNCIL MEETING - <DATE>

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

Present

Cllr Robert Knowles (Chairman)	Cllr Patricia Ellis
Cllr Michael Goodridge (Vice Chairman)	Cllr Jerry Hyman
Cllr Roger Blishen	Cllr Peter Isherwood
Cllr Martin D'Arcy	Cllr Jacquie Keen
Cllr Jerome Davidson	Cllr Ruth Reed

Cllr Jenny Else (Substitute)

Apologies

Cllr Anna James and Cllr Michaela Martin

Also Present

LIC24/20 MINUTES (Agenda item 1.)

The minutes of the last meeting held on 9th November were agreed as a correct record.

LIC25/20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Apologies for absence were received from Cllrs Anna James and Michaela Martin. Cllr Jenny Else attended as substitute.

LIC26/20 DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest made for this meeting , however, the committee membersT were reminded by the Chairman that they were attending the meeting as Waverley Borough Councillors and not Parish/Town Councillors.

LIC27/20 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4.)

There were none.T

LIC28/20 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were none.

LIC29/20 ACTION AUTHORISED (Agenda item 6.)

No action had been taken by the Executive Director after consultation with the Chairman and Vice-Chairman since the last meeting.

LIC30/20 STREET TRADING REVIEW (Agenda item 7.)

Richard Homewood, Head of Environmental & Regulatory Services, outlined the report set out in the agenda. He explained there had been an increase of complaints regarding street traders in non-prohibited roads. The proposal was that once the committee have agreed the review of the policy it would go out for public consultation. Richard Homewood suggested that the consultation be held for 6 weeks rather than the required 4 weeks to take into consideration the Christmas period. He would then report back in February to the committee.

It was advised that there may be confusion in the report regarding Park Drive and Mead Drive, Cranleigh and officers were asked to review pages 40,45 and 50 in this matter.

The committee discussed the report and made the following comments:

- Contradiction between 4.10 and 8.1 regarding option to do nothing –
It was clarified that 'do nothing' was an option but due to complaints not an option officers would recommend.
- If a street is not prohibited does that mean no control?
No as consent streets means the trader still needed consent to trade.
- Does this policy interact with the pavement licensing?
No they are two separate policies.
- Definition of Itinerant Traders?
No legal definition.
- How does this relate to door-to-door salesman?
Door-to-door are not classed as street traders they have to have a pedlars licence from police.
- Officers were asked to ensure the condition regarding animals excluded assistance dogs.
- Officers were asked what the definition of 'living things' related to as plants were living?
It was agreed this condition may need to be revisited and amended.
- Page 8 – 4 needs amended to read Cranleigh Parish Council.
- The committee were concerned that 'offensive weapons' would include knives but this could also be interpreted as cutlery.
- 4.17 should have 'for the duration of the closure' added for clarity.
- It was asked why we did not just use licensing for street trading instead of 'Prohibited and Consent' streets.
This was following the previous decision by this committee.
- Would this policy effect the selling of a private vehicle o/s a residents property?
No this is under separate legislation.
- Enforcement Policy is mentioned in the report but it is not available to view.
Council have corporately adopted an enforcement policy. This would be circulated.

The committee were advised this was a review of an existing policy, therefore, many of the conditions were already in existence and working well.

Concern was raised regarding the raise in the fees that was proposed. It was explained that these covered the authorities cost and very little more. The fees had not been reviewed for 5 years and were not proportionate to the number of traders.

The Committee **NOTED** the report and asked that the feedback be considered,

Subject to the amendments suggested, it was **AGREED** that the revised policy should go out to consultation.

LIC31/20 EXCLUSION OF PRESS AND PUBLIC (Agenda item 8.)

There were no items to discuss in exempt session so the Chairman closed the meeting.

The meeting commenced at 10.00 am and concluded at 11.38 am

Chairman

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE C - 8 FEBRUARY 2021

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING -
<DATE>

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

Present

Cllr Robert Knowles
Cllr Ruth Reed

Cllr Martin D'Arcy

Apologies

Also Present

23. ELECTION OF CHAIRMAN (Agenda item 1.)

Councillor Robert Knowles was elected as Chairman for the purpose of this hearing.

24. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - MARKS & SPENCER, 13 OLD MARKET PLACE, FARNHAM, SURREY GU9 7SF (Agenda item 2.)

The Sub-Committee carefully considered the application for a new premises licence, taking into account the representation(s) received, the Licensing Act 2003, statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy August (2018 to July 2023).

The Committee heard from the applicant by their representative who outlined the application and provided further detail regarding best practice arrangements in place in order to comply with the requirements of the Licensing Act 2003. The Committee noted with interest that it was expected that the 'challenge 25' policy would be applied (age verification) and that cctv would be installed and retained at the site. Further detail was also set out in relation to refusal logs, coding to trace point of sale, and training / refreshers to be carried out In addition, the Committee heard further in relation to the number of existing licences and company's extensive prior record of compliance both at other premises within Waverley and nationally. Reference was also made to the company's internal audit process arrangements, and in support of the application reference made to other retail establishments

locally which benefited from similar hours for licensable activities, which included another establishment situated in South Street Farnham. This was later confirmed during the course of the hearing by the Licensing Manager.

The Committee equally considered fully the papers submitted in advance of and comments made by Farnham Town Council on the basis of public nuisance at the hearing. Those concerned possible noise impact upon nearby residential accommodation, and in the main anti-social behaviour/activities of youths within the neighbourhood. However, it was clear that the concern was not supported by direct evidence and the Committee felt that those observations that public nuisance may be caused appeared to amount to speculation or future concern. The Committee felt that those matters could be more properly dealt with outside of the licensing process and or by the alternative review mechanism in the event that issues were to be substantiated.. In line with the guidance, the Committee was of the view that issues beyond the immediate area of the premises, in relation to possible anti social behaviour were matters for the personal responsibility of individuals and amount to wider issues not sufficiently connected to the proposed application or site so as to warrant their consideration.

The representation made also sought to raise concerns about the opening hours, and the applicant addressed this, confirming that those were yet to be determined by the applicant. The Committee agreed that this did not impact upon the licensing objectives in the circumstances of the matter and were a matter of business practice and other regulation. which fell outside of the remit of the licensing committee.

The Committee felt ultimately that very little weight could be attributed to the representations made and decided that it was not necessary or appropriate to apply conditions in order to promote the licensing objectives. Furthermore that the concerns of nuisance connected to the opening hours were not directly relevant to the licensing objectives and/or in relation to anti social behaviour cited, not attributable to the premises itself. The Committee noted in particular that no

representations had been made by any of the responsible authorities. including, environmental health and or the police in respect of the application submitted.

The Committee recognised the established record of the applicant Marks & Spencer as a reputable company and responsible retailer under the Licensing Act. Having considered fully the application on its merits, the Committee felt that .and the concern raised did not justify any alteration from the application sought.

The Committee felt that it was appropriate (in line with the Guidance and Waverley's own Licensing Policy) for the applicant to be able to provide sales of alcohol for consumption off the premises when the retail outlet was open and did not find that there were any good reasons based on the licensing objectives to retriect those hours for sale of alcohol (off premises) sought.

The Sub-Committee has **AGREED** to grant the premises application as made on the basis of the evidence available and before it, and which it considers is appropriate for the promotion of the licensing objectives.

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The Sub-Committee advises the parties that there is a right of appeal to the Magistrates' Court (Mary Road, Guildford) within 21 days of the decision being received in writing.

- **Sale of Alcohol (Consumption Off the Premises Only)**

Monday to Sunday 0600 to 0000

- **Opening hours**

Monday to Sunday 0600 to 0000

25. LEGAL ADVICE (Agenda item 3.)

The meeting commenced at 10.00 am and concluded at 11.00 am

Chairman

WAVERLEY BOROUGH COUNCIL

LICENSING COMMITTEE

1 MARCH 2021

Title:

Street Trading Review

Portfolio Holder: Cllr. Nick Palmer Portfolio Holder for Operational and Enforcement Services

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

Key decision: Yes

Access: Public

1. Purpose and summary

- 1.1 To review feedback from the formal consultation on the street trading review.
- 1.2 To agree a revised Street Trading Policy (Annexe D), pass the resolution agreed at Licensing Committee in December 2020 (Annexe E), and agree a draft notice that the Council has passed a resolution on street trading and designation of consent and prohibited streets (Annexe F)

2. Recommendation

- 2.1 The Licensing Committee notes feedback on the formal consultation and agrees the draft Street Trading Policy 2021, passes the resolution agreed at Licensing Committee in December 2020, agrees the draft notice that the Council has passed a resolution on street trading and designation of consent and prohibited streets and rescinds earlier resolutions on designations of streets within Waverley.

3. Reason for the recommendation

- 3.1 On the 10 December 2020 the Licensing Committee agreed the formal consultation on the review of the street trading policy, including designated prohibited and consent streets. Following the end of the consultation period the Council is required to consider representations made as soon as practicable afterwards.

4. Background

- 4.1 The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4. Further detail on the legislation is provided in Annexe A.
- 4.2 The current Street Trading Policy was adopted in August 2015, <https://www.waverley.gov.uk/Portals/0/Documents/services/business-and-licensing/licences-and-registrations/street trading/Waverley street trading policy - 2015.pdf?ver=iVCYsBH7p108G1w3bBIsKQ%3d%3d>. It is now due to be reviewed in line with the Policy.
- 4.3 Councils usually control street trading so that they can decide where to allow this and to properly manage the environmental and safety implications that street trading creates. It allows the impact to be managed in terms of the local economy and impact on and benefit to the community. The control of street trading can also have benefit for traders as it provides security over their trading activities and location.
- 4.4 The existing Policy (2015) has historically worked well with some streets having been determined 'consent' or 'prohibited' streets. This means that anyone who wishes to trade on a designated consent street (which includes a road, footway or other area to which the public have access without payment) must hold a street trading consent. The aim of the Policy is to prevent obstruction of streets, ensure public safety, recognise the importance of the local economy and community events, and prevent nuisance or annoyance to people within the area.
- 4.5 Existing streets designated as prohibited and consent streets in Waverley are detailed in Appendix I of the Policy (2015). They have also been mapped on the Council's web-site, <https://www.waverley.gov.uk/Services/Business-and-licensing/Licences-and-registrations/Street-trading/Street-trading-locations>
- 4.6 More recently there are a number of undesignated streets where street trading is having an adverse impact on the community and giving rise to complaints about noise, smells and general nuisance from customers and where there are no controls to enable the Council to mitigate the impact. We are, therefore, now being asked to designate these streets as 'Consent Streets' or 'Prohibited Streets' to enable effective control of street trading activities and mitigate the impact on the community. Whilst this can be done on an individual basis, it is likely that further requests for additional streets to be designated will follow.
- 4.7 The process for review is lengthy and expensive and it may be preferable to designate all streets in the Borough as Consent Streets and either remove or retain the existing 'Prohibited' Streets. Other local authorities such as Elmbridge have taken this approach, <https://www.elmbridge.gov.uk/licensing/street-trading/>.
- 4.8 Alternatively, consideration can be given to making further resolution(s) to designate particular streets that may be proposed by Members, Town and Parish Councils, other agencies and the Public.
- 4.9 Other parts of the Policy also needed to be reviewed. Revised fees were agreed by the Licensing Committee on 10 December 2020,

<https://modgov.waverley.gov.uk/ieListDocuments.aspx?CId=141&MId=3736&Ver=4>.

- 4.10 Waverley Borough Councillors, all Town and Parish Councillors, Surrey County Council Highways, Surrey Fire and Rescue Service, Parking Services at Guildford Borough Council, Surrey Chambers of Commerce, Waverley Police, Surrey's Chief Constable, and Waverley's Economic Development service were consulted on the current policy and their preferred approach to the designation of prohibited and consent streets in Waverley. Feedback is detailed in the report to the Licensing Committee on 10 December 2020, <https://modgov.waverley.gov.uk/ieListDocuments.aspx?CId=141&MId=3736&Ver=4>. This did not form part of the formal consultation required by legislation, but feedback was needed to inform a revised draft Street Trading Policy, including prohibited and consent streets, and to draft a notice of intention to pass a resolution on street trading and the designation of consent and prohibited streets.

Formal Consultation

- 4.11 There is a detailed legal process in order to properly designate streets as consent streets under Schedule 4 of the Local Government (Miscellaneous Provisions Act) 1982. Notices are required to be published in newspapers circulating in the area, and a copy served on the Chief Officer of Police in the area and Surrey County Council Highways, as well as other relevant bodies, seeking their views, allowing not less than 28 days for representations to be made. The notice also needs to include the draft resolution for designation of prohibited and consent streets in Waverley
- 4.12 On 10 December 2020 the Licensing Committee agreed a:
- notice of public consultation to review the Street Trading Policy,
 - notice of the intention to pass a resolution on Street Trading and the Designation of Consent and Prohibited Streets, and
 - draft Street Trading Policy
- 4.13 A copy of the notices and draft Street Trading Policy can be viewed on the Council's Street Trading Public Consultation webpage, <https://www.waverley.gov.uk/Services/Business-and-licensing/Licences-and-registrations/Street-trading/Street-trading-public-consultation>. The webpage went live on 16 December 2020, and people were also made aware of the consultation on social media. The public were encouraged to email, write or complete the online survey to give feedback. A copy of the online survey is given in Annex B.
- 4.14 The notices were published in the Farnham Herald and Surrey Advertiser on Thursday 17 December 2020. The public were encouraged to email, write or complete the online survey to give feedback.
- 4.15 On 17 December 2020 emails were sent to all Waverley Borough Councillors, all Town and Parish Clerks, Surrey County Council Highways, Surrey Fire and Rescue Service, Parking Services at Guildford Borough Council, Surrey

Chambers of Commerce, Waverley Police, Surrey's Chief Constable, and Waverley's Economic Development service to advise them of the consultation. Councillors and organisations were encouraged to email, write or complete the online survey to give feedback.

- 4.16 The consultation period ran from 16 December 2020 to 27 January 2021.
- 4.17 There were 16 responses to the consultation: 10 surveys, 5 emails and 1 verbal representations, as detailed in Annexe C, and summarised below.

Feedback on Prohibited Streets

- 4.18 Nine out of the ten responses submitted online agreed with the prohibited streets proposed, one response disagreed. None of the emails or the verbal feedback commented on this matter.
- 4.19 Ten of the responses (9 online and one email) requested that Cherry Tree Road, Milford, GU8 5AZ became a prohibited street. The responses detailed problems they had experienced with a mobile street trader who currently uses this road.
- 4.20 No other responses requested designation of any other specific streets as prohibited streets

Feedback on Consent Streets

- 4.21 Eight of the responses (6 online and two emails) were in support of all streets in Waverley being consent streets, other than prohibited streets. Generally responses highlighted the need to control street trading and take account of residents' views.
- 4.22 One response (online) did not agree that any streets in Waverley should be consent streets, unless it was dangerous. The response detailed that it was economically hard for many people and it was not a good time to restrict small traders.
- 4.23 One response (online) did not agree all streets in Waverley being consent streets, other than prohibited streets, as each situation should be assessed on its merits.
- 4.24 Two responses (online) did not agree all streets in Waverley being consent streets, other than prohibited streets, as they considered all residential streets should be made prohibited streets.
- 4.25 Four responses (3 email and one verbal) made no comment on this matter.

Feedback on Policy

- 4.26 In line with feedback detailed above one response strongly disagreed with the need to require a consent to street trade, and further legislation. Another response wanted to see all residential roads as prohibited streets.

- 4.27 One response wanted their local Councillor to feedback on the policy.
- 4.28 Two responses detailed that they only wanted mobile food traders who were registered with Waverley to be allowed to have a street trading consent in Waverley. One response detailed that this should only apply to Schedule 1 applications.
- 4.29 The response from Cranleigh Parish Council requested including additional considerations to be taken into account in section 2.3.3 of the Street Trading Policy, the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site, and overcrowding of the site itself.
- 4.30 In addition, the response from Cranleigh Parish Council requested that the Standard Consent Condition 8 be more specific in detailing whether £5m insurance cover is per trader on the site, for the site as a whole, and who is to be covered (i.e. organiser or trader). They were concerned that the current condition 8 suggests £5m insurance for a single trader or a full market site, and whether there is sufficient demarcation of responsibility, or if the £5m was feasible for the small trader?
- 4.31 The verbal response from Environmental Health's Food and Safety Team asked whether it was possible for mobile food traders to have a Food Standards Agency (FSA) Food Hygiene Rating Score of level 3 or above.

Feedback on Other Comments

- 4.32 Responses reflected feedback detailed above. No additional matters were raised.

Recommendation for a Revised Policy and the Designation of Prohibited and Consent Streets

- 4.33 The draft Street Trading Policy agreed at Licensing Committee on 10 December, including designation of Prohibited and Consent Streets, has been reviewed having regard to responses to the formal consultation. Please see Annexe D for the draft Street Trading Policy 2021.

Prohibited Streets

- 4.34 Most responses agreed with proposed prohibited streets and it is recommended no changes are needed to proposals made in December 2020. ***It is recommended Licensing Committee agrees prohibited streets as proposed in the Draft Street Trading Policy agreed by Licensing Committee.***
- 4.35 Most responses requested that Cherry Tree Road, Milford, GU8 5AX be a prohibited street. However, Witley Parish Council did not request this action but supported the approach that all streets in Waverley are designated consent streets, other than prohibited streets. As this would ensure appropriate controls are in place to control street trading activities, including on Cherry Tree Road, it is not recommended that Cherry Tree Road becomes a prohibited street. Note the

Parish Council and ward Members (email) and the public (online and via notices in the road) would be consulted on any application to street trade on this road and would be able to object. Any relevant objections would be heard by the Licensing Committee to decide if to approve or object to a street trading consent. Further, if problems arose with a particular street trader, matters could be referred to Licensing Committee, with a view to revoking the consent. There is no appeal process.

Consent Streets

- 4.36 ***It is recommended that Licensing Committee agrees all streets in Waverley are designated consent streets, other than prohibited streets, as proposed in the Draft Street Trading Policy agreed by Licensing Committee*** i.e. no changes are needed to proposals made in December 2020.
- 4.37 Half (eight) of the responses received were in support of all streets in Waverley being consent streets, other than prohibited streets to control street trading and take account of residents' views. Two further responses did not agree as they considered all residential streets in Waverley should be made prohibited streets. On balance it would seem disproportionate to make all streets with any residential accommodation prohibited streets when appropriate controls could be put in place by making all streets in Waverley consent streets, other than prohibited streets. The Parish Council and ward Members (email), and the public (online and via notices in the road), would be consulted on any application to street trade and would be able to object. Any relevant objections would be heard by the Licensing Committee to decide if to approve or object to a street trading consent. Further, if problems arose with a particular street trader, matters could be referred to Licensing Committee, with a view to revoking the consent. There is no appeal process.
- 4.38 Two responses did not agree with all streets in Waverley being consent streets, other than prohibited streets. However, this has to be balanced by the ten responses wanting additional controls to control street trading. The report that went to Licensing Committee on 10 December 2020 also highlighted that Surrey Police and Surrey County Council Highways wanted additional controls on street trading.

Policy

- 4.39 ***It is recommended Licensing Committee agrees the Draft Street Trading Policy 2021, as detailed in Appendix D.*** Recommended changes to the draft Street Trading Policy agreed by Licensing Committee in December 2020 are highlighted green.
- 4.40 Paragraph 2.3.3 (Public Safety) has been amended in line with feedback from Cranleigh Parish Council regarding concerns about overcrowding of the site/area.
- 4.41 The standard consent conditions have been amended (Appendix II):
- Condition 7 has been added and the other conditions renumbered. Condition 7 requires mobile food traders to have a FSA Food Hygiene Rating Score of

level 3 or above in line with feedback from Environmental Health's Food and Safety Team. Two responses felt mobile food traders operating in Waverley should be registered with Waverley Borough Council. However, this would not be appropriate if they are registered with another Council, and it would be unfair to prohibited mobile traders registered in other areas from trading in Waverley.

- Condition 9 has been amended taking account of feedback from Cranleigh Parish Council about public liability insurance. The condition makes clear the person applying for street trading consent is responsible for providing this insurance, and applies to individual applicants (Schedule 1 event), or the organiser (Schedule 2 event). Requirements for insurance cover have not been changed. Individual mobile traders have been required to provide evidence of this insurance when applying for a consent for some time, and no problems have arisen.

4.42 Additionally the following changes have been made to help clarify matters

- Paragraph 1.5 has been amended to make clear applications from individuals must be 17 years or older.
- Appendix I has been amended to make clear that a consent street includes a road, footway, or other area to which the public have access without payment, but does not include buildings.

Recommendation to Pass the Resolution on Street Trading and Designation of Consent and Prohibited Streets, and Agree Draft Notice that Passed a Resolution on Street Trading and Designation of Consent and Prohibited Streets

4.43 After consideration of feedback from the Formal Consultation, if Licensing Committee consider it appropriate, they can pass the resolution (previously before the Licensing Committee in draft on 10 December 2020) to designate streets as consent or prohibited streets.

4.44 ***It is recommended Licensing Committee agree to pass the Resolution on Street Trading and Designation of Consent and Prohibited Streets, to confirm the designation of streets within the Borough area in Annexe E.***

4.45 Once a resolution has been passed by the Licensing Committee a notice must be published by the Council that they have passed a resolution on Street Trading and Designation of Consent and Prohibited Streets. The notice must be published for 2 consecutive weeks in local newspapers, and the first publication must not be less than 28 days before the resolution takes effect. The notice will also be published on the website, and through social media.

4.46 ***It is recommended Licensing Committee agree to the draft notice that passed a Resolution on Street Trading and Designation of Consent and Prohibited Streets in Annexe F.***

- 4.47 The Street Trading Policy 2021, including the designation of prohibited and consent streets for Waverley, and associated fees will come into force on 1 April 2021, ensuring the required notice period detailed in paragraphs 4.45 and 4.46 above is met.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 Effective control of street trading will contribute to the strategic priorities of supporting a strong local economy and improving the health and wellbeing of our residents and communities.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

- 6.1.1 The review of Street Trading is in the Service Plan for 2020/21 and will be conducted within existing resources.
- 6.1.2 There will be advertising costs for the publication of the required notices.
- 6.1.3 Adopting a policy of designating all streets consent or prohibited streets could result in an increased number of applications initially but this will level off in due course. There would be an increase in fee income accompanying the increase in number of applications.

6.2 Risk management

- 6.2.1 If the policy is not reviewed complaints about the adverse impact of street trading are likely to continue and potentially increase which will place additional demands on the service.

6.3 Legal

Details of the consultation process and legal procedure are set out within the body of the report in line with arrangements under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

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

Effective control of street trading activities will assist in mitigating their impact on the local environment and the community.

7. Consultation and engagement

7.1 Formal consultation undertaken is detailed within the body of the report.

8. Other options considered

8.1 The existing Street Trading Policy does not appear to address some of the issues being raised by the community about adverse impact of street trading activity. Doing nothing is not an option. The Council would seek to provide a clear consistent licensing service for service users as well as protecting the safety of highway users and to prevent nuisance or annoyance and ensure effective enforcement.

9. Governance journey

9.1 Licensing Committee – report on proposals seeking permission to consult informally

Licensing Committee – report of responses to informal consultation to agree draft Street Trading Policy, including the designation of prohibited and consent streets for Waverley (and fees), a draft notice of public consultation to review the Street Trading Policy, and a draft notice of the intention to pass a resolution relating to the designation of prohibited and consent street.

Notices published in local newspapers and on web-site.

Licensing Committee – report on feedback from formal consultation, agree Street Trading Policy, pass a resolution, and agree a notice to publish in local newspaper and on web-site about the resolution taking effect.

Notice of resolution published in local newspapers and on the web-site.

Annexes:

Annexe A – Street Trading Legislation

Annex B – Consultation Survey

Annex C – Responses to the Formal Consultation

Annexe D – Draft Street Trading Policy

Annexe E - A Resolution on Street Trading and Designation of Consent and Prohibited Streets

Annexe F – Draft Notice that Passed a Resolution on Street Trading and Designation of Consent and Prohibited Streets

Background Papers

Street Trading Policy (2015)

https://www.waverley.gov.uk/downloads/file/4857/street_trading_policy_2015

CONTACT OFFICER:

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Agreed and signed off by:

Legal Services:

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

Street Trading Legislation

The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A 1982)

Street trading is defined as 'Selling or exposing or offering for sale of any articles (including a living thing) in a street' – para 1(1) of Schedule 4 of the Act. Street has an extended definition to include any road footway beach or other area to which the public have access without payment and a service area.

Certain activities are specifically excluded from the definition of street trading – by virtue of para 1(2) of Schedule 4, some of which are:

- Trading by a pedlar under a pedlar's certificate
- Trading by some news vendors
- Trading on a street adjoining a shop and as part of the business of the shop
- Trading at a petrol filling station

Paragraph 2 of Schedule 4 LG (MP)A 1982 states that a district council may by resolution designate any street in their district as—

- (a) a prohibited street; which means a street in which street trading is prohibited.
- (b) a licence street; which means a street in which street trading is prohibited without a licence granted by the district council.
- (c) a consent street; means a street in which street trading is prohibited without the consent of the district council.

Street Trading Policy - Consultation Survey



Section 1



Prohibited Streets

Please see Appendix 1 of the draft Street Trading Policy 2020. Current prohibited streets can also be viewed on our website, https://www.waverley.gov.uk/info/200188/street_trading/2224/street_trading_locations_in_waverley

1. Are there any prohibited streets in the draft Street Trading Policy 2020 that should not be prohibited streets? *

Yes

No

2. Please detail the street(s) and give reason(s) *

Enter your answer

3. Are there any other streets that should be prohibited streets? *

Yes

No

4. Please identify the street(s) and give reason(s). *

Enter your answer

Consent Streets

Please see Appendix 1 of the draft Street Trading Policy 2020. Current consent streets can be viewed on our website, https://www.waverley.gov.uk/info/200188/street_trading/2224/street_trading_locations_in_waverley

5. Should all streets in Waverley be consent streets, other than prohibited streets? *

Yes

No

6. Reasons why all streets in Waverley should be consent streets, other than prohibited streets *

Enter your answer

7. Reasons why all streets in Waverley shouldn't be consent streets, other than prohibited streets *

Enter your answer

8. Are you satisfied with the current designated consent streets? *

Yes

No

9. Reasons why you aren't satisfied with the current designated consent streets *

Enter your answer

10. What changes should there be made to current consent streets? *

Enter your answer

Section 3



Draft Street Trading Policy 2020:

11. Do you have any comments on the draft Street Trading Policy 2020? *

Yes

No

12. General Guidelines

Comments

Enter your answer

13. Schedule 1 - Individual Applicants

Comments

Enter your answer

14. Schedule 2 - Community and Similar Events

Comments

Enter your answer

15. General Information – in all cases

Comments

16. Appendix I – List of Prohibited and Consent Streets in Waverley Borough Council

Comments

17. Appendix II – Conditions

Comments

18. Appendix III – Pool of conditions

Comments

Do you have any other comments?

19. Comments

Responses to the Formal Consultation

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
1 (Anonymous Survey 5)	I disagree with prohibiting any streets.	<ul style="list-style-type: none"> • People should be free to trade. It's the most difficult time economically for many people and now is not a good time to attack small traders - let alone families raising money for good causes, selling fruit etc. • I don't believe any street should need consent unless it is dangerous. • Remove the requirements for consent. 	<ul style="list-style-type: none"> • I disagree strongly with requiring consent. I understand that a couple of food vans have created inconvenience for some residents, but conversation (and if necessary law enforcement) should be used to fix the issues, not further legislation. 	<ul style="list-style-type: none"> • Please do not create a sledgehammer to crack a nut.
2 (Anonymous Survey 6)	<ul style="list-style-type: none"> • Agrees proposed prohibited streets. • Cherry Tree Road Milford GU85AX should also be a prohibited street. It is a residential street not a service road the street trader pizza van blocks vehicles driveways so you cannot access your property. The customers of the pizza van also block access and access to the road, the oily smell and carbon dioxide from the pizza van being so close to residential properties about 15 metres, means you cannot sit in your garden or have windows open in better weather. I feel threatened by people so close to my house loitering while ordering their pizza. Maxine gales the local councillor is fully aware of the situation and as the additional evidence. 	<ul style="list-style-type: none"> • Yes, all roads, other than prohibited streets should be consent streets • so that residents in the roads can put their views across 		
3 (Anonymous Survey 7)	<ul style="list-style-type: none"> • Agrees proposed prohibited streets. • Cherry Tree Road, Milford, Surrey. GU8 5AX should also be a prohibited street. For the past two years we have had to suffer a mobile pizza van (Vaporetto) trading for 5 hours on Wednesdays and up to 10 hours on Fridays. I have made various complaints to the local and Waverley Council including: inconsiderate parking and blocking access to my driveway, blocking the road to emergency vehicles, people consuming food whilst sitting on my 	<ul style="list-style-type: none"> • Yes, all roads, other than prohibited streets should be consent streets • To stop other residents going through this utter nightmare.... 		Tonight 22.01.2021 5.00pm was utter chaos.... Cars trying to park everywhere. Some heated discussions still ongoing..... Cherry Tree Road is a residential road and trying to get onto A283 safely is quite a skill. Having a pizza van blocking your view is extremely dangerous.

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
	<p>garden wall, the pizza van setting fire to the branches of the Cherry Trees planted on the verge - the fire offers were called and a letter written to Vaporetto (the pizza van), destroying the grass on the verge and now just mud, the noise of a generator working for 5 hours plus, noise from the radio they play in the van which I can hear through my double glazing. The constant smell of food cooking with the worry of the smoke and what is in the fumes. The smell of food cooking which is very overpowering and you are unable to leave windows open. Witnessing the employees relieving themselves in gardens along Cherry Tree Road and the shrubs on the opposite side of the road with no adequate hand washing facilities in the van. All of the above can be proven with many letters to the local council and photo evidence. Maxine Gale has very kindly taken this all on board and is doing her best to get a solution that Vaporetto or any mobile food van cannot be parked in Cherry Tree Road and trade.</p>			
<p>4 (Anonymous Survey 8)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road, Milford should also be a prohibited street. General Public Nuisance, Please refer to Councillor Maxine Gale for residents comments. 	<ul style="list-style-type: none"> • Yes, All roads, other than prohibited streets should be consent streets • To control unauthorised Street Traders who have no respect for residents and ignore all complaints and making residents lives a misery. 		Please refer to Councillor Gale reference nuisance
<p>5 (Anonymous survey 9)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets Cherry Tree Road, Milford, Surrey. GU8 5AX should also be a prohibited street. For the past two years we have had to suffer a mobile pizza van (Vaporetto) trading for 5 hours on Wednesdays and up to 10 hours on Fridays. I have made various complaints to the local and Waverley Council including: inconsiderate parking and blocking access to my driveway, blocking the road to emergency vehicles, people consuming food whilst sitting on my 	<ul style="list-style-type: none"> • Yes, all roads, other than prohibited streets should be consent streets • To control unauthorised street traders causing a nuisance, they have no respect for the residents and making our lives a misery. 	Please refer to Councillor Maxine Gale	Please refer to Councillor Maxine Gale.

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
	<p>garden wall, the pizza van setting fire to the branches of the Cherry Trees planted on the verge - the fire offers were called and a letter written to Vaporetto (the pizza van), destroying the grass on the verge and now just mud, the noise of a generator working for 5 hours plus, noise from the radio they play in the van which I can hear through my double glazing. The constant smell of food cooking with the worry of the smoke and what is in the fumes. The smell of food cooking which is very overpowering and you are unable to leave windows open. Witnessing the employees relieving themselves in gardens along Cherry Tree Road and the shrubs on the opposite side of the road with no adequate hand washing facilities in the van. All of the above can be proven with many letters to the local council and photo evidence. Maxine Gale has very kindly taken this all on board and is doing her best to get a solution that Vaporetto or any mobile food van cannot be parked in Cherry Tree Road and trade.</p>			
<p>6 (Anonymous Survey 10)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road, Milford, GU8 AX should also be a prohibited street. Recently we have had a Pizza Van trading on this street. There are a number of Residences here some being Council Tenants and some being owner occupiers. Who park their cars here. Prices range from £300,000 upwards. Our road conditions are deteriorating rapidly with heavy Goods vehicles and many more commercial trucks parking here also when residents return home from work it is difficult to find a parking space. Some of the customers are rude to residents who complain to them for throwing down Pizza boxes and drinks cans also parking with camping chairs etc. and eating and drinking immediately in front of our lounge windows (weather permitting) I walk with the aid of crutches also in my 80th year. I worked for 42 years and have been able to purchase 	<ul style="list-style-type: none"> • No, all roads, other than prohibited streets should not be consent streets • All situations are different and should be assessed individually • Each needs to be looked at individually • I am not entirely sure now what you mean by Consent streets 		<p>I feel that a phone call with someone would explain to me what your designations of street mean. I can be contacted at no XX</p>

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
	<p>my flat knowing that this is a desirable and quiet area. I feel that this trading is devaluing our street. When we approach the trader he is less than polite, shrugs his shoulder and walks away. We have suggested to him that he would cause less problems and have adequate parking at the side street beside the Milford Cricket field and Hall but he said he didn't want to go there. He also erects signs directing vehicles to our street calling it 'Lay By'.</p>			
<p>7 (Anonymous Survey 11)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road, Milford, Surrey should also be a prohibited street. <p>The pizza van, Vaporetto, and his customers are causing a nuisance to the residents. We have had to keep our windows shut during the summer due to the awful smell and smoke coming from the van. His customers block driveways with their inconsiderate parking. Food delivery drivers have complained about pizza van many times. Our bin collection is often held up as the pizza van and customers are blocking the road. The pizza van has caused damage to the grass verges and Cherry trees. Emergency services have had difficulty parking.</p>	<ul style="list-style-type: none"> • Yes, all roads, other than prohibited streets should be consent streets • All street traders need to have a license to trade. 		
<p>8 (Anonymous Survey 12)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road, Milford, GU8 5AX should also be a prohibited street. There have been numerous problems that you are aware of due to the complaints that have been issued to yourselves with regards to the wood fired pizza van that continues to park along this road. Several of the residents along this road have been unhappy with the levels of traffic that this causes along the road making it difficult for emergency vehicles to access the road when they are present and blocking driveways with the customers to the van. Police have also been called on a few occasions to settle disputes between the 	<ul style="list-style-type: none"> • Yes, all roads, other than prohibited streets should be consent streets • Yes, unless the local residents find a reasons as to not be as we are the ones that have to live in the areas. There are many streets in Waverley that do not impact local residents and for the previous question that I answered it is literally on our door step when there is an adequate pavilion location at the local cricket pavilion where there are no local 		

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
	residents of Cherry Tree Road and the owners of the van due to the traffic and noise that is caused by the customers to the van. There is also the issue with air pollution as we all constantly have to deal with the smell of burning wood during their operating hours and once again many residents of the road have expressed their anger towards this and have contacted the local councillors regarding the above mentioned issues.	homes so there would be no impact to residents.		
9 (Anonymous Survey 13)	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road, Milford should be prohibited as it is a residential street and due to street trading over the last 18 months there are certain days where the residents are unable to get their cars out of their drives or even park. Residents have also been unable to receive deliveries as the food truck and its customers block the road. There are also times where it blocks the view of the roundabout and oncoming traffic which makes exiting Cherry Tree Road dangerous. The residents are unable to have their windows open as the smoke and smell from the truck blows in to the houses. The customers are also prone to sitting outside our homes, making lots of noise and leaving their pizza boxes littering the grass instead of taking them with them. 	<ul style="list-style-type: none"> • No, all roads, other than prohibited streets should not be consent streets as all Residential Streets should all be made prohibited streets • Because some streets are purely residential and should be allowed to remain so. Most villages have public spaces where the smells, noise, smoke pollution and disturbances caused by customers and their cars would go largely unnoticed by residents. If Waverly chooses to allow street trading food trucks they should be confined to these public spaces. 	<i>Schedule 1 applications</i> - should only apply to Waverly if they are based in Waverly. Trucks should only be allowed to trade is issued with a Waverly license. The one currently trading on Cherry Tree Road in Milford is currently licensed in Rushmoor.	I don't want to have an argument every time I want to enter or exit my driveway. I want to be able to have fresh air in the house without the smell of smoke and pizza or have to listen to the music they play in the truck nor have to listen to the sound of the generator.
10 (Anonymous Survey 14)	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road in Milford should be a prohibited street. In fact, I think all purely residential streets should be prohibited - it would avoid any and all discussion each time a request comes in 	<ul style="list-style-type: none"> • No, all roads, other than prohibited streets should not be consent streets as all Residential Streets should all be made prohibited streets • Streets that are purely residential should all be prohibited streets. It is TOTALLY unfair that councillors can allow street trading on residential roads - they do not have to live on them and put up with all the attendant 	<p><i>General Guidelines</i> - All residential roads should be prohibited streets. No street traders anywhere should be allowed to trade within Waverley without a license granted by Waverley</p> <p><i>General Information</i> - All street traders should have a license from Waverley if they want to trade in Waverley. No residents in Waverley - who pay their</p>	In addition to other comments please note. Add to that the inconsiderate parking of the van's customers, emergency vehicles unable to get through, drives blocked, verges driven over and parked on leaving a muddy mess. Litter. I think it is appalling that the traders have more rights than the residents. If you want to grant street trading licenses then as most villages have a public space with parking

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
		hassles and unpleasantness created by street traders.	Council Tax to Waverley - should have to put up with a street trader whose license is granted by Rushmore or any other borough. For the last 18 months, twice a week, sometimes for 10+ hours, our road has been invaded by a stinking pizza van. A bonfire on wheels -when we are forbidden from having a garden bonfire due to COVID restrictions. Residents have been unable to open their windows due to smoke, smells and noise - and that during one of the hottest summers on record.	at a distance from residences the traders should be told they use that space and no other. I know for a fact that the pizza van owner was offered the car park opposite Milford cricket green but declined to move from Cherry Tree Road as he wouldn't make enough money...and that just about sums it up. It doesn't (or perhaps, it hasn't until now) matter what the residents have to put up with...
11 (Witley Parish Council, Email)		Witley Parish Council supports Waverley's proposed street trading policy, in particular having a revised approach involving designation of all streets (and public open areas adjacent to a street) in Waverley as 'consent streets', with the exception of those already designated as 'prohibited streets'		
12 (Cranleigh Parish Council, Email)			Cranleigh Parish Council wish to highlight the value of including additional considerations to be taken into account on section 2.3.3 of the Street Trading Licence. In particular, could due consideration be taken of the capacity of the street trading area vis a vis the potential maximum attendance on the site by the public and the consequent risk of over congestion impacting adjacent roads to the site, and	

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
			<p>overcrowding of the site itself.</p> <p>In addition, can the trading licence Standard Consent Conditions Section 8, be more specific in determining whether £5m insurance cover is per trader on the site, for the site as a whole and who is to be covered (i.e. organiser or trader). Currently the condition would suggest £5m insurance for a single trader or a full market site. Is this sufficient demarcation of responsibility, or feasible for the small trader?</p>	
<p>13 (Resident Cherry Tree Close, Email)</p>	<ul style="list-style-type: none"> • Please add Cherry Tree Road to the prohibited streets for street trading so that the residents no longer have to worry about the stress caused by this business. • I am a resident of Cherry Tree Road, Milford and have been forced to put up with a pizza truck parked outside my house every Wednesday and Friday for the past 18 months. The police can't do anything and Waverly has done nothing to address the numerous complaints we have lodged over the past year. Why a truck that hasn't even got a licence from Waverly is allowed to trade in Milford in the first place, I will never understand. There are times that I am unable to access my driveway - either to park or to leave. We have been told that we can't get our deliveries because the delivery truck has been able to access our street. There are times (at busy periods) where there isn't even room for an emergency vehicle. The customer's park wherever they feel like and I'm sure have damaged the grass verge and the cherry trees. We are unable to open our front windows due to the noise from the truck, the generator they use and the music they play not to mention the smoke and stink of the 			

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
	<p>wood oven. There are also times where the truck blocks the view of the roundabout and oncoming traffic which makes exiting Cherry Tree Road dangerous. The customers are also prone to sitting outside our homes, making lots of noise and leaving their pizza boxes littering the grass instead of taking them with them. This is a residential street and the truck should not be allowed to use it. They can use one of the many open spaces such as the cricket pavilion if they insist on coming to Milford.</p>			
<p>14 (Resident Cherry Tree Close, Email)</p>				<p>I wish to comment on the "Pizza Van" issue This van is here on Wednesdays & Fridays advertising "Hot Fired Pizzas" fouling the environment with the foul smells I have spoken with Maxine Gale many times, Who has tried so hard to get it stopped. This service road (not a lay-by) has many aged residents Therefore Ambulances are regular visitors, as are the community buses to pick up the aged to take them to treatment centres etc., thus the parking of so many pizza van customers causes many problems. The customers then queue along the pavement to be served. They block the pavement to the many walkers, runners, dog-walkers etc. finally how is it this van can park here serving food during lockdowns when our local restaurants have to close? The people who operate this thing, tie adverts to your lampposts, advising drivers to turn off for pizzas!! I have spoken with the individuals, and asked if the Council are happy for them to</p>

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
				decorate your lampposts. They assure me they have.
<p>15 (Resident of Cherry Tree Close, Email)</p>		<ul style="list-style-type: none"> • I am writing in support of streets within Waverley being reclassified as 'consent streets'. • I am a resident of Cherry Tree Road, GU8 5AX, and the Vaporetto Pizza van, which has been parking on our residential road for many months, has caused a significant amount of trouble and distress for residents. The proprietor has been dismissive of our concerns, around customer parking blocking driveways, significant traffic and congestion arriving in our road, smoke pollution and the burning our cherry trees. This business treats Cherry Tree Road as a layby for its business; indeed, the road is termed as a layby on its marketing materials. I do not wish to live in a road in which an 80-year-old neighbour feels intimidated in her own home, when men (in this case) set up outside her ground floor flat, to eat pizza and carouse. In fact, I find this unsanctioned (on the part of XXX, owner of Vaporetto) behaviour as being incredibly troubling, especially as this elderly lady has pleaded (with the business) to relocate to a site offered by Witley Parish Council. • Overall, I don't wish for businesses to have free reign to set up in any residential street in the area, and have carte blanche to inflict the same kind of inconvenience, frustration and distress, as we have had to 		

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
		endure, on other local Waverley residents.		
16 (FHS Team, Discussion)			Is it possible to require mobile food traders to have a Food Hygiene rating score of 3 or above?	

STREET TRADING POLICY 2021



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1. General Guidelines

- 1.1. This Policy will guide the Council when it considers applications under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Council has adopted this legislation and streets have been determined as either 'consent' or 'prohibited' (Appendix I), also available on the Council's website. This means that anyone who wishes to trade on a consent street (which includes a road, footway or other area to which the public have access without payment) must hold a street trading consent. The definition does not include buildings themselves or commercial premises.
- 1.2. The aim of the Street Trading in Waverley Policy (the Policy) is to prevent obstruction of the streets of the Borough and ensure the safety of persons using them. In doing so, it recognises the importance of local businesses to the local economy and that occasional, community-run events and those of a similar nature, are important factors in the life of Waverley. The Policy also seeks to ensure that activities do not cause nuisance or annoyance to the people of the area.
- 1.3. To help deal with applications quickly and to allow applicants to know at an early stage whether their application is likely to be supported Waverley Borough Council has adopted this policy. The Council aims to provide a clear, consistent service for users.
- 1.4. For clarification:
 - Land adjacent to the street may also be included according to local circumstances. See Appendix I for further clarification.
 - There are some exemptions from requiring a consent to trade (for example newspaper vendors and 'Big Issue' sellers)
 - Street Trading is defined as "the selling or exposing or offering for sale of any article (or living thing) in a street", and
 - Any queries regarding the above can be dealt with by the Environmental Health service on a case-by-case basis.
- 1.5. Schedule 1 of the policy deals with applications from individuals, **who must be 17 years or older**. Certain community-run events, charitable events or those of a similar nature are the subject of special provisions in Schedule 2 of the Policy.

2. Schedule 1 – Individual Applicants

- 2.1 Waverley's Licensing and Regulatory Committee is made up of 12 Members of the Council. Applications for street trading consents that fall within this policy are delegated to the Head of Environmental and Regulatory Services. Applications that fall outside this policy or those which attract relevant objections will be determined by the Licensing & Regulatory Committee. A relevant objection is one made by a person, business or body that is likely to be directly affected by a successful

application. In addition, the objection must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application. The Head of Environmental and Regulatory Services will determine whether an objection is relevant according to its merit and any benefit of doubt will be given to the objector.

2.2 The police, highways authority and fire service are always consulted over any application and a 28-day consultation period will normally be required. Local Ward Councillors, Chambers of Commerce and Town or Parish Councils, together with any relevant Portfolio Holder or Committee Chairman, will also be notified of an application. Public notification will be achieved through the Council's webpages and posting on the council's social media platforms. Once the council has accepted a valid application the applicant shall also put up a notice of the application at the proposed street trading location, advising the public how to comment on the application. (This requirement will not apply to itinerant street traders such as ice cream vans). Photographic evidence of the notice in place shall be submitted to the Council on the day the notice has been put up. The applicant shall remove the notice at the end of the consultation period.

2.3 In considering any application for the grant or renewal of a street trading consent the following issues will be taken into account before determination:

2.3.1 Public order

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk to public order

2.3.2 Public nuisance

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be had to the character of the neighbourhood.

2.3.3 Public safety

Whether the location of the street trading activity or activities represent, or are likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazards, unhygienic conditions, danger that may occur when a trader is accessing the site, and overcrowding of the site/area.

Overcrowding includes the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

2.3.4 *Needs of the area*

An applicant for the new grant of a Schedule 1 street trading consent shall provide a copy of a map or plan showing all streets and other public areas within a radius of half a mile (800 metres) from the proposed location of the site. The map or plan shall be a proper Ordnance Survey map, or of equivalent or similar standard, to a scale of 1:5000. It shall clearly indicate the position of the proposed site and indicate the locations of other street traders and outlets already trading in similar commodities to those proposed for sale. The applicant must deliver notices to traders and premises thus identified and to the nearest six premises (being residential, commercial or otherwise) to the proposed site giving details of the application. Evidence of notices delivered to traders and premises shall be submitted to the Council.

- 2.5 In determining an application, the sufficiency of other trading outlets to serve the needs of an area will always be considered. A new consent is unlikely to be granted where it is considered that adequate like provision already exists. For special events falling under schedule 2 of this policy the needs test may be exempted where appropriate.

3. Schedule 2 - Community and similar events

- 3.1 At such special events the Council will issue one Consent to the person organising the community or similar event, either on an annual basis for multi-use sites or on an occasional basis for single-use events. This policy is aimed at promoting and supporting such events and encouraging traders to attend. A schedule 2 event can include a street or series of linked streets under one Consent.
- 3.2 An application shall include an Event Management Plan(s) detailing how the event will be run safely and without causing nuisance to the area. The Consent will relate to the duration of the special event and may include specific conditions, in addition to Standard Consent Conditions, according to the individual merits of the event. Where fees are at the discretion of Local Authority, such as for Street Trading Consents, the Council is able to recover the costs associated with the authorisation scheme as long as they are reasonable, proportionate and do not exceed the cost of the procedures. In arriving at fees, the Council may charge a lesser amount. – Waverley reduces the charges for Schedule 2 applications in order to promote and support such activities.
- 3.3 Community and similar events will normally be organised by a Town or Parish Council, Waverley Borough Council or by a recognised group or charity with aims of engaging with and providing support to the local community. Each special event application will be judged according to its merit and any applications, which fall outside this policy, or those that

attract relevant objections (see Schedule 1) will be determined by the relevant Sub-committee.

- 3.4 Special event applications would typically, but not exclusively, include:
- Local Charity events
 - Community fairs and craft events
 - International markets
 - Events celebrating local or national anniversaries

4. General information – in all cases

4.1 Decisions

- 4.1.1 Following the determination of an application, the Council will notify the applicant of the decision. Determinations made at Committee will be confirmed in writing and published on the Council's webpages.

4.2 Renewals

- 4.2.1 Consents are normally issued for a set date or dates, or a period of up to one year. Applicants who wish to continue trading should submit renewal applications at least one month prior to expiry of any current Consent. Renewals are normally allowed but further consultations may be needed if there are causes for concern or if the Consent operation has been the subject of complaint.

4.3 Variations

- 4.3.1 Holders of a Consent may wish, from time to time, to vary it - for example by requesting a change of trading hours. Consents will specify the location or area to which they apply – a request to vary this will be treated as a new application for the new location.

4.4 Fees

- 4.4.1 An annual fee is payable for Street Trading Consents and payment should be made on application. A full refund is given should an application be refused. Fees are reviewed annually and published on the Council's website.

4.5 Conditions

- 4.5.1 Consents will carry Standard Consent Conditions (Appendix II) in all cases in order to promote public safety and avoid obstructions, nuisance and annoyance. Other conditions may be attached to a Consent and will be relevant to the category of Consent issued and the nature of the local environment. A pool of typical conditions, relating to operating hours, sites, locations, goods offered, safety, refuse collection, etc. is shown at Appendix III. A Consent may also attract conditions in addition to or

instead of those found in the pool of conditions according to its individual merit.

4.6 Appeals

4.6.1 The governing legislation does not allow for appeals and grounds for refusal need not be given. However, in order to ensure the process is open, fair and transparent, if an application is refused reasons will be given. Officers will refer applications to the Licensing & Regulatory Committee if not minded to grant the application.

4.7 Enforcement

- a. The Council's Environmental Health Service aims to work closely with other enforcement authorities and agencies
- b. Obtaining a Consent does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning controls, and organisers should ensure all such permissions, etc. are in place.
- c. Where street trading activities are conducted without appropriate Consents the Council will look to gather evidence and take appropriate enforcement action in accordance with its Enforcement Policy.
<https://www.waverley.gov.uk/Portals/0/Documents/services/council-information/about-waverley-borough-council/council-policies-and-strategies/Enforcement Policy for Regulatory Services.pdf?ver=otujnXCCJ8X6AWiewl7EGg%3d%3d>
- d. If the Council feels there is an issue with public order or threat to public safety in any particular instance it will call for assistance from Surrey Police
- e. The Council may call for assistance from appropriate CCTV recordings when dealing with such issues
- f. The Council will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.
- g. Enforcement decisions will be made on a case-by-case basis in light of the Council's Enforcement Policy.
<https://www.waverley.gov.uk/Portals/0/Documents/services/council-information/about-waverley-borough-council/council-policies-and-strategies/Enforcement Policy for Regulatory Services.pdf?ver=otujnXCCJ8X6AWiewl7EGg%3d%3d>

4.8 Review Procedures

4.8.1 This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of street trading generally or as a result of local considerations within Waverley. In any case, this Policy will be reviewed within five years of adoption.

4.9 Late Applications

4.9.1 Where an applicant has not given sufficient notice, consent will not normally be granted unless approved by the Head of Service in consultation with the Chairman of the Licensing & Regulatory Committee on receipt of satisfactory responses from the police, fire and highways authorities.

NOTES

Human Rights

The Human Rights Act 1998 obliges the Council to comply with the provisions and protections of the European Convention on Human Rights. It is unlawful for a local authority to act in a way that interferes disproportionately with a convention right. The Sub-committee will have regard to the rights protected by the European Convention on Human Rights when exercising its licensing functions.

List of Prohibited and Consent Streets in Waverley

If a road is subject to a Road Closure Order issued by Waverley Borough Council or Surrey County Council, provided an Event Management Plan has been submitted to Waverley Borough Council detailing how the event will be run safely and without causing nuisance to the area, the street shall no longer be deemed a consent or prohibited street.

A consent street includes a road, footway, or other area to which the public have access without payment. It does not include buildings themselves ~~or commercial premises~~. Events organised by Town and Parish Councils on their own land, adjacent to a consent street, shall not require a street trading consent provided an Event Management Plan has been submitted to Waverley Borough Council detailing how the event will be run safely and without causing nuisance to the area. Similarly, events organised by Waverley Borough Council on their own land, adjacent to a consent street, shall not require a street trading consent.

PROHIBITED STREETS

Farnham

Victoria Road

Union Road

East Street, from the traffic lights at its junction with South Street up to the east end of Dogflud Way

Dogflud Way

South Street

Bear Lane, from the traffic lights at its junction with South Street to the junction of Woolmead Road

Park Row

Woolmead Road

A31 from Willey Mill through the Farnham Bypass to the Shepherd and Flock Roundabout

A31 from the Shepherd and Flock in an easterly direction to the Waverley Borough Council boundary

A325 Wrecclesham Road, from the Coxbridge Roundabout to the Railway Bridge

Odiham Road from the junction with Folly Hill to the county boundary

Tilford

Tilford Road between All Saints Church and the River Wey (South Branch)

Tilford Road (East Side of the Green) from its junction with Tilford Road to The Street

The Street between its junction with Tilford Road and Whitmead Lane

Godalming

Wharf Street, Godalming from its junction with High Street to its junction with Flambard Way

Woolsack Way
Farncombe Street from its Junction with Station Road/the west side of the
Farncombe Street level crossing to its junction with Nightingale Road
St Johns Street
Summers Road
Station Road, Farncombe

Cranleigh

Dewlands Lane
Ewhurst Road, from the junction of High Street to the junction of Park Mead
Park Mead, and Park Drive to the junction with Cranbrook Terrace
Mead Road, from the junction of Ewhurst Road to the junction of Bridge Road
Horsham Road to the Borough boundary
Overford Drive, from its junction with Horsham Road to the junction of Little
Manor Gardens
Church Lane
Knowle Lane, from its junction with the High Street to the access at the rear of
Stocklund Square
Victoria Road
St James's Place
Guildford Road from the roundabout junction of the B2128 and B2130 to the
entrance to Manfield Park Industrial Estate
Elmbridge Road from the roundabout junction of the B2128 and B2130 to the
entrance to Hewitts Industrial Estate

CONSENT STREETS

All roads in the Waverley Borough Council area, other than prohibited streets,
are designated consent streets.

Conditions

Standard Consent Conditions

(to be used on all Consents issued)

1. 'Consent Street' means a street in which street trading is prohibited without a Consent from Waverley Borough Council
2. 'Prohibited Street' means a street in which street trading is prohibited at all times
3. 'Street' includes any road, footway, lay-by or other open area to which the public have access without payment
4. 'Street Trading' means (generally) the selling, or exposing or offering for sale, any article in a street
5. The trader shall not cause any obstruction of the street or any danger to any persons or vehicles using the street
6. The trader shall not cause any nuisance or annoyance to any other person, whether that person is using the street or otherwise, or to the occupier of any building in proximity to the consent site
7. Mobile food traders shall have a minimum FSA Food Hygiene Rating Score of level 3 or above.
8. The council may at any time vary the conditions of a street trading consent or revoke the consent at any time
9. Public liability insurance providing cover to a minimum amount of 5 million pounds must be in place for the consent site and a certificate of this must be produced on request of an officer of Waverley Borough Council. The person applying for street trading consent is responsible for providing this insurance, and applies to individual applicants (Schedule 1 event), or the organiser (Schedule 2 event).
10. An individual trader shall conspicuously display the council issued Consent at all times whilst trading; for special events, the Consent will be displayed in at least two conspicuous places – typically these shall be attached to the first and last stalls
11. The Consent holder must provide facilities for use by him/herself and customers to collect any waste, refuse or litter. The refuse storage must be of a substantial construction, waterproof and animal-proof. All must be removed from the trading location at the end of each day's trading and properly disposed of, or if the amount of waste and refuse warrants it, when the container is full – whichever is the sooner.

12. The Consent holder shall ensure that all adjacent areas (except the carriageway if open for vehicular use) to a distance of 10 metres be kept free of litter and refuse at all times whilst on site.
13. Authorised vehicles must be roadworthy, have current relevant documentation and internal and external appearance of vehicles &/or stalls shall be maintained in a clean, neat and tidy condition.
14. Any stall or vehicle used for street trading must be immediately removable at all times in the event of an emergency, or at any other time, be removed at the request of any officers of the emergency services or officer of the Council.
15. The name and address of the operator and other address at which the stall or authorised vehicle is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may readily view it.
16. No stall or vehicle shall remain situated for longer than one hour after the authorised trading time(s).
17. No Consent holder shall trade at his / her authorised location on dates when road closure directives are in place for special events otherwise than with the permission of the organisation applying for same.
18. The Consent is non-transferable.
19. Where a structure or vehicle is not removed at the end of trading, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure or vehicle.
20. Failure to comply with any conditions attached to the Consent may result in the revocation of such consent.

Pool of Conditions

Conditions applicable to special Events / Markets, etc.

The Consent holder shall keep records of each stallholder present, to include the stall's site, name (and company name), address, vehicle registration and contact telephone number. This must be produced on the request of an officer from the Council

Other Conditions

There shall be no available means of attracting attention for the purposes of trading or any stands or signs away from the consent site

The consent holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords and crossbows

The consent holder must not sell a knife to anyone under 18.

The Consent does not imply or give any other permission, consent, licence or authorisation to trade in any other products other than those granted on application or renewal

The trader shall not exhibit on the site any advertising signs, posters or such like except as may be approved by the Council

No animal shall be present on any stall or vehicle save assistance dogs in accordance with the Equality Act 2010

The trader is not permitted to hold any auction or like sale

The trader shall reimburse the Council's costs in repairing all damaged caused by the trader's occupation and use of the consent site

There shall be no discharge of wastewater or other liquid waste onto the consent site or surrounding areas

No form of amplified music shall be permitted

A RESOLUTION ON STREET TRADING AND DESIGNATION OF CONSENT AND PROHIBITED STREETS

That all streets in Waverley Borough be designated as consent streets under Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, save the following which are to be designated as prohibited streets under the above legislation.

Farnham

Victoria Road
Union Road
East Street, from the traffic lights at its junction with South Street up to the east end of Dogflud Way
Dogflud Way
South Street
Bear Lane, from the traffic lights at its junction with South Street to the junction of Woolmead Road
Park Row
Woolmead Road
A31 from Willey Mill through the Farnham Bypass to the Shepherd and Flock Roundabout
A31 from the Shepherd and Flock in an easterly direction to the Waverley Borough Council boundary
A325 Wrecclesham Road, from the Coxbridge Roundabout to the Railway Bridge
Odiham Road from the junction with Folly Hill to the county boundary

Tilford

Tilford Road between All Saints Church and the River Wey (South Branch)
Tilford Road (East Side of the Green) from its junction with Tilford Road to The Street
The Street between its junction with Tilford Road and Whitmead Lane

Godalming

Wharf Street, Godalming from its junction with High Street to its junction with Flambard Way
Woolsack Way
Farncombe Street from its Junction with Station Road/the west side of the Farncombe Street level crossing to its junction with Nightingale Road
St Johns Street
Summers Road
Station Road, Farncombe

Cranleigh

Dewlands Lane
Ewhurst Road, from the junction of High Street to the junction of Park Mead
Park Mead, and Park Drive to the junction with Cranbrook Terrace
Mead Road, from the junction of Ewhurst Road to the junction of Bridge Road
Horsham Road to the Borough boundary
Overford Drive, from its junction with Horsham Road to the junction of Little Manor Gardens
Church Lane
Knowle Lane, from its junction with the High Street to the access at the rear of Stocklund Square
Victoria Road
St James's Place
Guildford Road from the roundabout junction of the B2128 and B2130 to the entrance to Manfield Park Industrial Estate
Elmbridge Road from the roundabout junction of the B2128 and B2130 to the entrance to Hewitts Industrial Estate

The resolution comes into effect on 1 April 2021. Earlier resolutions passed by Waverley Borough Council to designate specified areas of the District as consent and prohibited streets for the purposes of regulating street trading under Schedule 4 of the above legislation are rescinded.

DRAFT NOTICE

WAVERLEY BOROUGH COUNCIL

Street Trading Resolution on designation of consent and prohibited streets

Local Government (Miscellaneous Provisions) Act 1982 – Para 2 Schedule 4

Notice is hereby given that Waverley Borough Council has passed the following resolution on 1 MARCH 2021 (Licensing and Regulatory Committee) for the purpose of regulating street trading:-

That all streets in Waverley Borough be designated as consent streets under the above legislation, save those streets set out within annexe E which are to be designated as prohibited streets, (a list of which is published at Waverley's Street Trading website at <https://www.waverley.gov.uk/Services/Business-and-licensing/Licences-and-registrations/Street-trading>); and

To rescind earlier resolutions passed by Waverley Borough Council to designate streets for the purposes of regulating street trading

The effect is to require persons to obtain consent from Waverley Borough Council to trade on consent streets and to prohibit street trading on prohibited streets with effect from 1 April 2021.

For further information including to obtain a list of prohibited streets, and street traders wishing to apply for consent, please visit the above website, email:

environmentalhealth@Waverley.gov.uk, or telephone: 01483523393

Environmental and Regulatory Services, Waverley Borough Council, The Burys, Godalming, GU7 1HR

Waverley Borough Council

LICENSING AND REGULATORY COMMITTEE

1 MARCH 2021

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 amendment, 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.

2.2 In 2017, the Minister for Transport John Hayes MP announced in the Commons that he was to establish a Task and Finish Group (TFG) to examine taxi and private hire vehicle licensing, with a view to highlighting the current dilemmas faced by licence holders and recommending possible legislative reform. The report was submitted to Government in July 2018. On 12th February 2019, the Department for Transport issued its response to the Task and Finish Group report and in July 2020 The Department for Transport issued The Statutory Taxi & Private Hire Vehicles Standards.

The Government issued these statutory taxi and private hire vehicle standards to licensing authorities, outlining how they should carry out their licensing function.

- 2.3 At the end of 2019, Officers conducted a review of Waverley's Hackney Carriage & Private Hire Policy. There were a number of existing conditions which Officers felt required update/clarification. It was also felt appropriate to incorporate recommendations from the Department for Transport on the report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing, with a view to providing a safer and more robust licensing system.
- 2.4 On 13 January 2020, the Licensing & Regulatory Committee considered the changes and recommendations to the Waverley Policy and agreed a basis for consultation.
- 2.5 Officers subsequently consulted on the Policy and were due to bring the comments from the consultation to the Licensing & Regulatory Committee on 23 March 2020 for consideration. This was overtaken by circumstances due to the Council's reprioritisation of services connected to the Covid-19 outbreak etc., and with members' agreement, this meeting was postponed.
- 2.6 Since the postponement, the Government has published the Department for Transport's 'Statutory Taxi & Private Hire Vehicle Standards'.

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

- 2.7 On 9 November 2020, following publication of the Department for Transport's 'Statutory Taxi & Private Hire Vehicle Standards' the Licensing & Regulatory Committee considered the standards and changes/ recommendations to the policy and agreed a basis for consultation. A copy of the minutes are attached at **Annexe 1**.
- 2.8 The Licensing & Regulatory Committee requested/recommended a number of changes/amendments, which were made to the policy and in addition, asked that further consideration be given to;
 - a definition of a warning light' being set out in the policy. This was in reference to the penalty point scheme, page 66 No. 28 – Dashboard Warning light illuminated.
 - further defining the categories within the penalty points scheme (page 66 No 24) – Unsatisfactory condition of vehicle, interior or exterior and (page 67 No 46) – Minor Vehicle defects e.g. blown exhaust, ineffective/broken windscreen wiper washer.

Officers considered both these matters further and felt it would be unduly restrictive to refine them further by way of list as there are numerous possibilities which could feature within each category and a specific list of scenarios may not cover all possibilities and would likely impinge on Officer's

ability to exercise discretion. As matters stand, every incident can be dealt with on a case by case basis and the driver has a right to appeal to the Head of Environmental & Regulatory Services.

3.0. **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, and a notice placed on Waverley's website.

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

3.1 **Consultation timetable;**

- Initial report to Licensing & Regulatory Committee – 09 November 2020
- Email sent to all HC/PH licensees, all Councillors email group, Town & Parish Clerks, Waverley Pubwatch Schemes, Communications Team, Safeguarding, Local Police Inspector and the Campaign for better Transport – 26 November 2020
- Emailed to Chambers of Commerce – 27 November 2020
- Placed notice at all taxi ranks; – 01 December 2020
- Place consultation information on web – 01 December 2020
- Inspection copies at Council Offices – 26 November 2020
- Consultation period end 17 January 2020 (6-7 weeks)
- Licensing and Regulatory Committee – 1 March 2020

3.2 There have been 9 written responses to the consultation, a copy of the body of the responses from this consultation are attached at **Annexe 3**.

3.3 For reasons of openness and fairness, the 28 responses from the earlier consultation that were due to be considered by the Licensing & Regulatory Committee on the 23 March 2020 which was postponed have also been included and are attached at **Annexe 4**

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 outcome of the feedback from the consultation of the draft Hackney Carriage and Private Hire Licensing Policy and agrees it, with or without amendments.

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

- 6.1 A review of the existing Policy is necessary following the publication of the Department for Transport's 'Statutory Taxi & Private Hire Vehicle Standard', the receipt of a number of comments from licensed operators and drivers and on the basis of a number of Officer observations based on experience in administering and enforcing the Waverley 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 program, specifically in respect of Air Quality and Electric Vehicle Charge strategy.

There is an action in the Carbon Neutrality Action Plan 2020 -2030 (Active Travel and Air Quality) re taxis/ph vehicles as follows:

Review taxi licensing policy to encourage the use of ultra-low emission vehicles and introduce a maximum age limit for cars. Proposed targets are:

- From 1 January 2023 a new application to licence a taxi must be a ULEV.
- From 1 January 2027 new licences must only include zero emission vehicles

Consultation January – March 2020

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 Statutory Standards are published under s177(1) of the Policing and Crime Act 2017 and set out a framework of policies that licensing authorities must have regard to when exercising functions. The new standards take precedence over all other Department for Transport best practice guidance and are in effect from January 2021, (and update Best Practice Guidance issued in 2010).

The Standards have been set directly to address the safeguarding of the public, and the potential impact of failings in this area, and the Department for Transport expects recommendations to be implemented unless there is a compelling local reason not to.

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 to 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 3.1 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:

Annexe 1 – Minutes from the Licensing & Regulatory Committee 9 November 2020

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

Annexe 3 - 9 written responses to the consultation from 26 November 2020-17 January 2021

Annexe 4 - 28 written responses to the consultation due to be considered by the Licensing & Regulatory Committee on 23 March 2020

Background Papers

There 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

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 9 NOVEMBER
2020

SUBMITTED TO THE COUNCIL MEETING - <DATE>

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

Present

Cllr Robert Knowles (Chairman)
Cllr Roger Blishen
Cllr Jerome Davidson
Cllr Michael Goodridge

Cllr Jerry Hyman
Cllr Anna James
Cllr Jacquie Keen
Cllr Ruth Reed

Cllr Peter Isherwood (Substitute)

Apologies

Cllr Martin D'Arcy, Cllr Patricia Ellis, Cllr Maxine Gale and Cllr Michaela Martin

Also Present

LIC16/20 MINUTES (Agenda item 1.)

The minutes of the meeting held on 30th July 2020 were agreed as a correct record.

LIC17/20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Apologies were received from Cllrs Martin D'Arcy, Patricia Ellis, Maxine Gale and Michaela Martin. Cllr Peter Isherwood attended as substitute.

LIC18/20 DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest submitted for this meeting.

LIC19/20 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions for the public submitted to this meeting.

LIC20/20 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were no questions from members submitted for this meeting.

LIC21/20 ACTION AUTHORISED (Agenda item 6.)

The Chairman reported that consultation had taken place with the Executive Director on a number of pavement licence applications since the last meeting and action had been taken.

LIC22/20 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW CHANGES TO LEGISLATION (Agenda item 7.)

Paul Hughes, Licensing & Environmental Enforcement Manager, outlined the background and content of the revised Hackney Carriage and Private Hire Policy following legislative changes. This review was necessary following receipt of the Department of Transport 'Statutory Taxi and Private Hire Vehicle Standards' and a number of Officer observations based on recent experience in administering and enforcing the policy.

Amendments to the policy had been highlighted for ease of reading and the committee were asked for comments.

The committee were advised that a number of spelling, formatting and grammatical errors had been identified following publication of the agenda and these had already been addressed by officers.

Comments raised:

- Concern was raised regarding drivers from other areas in the Borough coming to Farnham on a Saturday night to ply for trade as the other areas were not social hubs. Thus taking trade away from the Farnham drivers and also having lack of knowledge of the area so giving a bad impression of our drivers. It was asked whether this could be prevented by way of restrictions on the licenses?

Paul Hughes advised drivers were tested in depth on the town they would be based and with a general knowledge of the borough as a whole but that this could be more robust.

Gillian Carson-Jones, Litigation, Licensing and Regulatory Solicitor advised that once a hackney carriage licence was granted the drivers were able to ply their trade in the whole Borough and it was not possible to restrict access to public ranks. This had been tested in the case of R(on the application of Maud) v Castle Point Borough Council where it was held that a local authority cannot restrict where a hackney carriage can work within a district by condition (relating to use of a particular taxi rank)

- Taxi Livery – it was noted in the report that taxis would need to ensure they were not carrying livery from other neighbouring authorities, on the basis of identification and safety.
- Tinted windows – The report stated the maximum level of tinting the authority would allow. Concern was raised as to the levels factory fitted and whether drivers would know what that level was.
- It was noted that drivers would have to notify the authority of any traffic convictions within 48 hours instead of 7 days as previous. It was questioned whether this was long enough?
- The committee asked for the definition of a 'warning light' be set out in the policy so there was no confusion.

- It was queried why unsatisfactory condition of a vehicle could incur 4 points but minor vehicle defects incurred 3 points and officers were requested to further define what these categories were.
- Reports had been received regarding plastic bottles full of bodily fluids being deposited at kerbsides by taxi drivers. It was felt this should be included in the policy and reference was made to the penalty points scheme at number 46 and a separate offence of littering under the environmental protection act.
- It was noted that throughout the Policy there were comments around the policy coming into effect on 1st April 2020. Due to the delays in reviewing the policy it was agreed these dates would be changed to 1st April 2021.

The committee were reminded that the policy would be going out to consultation so many of the issues raised were likely to be subject to further review.

The committee thanked officers for their work on the revision of this policy and commended them on the focus on a duty of care to public safety, the safeguarding of children and vulnerable people and the prevention of crime & disorder.

Agreed:

The Licensing and Regulatory Committee:

- considered the draft Hackney Carriage and Private Hire Licensing Policy at Annexe 4 and agreed it, with the amendments discussed, as a basis for consultation, and;
 - noted The Department Of Transport 'Statutory Taxi & Private Hire Vehicle Standards' report;
 - noted the agreed actions from Waverley's Licensing & Regulatory Committee of 13 January 2020;
 - approved the officer recommendations on the Statutory Taxi & Private Hire Vehicle Standards' report outlined at Annexe 3;
 - noted that a number of minor administrative changes and typographical corrections have been made;
 - delegated authority for minor administrative changes, typographical corrections and grammatical changes for easier reading to be approved by the Head of Environmental & Regulatory Services.

LIC23/20 LEGAL ADVICE (Agenda item 9.)

There were no further items to discuss and no legal advice requested therefore the Chairman closed the meeting.

The meeting commenced at 10.00 am and concluded at 11.04 am

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Hackney Carriage and Private Hire Licensing
Policy and Application Process



Effect Period

01 APRIL 2020 to 31 MARCH 2025

Waverley Borough Council will review this policy at least every five years or sooner in light of any significant changes to legislation or guidance and consult on any proposed amendments. If we make any changes, we will then re-publish the policy.

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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.

Private Hire Vehicles are 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.

PART 2

Objective;

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The aim of this policy is to provide a fair, open and transparent framework to ensure that hackney carriage and private hire services in Waverley Borough continuously demonstrate that they meet or exceed the standards set by the Council.

In exercising the principles of protecting the public the Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,
- To promote public confidence in the hackney carriage and private hire services through encouraging a professional hackney carriage and private hire trade,
- The safety and health of the public and drivers,
- Vehicle safety, comfort and access,

Following a number of reviews of failures in the licensing process in areas such as Rotherham, South Ribble and Oxford, the subsequent publication of the Task and Finish Group Report, government response and accompanying Statutory Guidance all highlighted the importance, amongst other things, of having effective regulatory and enforcement functions in preventing and disrupting Child Sexual Exploitation. The Taxi licensing function has a key role in this

PART 3

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	✗	✓

PART 4

GENERAL PRINCIPLES

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, Department for Environmental Food & Rural Affairs (DEFRA) (air quality data), Disclosure & Barring Service (DBS), Driver & Vehicle Licensing Agency (DVLA), Department for Work & Pensions (DWP), HM Revenues & Customs (HRMC), Home Office, other Councils, National Anti-Fraud network(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. The National Register of Revocations and Refusals

The Council will check all new and renewal applications against the national register.

If a licence holder has been refused/revoked by another authority, this will not debar an applicant from holding a licence, however the Council will give weight to the decision made by that authority in considering the application. Additionally, if an applicant has had another licence refused/revoked which is not declared to the Council, this will raise concerns about the honesty and integrity of the applicant and is likely to lead to refusal.

The Council will record all decisions to refuse and revoke a driver's licence on the National Register, and will provide details of the reasons for each decision to another licensing authority following receipt of the necessary data sharing request.

3. Joint Warranting

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

3a.

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

4. Whistleblowing

The purpose of this Policy is to protect the wider public using taxis and Private Hire Vehicle's (PHVs). However, it is in the application of these policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. It is therefore recommended that any staff follow the Council's Whistleblowing procedures to raise concerns so that these can be dealt with openly and fairly.

Members of the licensed trade are also encouraged to report concerns relating to public safety, and will not face licensing action for bringing concerns to the authorities' attention.

Further details including Waverley's Policy and Procedure regarding Whistleblowing can be found at;

https://www.waverley.gov.uk/downloads/download/2581/confidential_reporting_-_whistleblowing_-_policy_and_procedure

The failure of a member of the trade to report incidents which they are aware of may however call into question their suitability to hold a licence.

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

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

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

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

Other costs for applicants, paid direct, are:

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

6. Hackney Carriage Fares (Tariff)

The Hackney Carriage fares are reviewed by the Licensing (General Purposes) Sub-Committee, usually upon request from licensees for an increase or other

amendment. The process involves all licensees having the opportunity to comment on the proposed changes (a consultation with them) and a report to the Committee including comments made and a comparison with neighbouring councils' fares. Any increase approved by the Committee is then advertised in the public notices section of the local press. Any representations made are brought back to the Committee to consider. The finally agreed increase is then put into place on a set date. The current fares approved are shown in every taxi and in some private hire vehicles if they have a taxi meter allied to the same fare chart or any other set tariff.

7. Byelaws for Hackney Carriages

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

8. Hackney Carriage Stands (Taxi Ranks)

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

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

PART 5

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.

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 fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is held. 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,
- ❑ **Wheelchair Accessible training for licensed drivers of designated wheelchair accessible vehicles**
- ❑ An online check on the DVLA driving licence
- ❑ **Right to work in the UK check**
- ❑ CSE Training
- ❑ a knowledge test for journeys

1. 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 Information ³	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.

All licensed drivers must subscribe to the DBS update service and are required to evidence continuous registration with the DBS update service. Failure to have continuous registration may lead to suspension/revocation of the licence.

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.

In the interests of public safety, Waverley will not issue a licence to any individual that appears on either barred list.

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.

2. 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.

3. Medical Report

A 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.

4. Blue Lamp Trust

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.

5. Wheelchair accessible training

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

6. 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.

7. 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.

8. Mandatory Child Sexual Exploitation (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.

9. Photograph

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.

10. Knowledge Test

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. 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).

The knowledge test is more detailed for Hackney Carriage (taxi) applicants, who must be able to carry their passengers via the shortest route to their destination.

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.

Driver licence Applications;

New Applicants;

New applicants should make an appointment with the Licensing Service by calling 01483 523219 or by emailing taxi@waverley.gov.uk

New Applicants are advised to read and understand this policy.

Applicants must bring identification documents to the first appointment so that a Right to Work in the UK Criminal Records check through the Disclosure and Barring Service (DBS) can be started (see above).

At the first appointment applicants will be advised of the documents, certificates, reports, etc.(1 to 9 page 12 to 16) which must be completed, or supplied for a new application to be considered.

Once the applicant has completed 1 to 9 on page 12 to 16, the relevant documentation has been submitted and the application fee has been paid, officers will make an appointment for the applicant to undergo a knowledge test (see 10 on page 16).

NOTE:

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

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 8 of this policy which deals with the Council and its Committees.

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.

Renewal Applications

Applicants wishing to renew their drivers licence will need to complete and sign the application and make payment.

The applicant must also submit a satisfactory medical report to Group 2 standard.

Officers will conduct with the applicant a check of the applicants DBS via the online service and a DVLA online check.

Once A Licence Has Been Granted it can only be renewed while it is 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.

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.

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

PART 6

LICENCES FOR VEHICLES

Hackney Carriage (Taxi) and Private Hire Vehicle policy

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

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.

Limousines- Should an application be made to licence 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. Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

Insurance write Offs

From 01 April 2021 Waverley will not accept any new applications for vehicles that have been written off by an insurance company.

Age of the vehicle

From 01 April 2021 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 years 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;

Applicants for a Vehicle licence are subject to a 'fit and proper' test, so will need to have a criminal record check (Basic DBS Disclosure), unless they hold a Waverley Hackney Carriage/Private Hire Driver or a Private Hire Operators licence, in which case a check has already been completed.

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, 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 or prominently display 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 2021 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).
22. No taxi or private hire vehicle may be of the same colour of a neighbouring council's set livery(colour) for their Hackney Carrages.
23. A meter must be fitted, tested and illuminated - taxis and specified private hire vehicles only
24. 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.

25. 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.

26. **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

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

Private Hire Vehicles only

28. 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.

29. 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.

30. 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".

31. 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).

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 7

LICENCES FOR PRIVATE HIRE OPERATORS

5. Private Hire Operators' licences

A private hire operator (PHO) is a person, partnership or company licensed to take bookings and send licensed vehicles and drivers to undertake the pre-booked work

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. The vehicles and the drivers themselves must also be licensed separately by Waverley.

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'

The Operator 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.

Applications.

The Council has a duty to ensure that Private Hire Operators are fit and proper persons before considering the grant of the licence.

Applicants for a PHO licence are subject to a 'fit and proper' test, so will need to have a criminal record check (Basic DBS Disclosure), unless they hold a Waverley Hackney Carriage or Private Hire Driver licence, in which case a check has already been completed.

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.

If the applicant is a company or partnership each of the directors or partners in that company or partnership are subject to a 'fit and proper' test and will need to have a criminal record check (Basic DBS Disclosure)

The Licensed Operator must notify the Council in writing within 14 days regarding any changes to the company directors/partnerships.

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 a 'living 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 passenger carrying vehicle (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

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.

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 8

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 9

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 10

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, **48 hours** 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.

A failure by a licence holder to disclose an arrest that the licensing authority is subsequently advised of may be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

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 or prominently display 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, 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 **48 hours** 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 or prominently display 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** . (The number of passengers will be shown on the vehicle plate and on the vehicles paper licence)
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

10. 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

11. 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
12. 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

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

Window Tinting

14. **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

15. 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.
12. 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 Policy (Section 50).
- (v) The vehicle licence and insurance certificate must be produced to an authorised officer of the Council on request (Section 50).
- (vi) Authorised officers of the Council (or Police Officers) may carry out 'spot checks' and may require further examination of the vehicle (Section 68).
- (vii) If a taximeter is fitted it must be tested by the Council (Section 71).

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

ANNEXE 5

PRIVATE HIRE OPERATOR - STANDARD CONDITIONS OF THE LICENCE

1. The operator must keep a record of all the details set out below 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.

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.
- The fare agreed

2. The operator shall keep in a form similar to that set out below, a record of the particulars prescribed therein in respect of every private hire vehicle operated by him/her.

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

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) The Licensed Operator must notify the Council in writing within 7 days regarding any changes to the company directors/partnerships.
- (e) any other change in the information given by the operator to the Council at the time of granting the current Licence.

NOTE (a to e above) Notification must be given in writing within 14 days of the event.

(f) 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;

For (f) Convictions Notification must be given in writing within 48 hours

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.

Relevance of convictions, cautions endorsements and other information

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 at any time day or night?’

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:

- a. How relevant the offence(s) are to the licence being applied for
- b. How serious the offence(s) were
- c. When the offence(s) were committed
- d. The date of the conviction, warning, caution etc.
- e. Circumstances of the individual concerned
- f. Any sentence imposed by the court
- g. The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- h. Whether they form part of a pattern of offending
- i. The applicant's attitude
- j. Any other character check considered reasonable (e.g. personal references if requested by the Council)
- k. 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)].

In considering an individual's criminal record, the licensing authority must consider each case on its merits, but will take a particularly cautious view of any offences against individuals with special needs, children and other

vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.

- 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 48 hours 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 48 hours 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
 - take no further action
- 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.

6.0 **Offences and time periods for consideration**

The periods given below should be taken as a starting point before a licence should be granted or renewed in all but truly exceptional circumstances. The Council's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

In addition to the nature of the offence or other behaviour, the quantity of matters over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause a greater concern than isolated occurrences as such patterns demonstrate a propensity for such conduct. Where a person has more than one conviction, this indicates a pattern or trend of repeated offending which raises serious concerns about a person's suitability.

6.1 **Crimes resulting in death**

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

6.2 **Exploitation**

Where an applicant or licensee has been convicted of a crime involving, relating to, or having any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

6.3 **Offences involving violence**

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

6.4 **Possession of a weapon**

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

6.5 **Sex and indecency offences**

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

6.6 Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

6.7 Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

6.8 Discrimination

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

6.9 Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction of a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or PHV driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence. However, should licence holders receive multiple minor traffic offences this may be indicative of an intentional disregard for traffic limits and/or failure to learn from previous mistakes and such will call into question the licence holders suitability.

More serious 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 will be increased to 3 years.

In cases where a DVLA licence has been lost due to 'totting up', 3 years should elapse (after the restoration of the DVLA driving licence), before an applicant would be granted a Hackney Carriage or Private Hire driver's licence.

6.10 Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

6.11 Using a hand-held telephone or hand held device whilst driving

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

6.12 Licensing and other Regulatory Offences

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 5 years has passed since conviction.

6.13 Insurance Offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance (including incorrect insurance), or allowing a person to drive whilst uninsured. Where an applicant has a conviction for insurance offences, a licence will not be granted until at least 3 years have elapsed since the completion of any sentence or driving ban imposed.

7. People banned from working with children and vulnerable adults

A licence will not be granted if an applicant has been found unfit to work with children or vulnerable adults.

8. Outstanding Charges or Summonses

If the individual is the subject of an outstanding charge or summons, then in the interests of public safety the application may be put on hold, with the applicant's agreement until proceedings are concluded or the licence may be refused.

9. Non-conviction information

The Council will take into account intelligence which has not led to a conviction. This may include but is not limited to background information where there has been an acquittal, where a conviction has been quashed due to a technicality, such as misdirection of the jury, where the decision was taken not to prosecute, 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.

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration will be given to refusing the application or revoking an existing licence.

10. **Summary**

- 10.1 There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk may reduce over time. In light of that, the timescales above are intended to reduce the risk to the public to an acceptable level.
- 10.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 10.3 Ideally, all those involved in the hackney carriage and private hire trades would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 10.4 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, caution will be exercised and the applicant will not be afforded the benefit of the doubt.

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 48 hours	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	✓	

<u>PENALTY POINTS SCHEME</u>	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
12	Failure to wear driver's badge or have prominently displayed so a customer can see it	4	✓	
13	Driver not holding a current/valid DVLA Licence	12	✓	
14	Unsatisfactory appearance of driver	3	✓	
15	Refusal to accept hiring without reasonable cause 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		✓

<u>PENALTY POINTS SCHEME</u>	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
28	Dashboard warning light illuminated	4	✓	
29	Failure to carry fire extinguisher in accordance with Policy	3	✓	✓
30	Failure to carry first aid kit in accordance with Policy	3	✓	✓
31	Displaying unsuitable, unauthorised or inappropriately sited signs or advertisements in or on the vehicle	6		✓
32	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	8	✓	✓
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	✓	

<u>PENALTY POINTS SCHEME</u>	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
45	Failure to carry legal spare wheel or repair kit and tools if run flat tyres are not fitted	3	✓	✓
46	Minor vehicle defects e.g. blown exhaust, ineffective/broken windscreen wiper/washer	3	✓	
47	Urinating or defecating in a public place	5	✓	
48	Failure to comply with any other licensed conditions	3	✓	✓
49	A licensed vehicle with a bald tyre or other major defect	5 per tyre	✓	✓
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	✓	✓
57	Failure to notify, in writing, within 14 days regarding any changes to the company directors/partnerships.	4		✓

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

ANNEXE 9

Hackney Carriage/Private Hire Trade Offences

Town Police Clauses Act 1847

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

61	Wanton / furious driving / wilful misconduct causing injury / danger	Level 1
62	Driver leaving HC(V) unattended	Level 1
64	HC driver obstructing other HC(V)'s	Level 1

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

Local Government (Miscellaneous Provisions) Act 1976

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

Private Hire Trade Offences

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum
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	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

Consultation Responses for L/C 1 March 2021

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3. Thank you for the copy of the proposed changes in policy, I have only one observation in that my two vehicles would no longer be licensed from December 2022. As you are aware the current restrictions placed upon us all has had a catastrophic effect on business. If this policy comes into force they is no way that I will be able to replace these vehicles in line with council requirements and be, I would suggest, like many others be forced out of business. I would be interested to know what percentage of taxi and private hire vehicles currently licensed would not be effected by this change of policy. I would ask that at least this decision be held pending some form of normality returning when I would be able to support funding for two such new vehicles.

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7. The Parish Council reviewed this consultation at their last meeting and would like to make the following comments:

1) The Council noted that incentives were to be provided to vehicle operators that began to introduce low emissions vehicles prior to 2030 (when all new operator vehicles must be low emissions, or hybrid). The Council would like to suggest including electric vehicle incentives as this will work toward the goals of the climate emergencies set in both Waverley and Cranleigh Parish.

2)The Council recognises that we should not be trying to burden the Private Hire and Hackney Carriage businesses at a time of economic restriction, so we would ask that incentives be offered, like reduced licensing fees be offered for those converting to environmentally friendly vehicles supporting climate emergency goals.

3) The Council would like to suggest a cap on the clause 21b of the licensing conditions that allows operators to claim 5% of the value of lost/left behind items returned to licensing authority offices. It might be unreasonable, if £2m bankers draft or £30k ring/watch was left in a taxi, to require such a high return.

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However, at the meeting in March 2020 when some of the new proposals were muted, you were witness to the many comments of all present regarding a number of matters. Not least of which were the proposed changes to the ages of vehicles at first registration and the maximum age of vehicles.

In your email you state that these proposals are

“The updated policy is based upon the ‘National Standards’ released by the Department for Transport on 21 July 2020 and changes recommended by officers”

Might I ask for clarification as to who are the “officers” to whom you refer? It is not clear if they are DoT officers or WBC. I ask as WBC currently wish to retain their ability to set their own fee structure so one safely assume that you would also be willing to not adhere to all the national guidelines and recommendations? I am all in favour of anything that ensures our guests can feel safe and comfortable, knowing their driver is licensed following a stringent test / series of tests but there is a time when rules seem to be made up just for the sake of it.

These recent months have been horrendous for our industry. We have all seen the influx of the “uber” from London, registered with the PCO and where the restrictions on the age of vehicles is less stringent than that being proposed by WBC. I have addressed this matter in the text of my reply below. The proposed changes by WBC are drastic, some might consider them draconian and changes to the requirements for vehicle will, without doubt, have an adverse effect of the business we all try to operate.

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I would urge you and the Councillors on the committee to revisit the proposals regarding vehicle ages at first registration and the longevity rules.

I would also add that I see no benefit in having CCTV fitted. It is an invasion of privacy and one that offers no protection. If a driver wants to “behave inappropriately” he would simply turn of the system!

I hope that you find my comments of interest and would welcome the opportunity to discuss any points you wish me to clarify or elaborate on.

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Also cars are built so much better now and if you take care of your car then they can still look really good at 12-15 years.

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TAXI AND PRIVATE HIRE POLICY CONSULTATION RESPONSES

2020 Consultation Responses

1. 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.

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.

3. 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 withen the waverley borough . And most importantly most cars are to old you should get a limit on how old the car should be.

4. (a) 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.

- (b) Further to the meeting, which I found very useful, I thought I would write and try and address the concern expressed by many regarding the age of cars when registered and the need to have cars of less than a given age – I believe 7 is the proposed maximum age.

Most drivers, myself included do not buy new cars, the norm would appear to be 3-4 years. You can obtain an excellent vehicle at a good price and expect 5 years finance to be obtainable.

From the attached I think that in Calculations 1 you will see that if the proposed age limits are made official then my car (2016) would be required to be replaced in 2023 when having purchased it is 2020 I would hope that it would be paid for by 2025.

That option is shown in Calculations 2 and that would see my car – as an example – registered in 2016, registered for private hire in 2020 and available for use until 2025. When the finance is complete.

A compromise might be to give a 9 year maximum for cars registered with Waverley in 2020 and from Jan 1st 2021 a new policy adopted. For example, a car newly registered in 2018 could be registered with Waverley in 2021 and available for use – under the 7 year rule – until 2025. That would make a 4 year finance deal necessary but if an 8 year old maximum age was applied then a 5 year finance – the preferred option – would be available.

The third option would also allow you to give all drivers of cars registered with the DVLA prior to 2015 a few years to look for a replacement.

I hope all this makes sense. Should you wish to discuss it further please contact me.

On another matter

Might I also suggest that you make drivers aware that the Medical Forms have changed. I went to my doctor, having waited 3 weeks for an appointment, for her to then tell me that the eyesight “part” needs to be done by someone else! This I have now arranged but at an additional cost. It would have been preferable to have been reminded that the forms had changed and that I should ensure my medical practitioner might not be able to complete the form. I should have everything ready for the end of this week and will arrange to come in and get everything done.

5. •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.
6. (a) 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 huge 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.

- (b) 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.
- (c) 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.
- (d) 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 it's 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.

- (e) 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 priority

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.

7. 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).

8. (a) 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?

- (b) 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.

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. Any car should be less than 2 years old for 1st plate as a taxi.

Any taxi shouldn't be as a taxi more than 8 years old.

To have a New driver license should be some more knowledge test like Rushmoor Borough and Guildford Borough does.

11. 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.

12. 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.

13. 1) *The no age policy for taxis/private hire vehicles was adopted on 1st March 2016. And was still included in the policy which was dated 1st March 2018 to 1st March 2023.*

Can you explain as to why this is proposed to be changed in the 1st April 2020 to 31st March 2025. Policy considering that it has only been adopted for 4 years?

2) *When considering the changes proposed for new submitted vehicles, what was the reasoning behind not introducing (ULEV) on 1st April 2020. Rather than wait until 2023?*

3) *The proposed changes will incur higher costs to owner drivers when having to buy replacement vehicles in an already difficult financial time. If the introduction of (ULEV) was introduced on 1st April 2020 it would enable owners to buy older cars that still met the (ULEV) requirements if the no age policy was kept.*

4) *If the new policy is adopted it could lead to encourage more dubious practices of some drivers to maintain a level of income that is needed to pay for all other outgoings, such as rents, mortgages, hire purchase for vehicles, and an increased amount of hours worked. All issues that may arise if the policy is adopted and ultimately reflecting on the service provided by the taxi industry in Waverley.*

14. My main concern is the age limit on vehicles being 3years 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 to 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?

15. 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. 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. Busbridge Parish Council is happy with the new policy.
18. 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.
19. 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.
20. 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.

21. 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.

22. 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?

23. 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.

24. To make a change to the age of vehicle policy from currently, no age limitations which has only been in force for 4 years, to your proposed introduction of new vehicles being submitted for licensing having to be three years and younger as of 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 is 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 Waverly. This proposal would allow Taxi drivers to have time to adjust their business plans and prepare for changes on 1st January 2023 and not 1st April 2020.

Whilst not part of the consultation directly, could it be proposed that Waverley Licensing have, in their possession, a light meter that could be used by Taxi drivers, when buying a 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 checks are carried out within the Borough to eliminate border line illegalities of licensed vehicles.

25. 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.

26. **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.

27. *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 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.*
28. 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 their 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