



Waverley Borough Council
Council Offices, The Burys,
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To: All Members of the LICENSING AND
REGULATORY COMMITTEE
(Other Members for Information)

When calling please ask for:
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Policy and Governance
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Calls may be recorded for training or monitoring
Date: 20 January 2016

Membership of the Licensing and Regulatory Committee

Cllr Simon Inchbald (Chairman)	Cllr Mike Hodge
Cllr Patricia Ellis (Vice Chairman)	Cllr Peter Isherwood
Cllr Maurice Byham	Cllr Anna James
Cllr Kevin Deanus	Cllr Carole King
Cllr John Fraser	Cllr Libby Piper
Cllr Tony Gordon-Smith	Cllr Bob Upton

Substitutes

Cllr Chris Storey	Cllr John Williamson
Cllr Nick Williams	

Dear Councillors

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

DATE: THURSDAY, 28 JANUARY 2016
TIME: 10.00 AM
PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

[In the event of adverse weather conditions preventing this meeting from proceeding, the meeting will be held instead at 10am on Thursday 11 February 2016]

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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NOTE FOR MEMBERS

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

The meeting will be preceded by informal public questions from 10.00 a.m. (for a maximum of 15 minutes). If no members of the public are present to ask questions at 10am then the Committee meeting will start immediately.

AGENDA

1. **MINUTES**

To receive the minutes of the meeting held on 26 November 2015 (to be laid on the table half an hour before the meeting).

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

3. **DECLARATIONS OF INTEREST**

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

4. **QUESTIONS**

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

5. **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

There are no items for discussion under this heading.

OTHER LICENSING ITEMS

6. **FINANCIAL STRATEGY 2016/2017 - 2018/2019 - LICENSING BUDGET 2016/2017** (Pages 7 - 18)

The purpose of this report is to seek the Committee's agreement to its draft Revenue Estimates and Fees and Charges for 2016/17 as part of the Budget process.

This report updates the Committee on the latest position regarding the draft General Fund Budget for 2016/17.

The recommendations from the Licensing and Regulatory Committee will be reported to the Executive on 2 February 2016 and to Council on 16 February 2016.

Recommendation

It is recommended that the Committee:

- 1. agrees its draft Revenue Estimates for 2016/17 as shown at Annexe 1; and**
- 2. approves the level of fees and charges for 2016/17 in accordance with the schedule at Annexe 3 for recommendation to the Council, noting that various fees will be subject to advertisement prior to implementation.**

7. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW CHANGES TO LEGISLATION (Pages 19 - 104)

The purpose of this report is to enable the Sub-Committee to consider comments following the consultation on the review of a number of conditions in Taxi and Private Hire Licensing policy with a view to amending them if appropriate. The current policy was originally adopted by the Council in July 2010 and was last revised on 16 July 2013, however officers are now seeking members' agreement to further review and revise a number of conditions which they feel require updating and/or clarifying.

Recommendation

It is recommended that the Licensing and Regulatory Committee considers the representations in Annexe 1 to this report and makes any adjustments to the policy so that the final revised version of the Hackney Carriage and Private Hire Licensing Policy for Waverley can be recommended to and approved by the Council and be formally adopted in order for the new Policy to be in place by 1 March 2016.

8. MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Pages 105 - 106)

To note the Minutes of the Meeting of the Licensing (General Purposes) Sub-Committee held on 26 October 2015.

9. MINUTES OF THE MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE B (Pages 107 - 110)

To note the Minutes of the Meeting of the Licensing Act 2003 Sub-Committee B held on 9 November 2015.

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
Maureen Brown, Democratic Services Officer, on 01483 523225 or by
email at maureen.brown@waverley.gov.uk**

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Agenda Item 6.

WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE 28 JANUARY 2016

Title:

FINANCIAL STRATEGY 2016/2017 – 2018/2019 LICENSING BUDGET 2016/2017

[Wards Affected: All]
[Portfolio Holder: Cllr Wyatt Ramsdale]

Summary and purpose:

The purpose of this report is to seek the Committee's agreement to its draft Revenue Estimates and Fees and Charges for 2016/17 as part of the Budget process.

This report updates the Committee on the latest position regarding the draft General Fund Budget for 2016/17.

The recommendations from the Licensing and Regulatory Committee will be reported to the Executive on 2 February 2016 and to Council on 16 February 2016.

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

A robust budget setting process is required to deliver the Corporate Priorities.

Equality and Diversity Implications:

There are no direct equality and diversity implications as a result of the recommendations of this report.

Resource/Value for Money implications:

All decisions made with regard to the Budget will impact on Waverley's resources.

Legal implications:

Reg 18(4) Provision of Services Regulations 2009 provides that charges under an authorisation scheme must be reasonable and proportionate to, and not exceed, the cost of the procedures and formalities under the scheme. The fees can include the administrative costs involved, the costs of vetting the applicants (in the case of applications) and the cost of investigating compliance with licence terms (in the case of renewals). A fee cannot include costs of enforcement. The proposals comply with these requirements.

Introduction

1. The report puts forward proposals for the Licensing Service Revenue Estimates and Fees and Charges for 2016/17.

General Fund Background

2. Over the past few years Waverley has faced significant financial pressures and a further reduction has been applied to Waverley's government grants in 2016/17 on top of the very substantial reductions already made, resulting in significant savings required over the next four years in addition to those already achieved.

'Star Chamber' Proposals

3. 'Star Chamber' sessions have again taken place with Portfolio Holders and Heads of Service to examine operational and staffing budgets in detail. However, none of the proposals impact directly on the Licensing Service.

2015/2016 Draft Licensing Estimates

4. The Licensing and Regulatory Committee's 2016/17 Estimates are attached at Annexe 1.
5. Annexe 2 provides an analysis of Licensing costs and income for 2016/17, showing the estimated recovery rates. This annexe also demonstrates that the enforcement costs (around 10% of costs) are not recovered through fees.

Fees and Charges

6. Fees and charges are reviewed annually as part of the budget process. Some fees and charges are statutory but for those determined by Waverley, a comprehensive exercise has been undertaken this year to analyse the fees and ensure that they equate to the costs of the service provided. Any anomalies identified as part of this review will be presented to the Committee in due course. Meanwhile for 2016-17, the proposed fees and charges for the Licensing Service are at Annexe 3.
7. In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, any proposed increase to certain fees must be advertised and this relates to hackney carriage proprietors' licences, private hire vehicle licences and private hire operators' licences. Any representations received in response to the advertisement will be brought back to the Licensing and Regulatory Committee in due course.

Conclusion

8. The decisions and recommendations of the Licensing and Regulatory Committee will be reported to the Executive on 2 February 2016. The final budget proposals will be presented to Council on 16 February 2016 based on the recommendations made by the Executive.

Recommendation

It is recommended that the Committee:

1. agrees its draft Revenue Estimates for 2016/17 as shown at Annexe 1; and

2. approves the level of fees and charges for 2016/17 in accordance with the schedule at Annexe 3 for recommendation to the Council, noting that various fees will be subject to advertisement prior to implementation.

Background Papers

Local Government Finance Settlement 2016/17; Financial Strategy 2016/17 – 2018/19; Finance Seminar slides; Community Strategy; Revenue Budget 2015/16.

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Policy & Governance				
Ref. No.	2015/2016 Estimate (1)	Codes	Details	2016/2017 Estimate (2)
Licensing				
Code G3410 (Statutory Service)				
	£			£
		1000s	Employees	
1	211,680		Policy & Governance	213,470
2	25,300		Environment	24,670
3	9,680		Planning	9,810
4	13,660		Finance	14,140
5	1,200		Community	1,210
6	<u>261,520</u>		Total Staff Recharges	<u>263,300</u>
		1300s	Supplies and Services	
7	1,500	1302-5	Equipment	1,520
8	1,500	1332	Printing	1,000
9	2,500	1344	Vets' Fees	2,500
10	3,500	1344	Criminal Records Bureau / DBS	2,500
11	19,500	1345	Hired and Contracted Services	19,810
12	490	1351	Telephones	490
13	1,500	1386	Advertising	1,500
14	430	1387	Subscriptions	430
15	100	1395	Hospitality	300
		1600s	Support Costs	
16	12,960	1600	Computer Cost Recharge	13,140
17	305,500		Gross Expenditure	306,490
		2000s	Income	
18	110,000	2301	Hackney Carriage and Car Hire	120,000
19	156,000	2302	Other Licences	146,000
20	266,000		Total Income	266,000
21	£39,500		Net Cost to Summary	£40,490

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ANNEXE 2

Annexe 2

Licensing Service

Ref. No.	Codes	Details	2014/2015 Estimate (3)	2015/2016 Estimate (3)	2016/2017 Estimate (3)	2015/2016 Analysis		
						Liquor Licensing (4)	Hackney Carriage (5)	Other (6)
			£	£		45%	45%	10%
	1000s	Employees						
1		Policy and Governance	218,670	203,760	213,470	96,062	96,062	21,347
2		Finance Services	15,580	25,310	24,670	11,102	11,102	2,467
3		Building Control Section	10,110	9,580	9,810	9,810		
4		Environmental Services	24,300	13,580	14,140			14,140
5		Leisure & Youth Services	1,220	1,190	1,210	1,210		
6		Total Staff Recharges	269,880	253,420	263,300	118,183	107,163	37,954
	1300s	Supplies and Services						
7	1302-5	Equipment	1,500	1,500	1,520	-	1,520	-
8	1332	Printing Legal Fees	2,000	1,500	1,000	500	500	-
9	1344	Vets' Fees	2,500	2,500	2,500	-	-	2,500
10	1344	Criminal Records Bureau/DBS	3,500	3,500	2,500	-	2,500	-
11	1345	Hired and Contracted Services	19,500	19,500	19,810	-	19,810	-
12	1351	Telephones	490	490	490	245	-	245
13	1386	Advertising	2,000	1,500	1,500	-	750	750
14	1387	Subscriptions	630	430	430	430		
15	1395	Meeting Expenses	100	100	300	300	-	-
16	1399	Other	0					
	1600s	Support Costs						
17	1600	Computer Cost Recharge	11,210	12,870	13,140	5,913	5,913	1,314
18		Gross Expenditure	313,310	297,310	306,490	125,571	138,156	42,763
	2000s	Income						
19	2301	Hackney Carriage and Car Hire	101,000	110,000	120,000		120,000	
20	2302	Other Licences Other Income	165,000	156,000	146,000	110,000	0	36,000
21		Total Income	266,000	266,000	266,000	110,000	120,000	36,000
22		Net Cost to Summary	£47,310	£31,310	£40,490	£15,571	£18,156	£6,763
		Rate of costs recovered	85%	89%	87%	88%	87%	84%

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Policy and Governance
Schedule of Fees and Charges for 2016/2017

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £		
Licences						
1	Breeding Establishments	Annual	OO	271.00	280.00	
2	Riding Establishments - 1 to 8 Horses	Annual	OO	283.00	292.00	
3	Riding Establishments - 9 to 15 Horses	Annual	OO	424.00	437.00	
4	Riding Establishments - Over 15 Horses	Annual	OO	565.00	580.00	
5	Animal Boarding Establishments				} Plus Vet's Fees where applicable	
	a) Non-home Boarding	Annual	OO	250.00		258.00
	b) Home Boarding	Annual	OO	176.00		181.00
6	Dangerous Wild Animals	2-yearly	OO	182.00	190.00	
7	Zoos	Annual	OO	247.00	255.00	
8	Pet Shops	Annual	OO	202.00	208.00	
9	Cosmetic Piercing, Electrolysis, Acupuncture	per premise	OO	176.00	182.00	
10	Cosmetic Piercing, Electrolysis, Acupuncture	per person combined fee for premises and personal licence	OO	176.00	182.00	
11	Cosmetic Piercing, Electrolysis, Acupuncture	per person combined fee for premises and personal licence	OO	269.00	269.00	
12	Tattooing	per premise	OO	200.00	206.00	
13	Tattooing	per person combined fee for premises and personal licence	OO	200.00	206.00	
14	Tattooing	per person combined fee for premises and personal licence	OO	292.00	292.00	
15	Semi-permanent skin colouring	per premises	OO	200.00	206.00	
16	Semi-permanent skin colouring	per person combined fee for premises and personal licence	OO	200.00	206.00	
17	Semi-permanent skin colouring	per person combined fee for premises and personal licence	OO	292.00	292.00	
18	Street Trading					
	a) Sole Trader	Annual	OO	261.00	270.00	
	b) Schedule 2 event - up to 50 traders	Annual	OO	271.00	280.00	
	c) Schedule 2 event - 51 or more traders	Annual	OO	206.00	212.00	
	d) Schedule 2 event - up to 50 traders	Single Event	OO	136.00	140.00	
	e) Schedule 2 event - 51 or more traders	Single Event	OO	146.00	150.00	

Policy and Governance
Schedule of Fees and Charges for 2016/2017

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	
19	Scrap Metal Dealers Licence				
	a) Site - new application		445.00	450.00	} licences generally last for 3 years
	b) Site - renewal		251.00	254.00	
	c) Site to collectors - variation		382.00	387.00	
	d) Collectors - new application		405.00	410.00	
	e) Collectors - renewal		210.00	213.00	
	f) Collectors to Site - variation		421.00	450.00	
20	Hackney Carriage - Vehicles (not adapted) *				
	- less than 5 years old	Annual	OO	281.00	284.00 Including one test
	- 5 years old and over - first 6 months			281.00	284.00
	- 5 years old and over - second 6 months			82.00	82.00
21	Hackney Carriage - Vehicles (adapted) *				
	- under 5 years old	Annual	OO	101.00	102.00 Including one test
	- 5 years old and over - first 6 months			101.00	102.00
	- 5 years old and over - second 6 months			82.00	82.00
22	Missed Appointments (Vehicle Test)	Per Test	OO	69.00	70.00
23	Re-testing of vehicles following failure	Per Test	OS	69.00	70.00
24	Hackney Carriage - Drivers renewal *	Annual	OO	68.00	69.00
25	Private Hire - Operators	Annual	OO	182.00	184.00 Licence lasts for 5 years
26	Private Hire - Vehicles (not adapted) *				
	- under 5 years old	Annual	OO	281.00	284.00 Including one test
	- 5 years and over - first 6 months			281.00	281.00
	- 5 years and over - second 6 months			82.00	82.00
27	Private Hire - Vehicles (adapted) *				
	- under 5 years old	Annual	OO	101.00	102.00 Including one test
	- 5 years and over - first 6 months			101.00	101.00
	- 5 years and over - second 6 months			82.00	82.00
28	Private Hire - Drivers renewal *	Annual	OO	68.00	69.00
29	New Driver Application *		OO	107.00	108.00 1 year only by exception
30	Hackney Carriage/Private Hire Driver's licence		OO	0.00	150.00 New 3 year licence
31	Knowledge test	Per Test	OO	35.00	35.00
32	Resit fee for Knowledge test	Per Test		35.00	35.00
33	Surrender and replacement of Hackney Carriage / Private Hire Licence		OO	82.00	83.00 Including one test
34	6 Month test (vehicles over 5 years)	Per Test	OO	82.00	83.00

Policy and Governance
Schedule of Fees and Charges for 2016/2017

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge	Proposed Charge	
			£	£	
Hackney Carriage and Private Hire					
35	- Replacement plate bracket	OS	10.00	10.00	
36	- New/Replacement plate & window disc	OS	16.00	16.00	
37	New Plate / Licence for seating alteration	OO	20.00	20.00	
38	Gambling Act 2005 - Including lotteries, permits, premises, etc	Various	Please see website for individual fees		Statutory Charge
Licensing Act 2003					
39	- Personal	10-Yearly	37.00	37.00	Statutory Charge
40	- Premises	Initial/Variation	Various depending on rateable value		Statutory Charge
41	- Premises: Sex Establishment	from -according to RV	4,690.00	4,690.00	50% charge for shops/ cinemas
42	- Premises	Annual Fee			Certain premises are
43	- Premises	DPS Variations, etc	23.00	23.00	exempt ie Village Halls
44	- Temporary Event Notice	Per Event	21.00	21.00	Statutory Charge
Search and Photocopying					
45	Copies of documents (general)	First page £1.00 20p per sheet thereafter	1.00	1.00	
46	Data Barring Service (previously CRB)	Per Applicant	50.00	50.00	£44 is the charge Waverley incurs for a DBS check

* Items marked with an * are under review and final amounts will be confirmed.

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

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WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE – 28 JANUARY 2016

Title:

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW CHANGES TO LEGISLATION

[Wards Affected: All]

Summary and purpose:

The purpose of this report is to enable the Sub-Committee to consider comments following the consultation on the review of a number of conditions in Taxi and Private Hire Licensing policy with a view to amending them if appropriate. The current policy was originally adopted by the Council in July 2010 and was last revised on 16 July 2013, however officers are now seeking members' agreement to further review and revise a number of conditions which they feel require updating and/or clarifying.

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

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

Equality and Diversity Implications:

The Equality Act 2010 requires the Council to consider the impact of policies on those with protected characteristics.

Resource/Value for Money implications:

The resource implications would be the possible advertising of any fee changes and following adoption, the printing (internal) and posting of approximately 300 updated policy booklets to licensees.

Legal implications:

Policies or guidelines should not be established by the Body (in this case, the Licensing and regulatory Committee) which regulates or determines a function. The Waverley Hackney Carriage and Private Hire Licensing policy should therefore be determined by Council. Accordingly, this Committee is asked to address the Policy issues around such licensing and make recommendations to Council to update Waverley's policy regarding taxi and private hire licensing.

The Council's Hackney Carriage and Private Hire Licensing Policy guides those responsible for licensing and enforcement and applicants/licensees. Policies, and the application of them, can be subject to legal challenge. Application of a policy as a rule and failure to consider individual cases on their own merit could lead to successful legal challenge.

Introduction:

1. On 20 July 2010 Waverley's Hackney Carriage and Private Hire Licensing Policy was adopted by the Council with the latest amendments adopted in July 2013. Since that time a number of conditions have come to the attention of officers, who feel that these conditions need to be reviewed, and to add the changes to legislation following the Deregulation Bill 2015.
2. Having been initially considered by the Licensing and Regulatory Committee the policy, with amendments, was sent out for a six week consultation period.

Hackney Carriage & Private Hire Policy – Public Consultation

3. 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, a notice displayed on Waverley's website and at its offices, and the proposals were included on the agenda for the Taxi Liaison Meeting on 21 September 2015.
4. The Consultation timetable was as follows:
 - Initial report to the Licensing & Regulatory Committee – 24 September 2015
 - Draft policy sent to all HC/PH licensees – 29 October 2015
 - Notice placed at all taxi ranks – 30 October 2015
 - Consultation information placed on website – 30 October 2015
 - Inspection copies at Council Offices – 30 October 2015
 - End of Consultation period - 11 December 2015 (6 weeks)
 - Licensing and Regulatory Committee – 28 January 2016
 - Council – 16 February 2016
5. There have been seven written responses to the consultation and a brief summary of the contents is set out below. Full details are attached at Annexe 1.

	Comment Made	Officer Comment
1	Vehicle Age Policy – A petition with 47 signatures was received requesting the removal of the vehicle age policy	This is one of the proposed amendments to the policy
2	Child Sexual Exploitation (CSE) – Recommendation from the Community Safety Officer to make it compulsory for all taxi drivers to receive training on spotting and reporting signs of CSE	Approximately 46 of our licensees attended this training at the Council offices in August 2015.
3	Child Sexual Exploitation (CSE) – Support letter from Surrey Police for the above CSE training to become compulsory	

4	<p>Various Points: Agree that the age policy should change but concerned that will it make it easier for new drivers, especially when Farnham already has too many without enough spaces. Suggests the following might help:</p> <ul style="list-style-type: none"> A. New drivers should have to buy a new car. B. the knowledge test to be much harder and maybe done electronically C. Restriction on the number of part-time workers D. New drivers should live within a certain radius of the borough or have some sort of family link to the borough. 	
5	<p>Medical Age – A misunderstanding on the medical age change. It was thought that it was proposed to require an annual medical for all drivers at the age of 50.</p>	<p>Officers have clarified the misunderstanding with the author of the comment.</p>
6	<p>Documentation points of style.</p> <p>A Councillor has commented that:</p> <ul style="list-style-type: none"> A. parts of the policy are written in the third person and others in the second person, for consistency purposes make it all third party. B. dates regarding regulations that are coming into effect that have already passed should be removed; and C. there is quite a lot of variability in the use of words that give instruction – suggests making it clearer by using certain words consistently. 	<p>Officers will review the text of the policy.</p>
7	<p>Age Policy – Good case for no age policy for purpose-built vehicles like the black cab.</p>	

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

6. A copy of the current Hackney Carriage Policy, with proposed amendments marked in colour, is attached at Annexe 2.
7. During the period of the consultation, officers have identified some further proposed amendments that they would like to incorporate into the policy. The additional amendments (which have not been consulted on) are proposed to add further clarity to parts of the policy which have caused some interpretation arguments in the past.

8. The further proposed changes are;
- A. Page 28 Annexe 1 point 7a to 7d, Page 32 Annexe 2 point 6, Page 42 Annexe 5 point 3d

To change the existing wording to:

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

- (a) convictions or formal police cautions
- (b) motoring offences or endorsements of any type
- (c) charge/summons/postal requisition against him in respect of any offence
- (d) arrest or interview under caution for any alleged offence
- (e) any communication notifying him 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.

- B. Page 50 point 7:

To amend the current text by **inserting the text shown in bold:**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change.

Overseas visitors can be confused by the change in currency and become "fairgame" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. **The Council also expects licensees to be open and honest in their dealings with the Council.** For these reasons a serious view is taken of any convictions involving dishonesty.

An application/licence should be refused/revoked/suspended where the applicant /licensee has a conviction/caution for one of the following offences and (in the case of an application) where a conviction/caution is less than 3 years prior to the date of application:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery

- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Making off without payment

Human Rights Implications

9. The Human Rights Act 1998 incorporated into English law the protection of human rights enshrined in the European Convention on Human Rights (ECHR). The Council must have regard to the human rights of individuals affected by its decisions. In determining applications for licences and in matters of enforcement, the Council will have regard to Article 1 of the First Protocol of the ECHR (the right to the peaceful enjoyment of one's possessions) (where applicable), Article 6 (the right to a fair hearing) and Article 8 (the right to respect for a person's private and family life, his home and his correspondence)..

Conclusion

10. 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 Council as part of the Policy Framework.

Recommendation

It is recommended that the Licensing and Regulatory Committee considers the representations in Annexe 1 to this report and makes any adjustments to the policy so that the final revised version of the Hackney Carriage and Private Hire Licensing Policy for Waverley can be recommended to and approved by the Council and be formally adopted in order for the new Policy to be in place by 1 March 2016.

Background Papers

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

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

E-mail: paul.hughes@waverley.gov.uk

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Dear Mr Hughes,

Re: Vehicle Age Policy

Please find enclosed a petition with regards to the very out dated age policy which is still in place within Waverley Borough Council.

As you will see by the number of signatures we have collected from within just the Farnham area, we are not alone in thinking the age policy now needs to be removed to bring Waverley Borough Council and it's licenced vehicles in line with current standards.

All drivers and members of the public who have signed this are in agreement that the policy should be removed completely. Vehicles that are over 4 years old have up to 3 checks per year, should the MOT not fall in line with a council test. It is highly unlikely that these vehicles are going to become unsafe within such a short space of time.

I have checked with Rushmoor Borough Council, our most local neighbouring borough, and they have confirmed that they have no age policy. I have also been made aware of Spellthorne Borough Council removing their age policy within recent months.

I would be grateful if this petition could be put forward and actually taken notice of to enable the important and necessary changes to be made.

Yours sincerely,

Dear Paul

As you are aware we recently held some voluntary awareness raising training for taxi drivers on Child Sexual Exploitation. You will recall we had a reasonable turn out and interest from drivers who generally found it worthwhile.

In line with other Council's across the country, in the light of the report on Rotherham and subsequent report 'Reflections on Child Sexual Exploitation (CSE)', I feel this maybe a timely opportunity for Waverley Borough Council to consider making it compulsory for all taxi drivers to receive training on spotting and reporting signs of CSE.

As taxi drivers spend their time travelling around our Borough they are in a unique position to see and report anything they feel concerned about, whether that's a child in the wrong company or an adult who seems vulnerable. The training would be designed to make sure that our licence holders know how to report anything they see which makes them feel uneasy.

It was clear from the taxi driver training we offered for free in conjunction with Surrey Police in August that taxi drivers recognised their role in preventing CSE and were keen to know how they should report concerns they have. By making it a compulsory part of the taxi driver licencing process will ensure the Council takes a consistent approach to preventing CSE in Waverley.

I have copied in Sgt Mel Sefton into this email as she is the lead for CSE for Waverley for Surrey Police and may wish to add some comments to this.

Regards

Eve Bartlett

Community Safety Officer

Waverley Borough Council

www.waverley.gov.uk/communitysafety

Direct line: 01483 523513

Mobile: 07468708048

Working Wednesday to Friday

If I am not available and you need assistance contact Katrina Burns on 01483 523156 or

katrina.burns@waverley.gov.uk

Hi Paul,

Just to confirm that Surrey Police would support CSE becoming compulsory trng for WV taxi Licence holders. Times have changed and crime types have change as we as police and partner agencies need to move with the demands and changes in order to protect our young people.

Happy to discuss if needed.

Mel

Good morning

I would like to express some views that are mine however some other drivers do agree.

If you are going to change the age policy of vehicles (which I agree with) there is a concern that it will open things up for lots of new drivers. There is already too many in Farnham with not enough rank space, sometimes we can be queuing for hours. I think that the following would help.

- 1) New drivers should have to buy new cars when starting.
- 2) The knowledge test should be much harder and maybe done electronically.
- 3) There should be a restriction on the number of part time drivers who only come out at peak times. It's not very fair on drivers that work full time if others have a full time job elsewhere and then come out at peak times.
- 4) new drivers should live within a certain radius of the borough or have some sort of family link to the borough to prevent people coming to Waverly that can't get a license in a different borough.

Thanks for your time

Page 11 Paragraph 2 Heading MEDICAL REPORT

I DO NOT AGREE WITH CHANGING IT TO ANNUAL MEDICALS OVER THE AGE OF 50 (currently 60) THIS IS GOING TO BE YET ANOTHER EXPENSE. DOCTORS CHARGE APPROX £130 PER MEDICAL. IT SHOULD BE THE RESPONSIBILITY OF THE DRIVER TO MAKE THE COUNCIL AWARE OF ANY CHANGES IN CIRCUMSTANCES

Page Paragraph Heading CIRCUMSTANCES

Page Paragraph Heading

Please return this form / your comments to: The Licensing Section, Waverley Borough Council, The Burs, Godalming, Surrey GU7 1HR or email to taxi@waverley.gov.uk

Dear Paul,

Thanks for the opportunity to comment on the draft update of the BOROUGH COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND APPLICATION PROCESS. Being a relatively new councillor and not sitting on the Licensing Committee, reviewing the draft provided a good opportunity to familiarise myself with our requirements. Overall I have little to say about the actual requirements. However, having recently retired from a job where I spent a lot of time preparing and editing detailed guidance and procedures for a FTSE 100 company, I picked up on a few points of style which may lead to a more consistent and easier to use document if addressed:

- The original document appears to be all written in the third person, which would be normal for a policy. Quite a bit of the new material uses the second person which is more in keeping with an instruction manual or questions and answers document. I would be inclined to change all the reference to "you" to the third person for the sake of consistency.
- There are several references to regulations coming into effect on dates that are now well in the past. I believe that these dates should be removed since the regulations are now in force and the reader doesn't need to know when they were introduced.
- There is quite a lot of variability in the use of words which give instruction. I think both Officers, Members and applicants will find it clearer if certain words are used consistently. My experience is that where something is mandatory the use of "shall" is appropriate rather than "must".

Out of habit I found it easier to make suggestions by using the text editor – see the attached version. I have used this to address the first two bullets above but have not tackled the third bullet.

I hope that these suggestions are of help.

Regards,

Richard

Richard Seaborne

Waverley Councillor for Bramley, Busbridge & Hascombe
01483 890550

Dear Mr Hughes,

With reference to the consultation document my main concern is Part 3, age of vehicle.

For a purpose built vehicle, i.e. black cab or specially adapted vehicle, there is a good case to have a no age policy. The black cab is an iconic vehicle so doesn't really date and with a specially adapted vehicle there is potentially a large initial investment and may cover less miles a year due to more limited specialist use.

With a no age policy it would appear there is a possibility that a licensee can buy a 10 year old, low mileage vehicle, for under £1000 and plate it as a taxi. If an average of 40,000 miles a year is covered there is a chance that the operator could end up with a 20 year old vehicle with upwards of 400,000 miles. The vehicle would still be roadworthy, have passed its MOT's and council tests, but maybe economically reaching end of life. More importantly the appearance of an ageing and dated fleet is not something I would think Waverley would want to be associated with.

However if there was still an entry age limit of 3-4 years with no upper age limit there would be little chance that Waverley taxis could look like a classic car show, and the only older vehicles would be few and far between. If a 4 year old car was plated with 80,000 miles on the clock by the time its 10 years old it could be on 320,000 miles and at 12 years possibly 400,000 miles, by this time it would become uneconomical to run and would be reaching its natural end of life.

Having spent over 30 years in the motor industry supplying components and working for a vehicle manufacturer I do make these comments with a certain amount of professional knowledge. I would be interested to know why Waverley would potentially want to detract from a newer smarter appearance fleet and go to older dated fleet.

Please take these comments on-board before opening the flood gates.

Regards,

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Hackney Carriage and Private Hire Licensing
Policy and Application Process



2015 REVIEW OF 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. This is managed by private hire operators making an agreement with hirers at the time of booking. For taxis, the fare chart (the tariff) shows the way that fares are assessed, giving the maximum amount that may be charged for a journey. Passengers are entitled to see the tariff on display in any taxi and the taxi meter will always be visible to the passenger. The driver's details (photo card badge and licence number) must be worn by the driver and be visible. Passengers are advised to make a note of them, and the vehicle licence number.

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

Hackney carriages (commonly known as 'taxis')

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

They can:

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

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

Private hire vehicles (commonly known as 'minicabs')

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

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

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

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

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

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

1. Information sharing

Information which is given or obtained by the Council in processing a licence may be shared with certain other authorities, including the Police, Revenue and Customs, Benefits authorities and other departments of the Council, among others. All applicants for licences will sign a declaration which includes acceptance of information sharing.

2. Hackney carriage and private hire drivers

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

Background driver checks include:

- ❑ a criminal records check through the Disclosure and Barring Service (DBS) and/or certificate of good conduct if the applicant has lived abroad during the past five years;
- ❑ Previous convictions - your application may be referred to the Council's Licensing (General Purposes) Sub-Committee for determination if you have previous convictions. Please contact the Licensing Office if you have any doubt about the relevance of convictions before applying for a licence.
- ❑ a medical to Group 2 standards, applied by the DVLA with your own GP (at your own expense);
- ❑ a Driving Standards Agency pass certificate for hackney carriage and private hire drivers, or Blue Lamp Trust (BLT) equivalent
- ❑ a DVLA data subject enquiry report
- ❑ a check on the DVLA driving licence.
- ❑ ~~three written character reference~~ two written references,,,,,,,,,,,,,,
- ❑ a knowledge test for journeys

The applicant will have a meeting/interview with the officers to clarify and advise on how a licensed driver should act and what the licences involve. At this meeting there is a local knowledge test of roads and landmark places in the Waverley area, which will also include some longer journeys. The knowledge test is more detailed for taxi applicants, who must be able to carry their passengers via the shortest route to their destination. The knowledge test for private hire drivers is more basic, as there is an opportunity to check the route that is to be used before picking up the passengers.

Applicants with criminal or certain other records may also have to be interviewed by the appropriate Licensing Sub-Committee before a decision is made on the application. When there is sufficient reason, it is the Council's right to refuse the

grant of a licence. In such cases, the applicant has the right to appeal to the magistrates' court, where the application may be considered afresh.

How long do I have to complete my application?

It can take up to 12 weeks from submitting your application to being granted a Licence providing there are no delays with your DBS form, you do not have to attend a Committee hearing and you pass the knowledge test first time. However your application will remain open providing there is regular activity happening.

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

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

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

3. Taxis (hackney carriages) and Private Hire Vehicles

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

Private hire vehicles (PHVs) are booked and operated under a private hire operator licence. The operator may set his/her own fares for journeys, and the car does not **need to have** 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. ~~This includes the age of the vehicle, which is set out in detail in Part 3 of this booklet. In addition, any vehicle which has been converted to dual-fuel use (combining Liquid Petroleum Gas (LPG) with the original fuel) must comply with the conditions shown at Annex 7. If a licensee wishes to convert an existing taxi or private hire vehicle to LPG he/she must first contact the Licensing Office to discuss the arrangements for this.~~

Any changes/modifications to the manufacturer's original construction of the vehicle including modification, adaption, fixtures, fittings, stickers, decals or decorative painting must be applied for and authorised by the Council. Tariff meters, Waverley Licensed plates, and correct taxi roof signs are exempt and do not apply ..

More detail on vehicle licences is shown at Part 3.

4. Private Hire Operators' licences

Any person wishing to run a business taking bookings for private hire vehicles must hold a Waverley Private Hire Operator (PHO) licence. Applicants for a PHO licence are subject to a 'fit and proper' test, so will need to have a criminal record check in the same way as a licensed driver would, unless they held both licences, in which case one check might serve for both licences.

A private hire operator is a person, partnership or company licensed to take bookings and send licensed vehicles and drivers to undertake the prebooked work. He or she must have an office in the Waverley area and 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.

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

The Council usually sets its own fees and charges ~~annually~~. ~~This includes the fees for licences and any associated administration. Fee setting takes place in around December/January of each year and~~ 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 (General Purposes) Sub and Regulatory 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 ~~transfer~~ 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
- ❑ DSA (or equivalent BLT) test fee, paid to the Driving Standards Agency or Blue Lamp Trust on booking the test
- ❑ Fitting and maintenance of the taximeter if applicable
- ❑ The taxi roof sign

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)

PART 2

LICENCES FOR DRIVERS

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

As of 01 October 2015 a new driver's licence will be issued for 3 years following changes to taxi legislation made by the Derequation Act 2015.

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

Application form must be fully completed at the first appointment. This form is supplied on arrival for the appointment.

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, which will disclose all criminal records. Applicants are advised that the Council may take all convictions and cautions, including those 'spent' under the Rehabilitation of Offenders legislation, into account for this type of work]. The form must be completed in black ink and the Licensing Administrator will need to see ~~the following~~ 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 ~~s~~ (which also explains how cautions will be considered) is set out at Annexe 6. When the ~~applicant has filled in his/her~~ 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. ~~One copy of the Disclosure is sent to the Licensing Officer, and another A~~ copy is sent direct to the applicant. This can take several weeks. When the DBS Disclosure is received, the applicant should call the licensing

office (01483 523219) to make an appointment for interview. The Council will hold a DBS disclosure for three months. After this and if no contact has been made by the applicant, the disclosure will be destroyed. Once a driver is licensed, a DBS check is required every three years.

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

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

The Licensing section must receive this report within 3 months of the Doctor signing the report.

Unless there are special circumstances in an individual case, medicals for licensed drivers are required every ~~35~~ 3 years, (prior to the renewal of their 3 year licence), up to ~~65~~ 60 years of age and then annually. If any serious illness occurs, an extra medical may be required, on the Council's Doctor's advice.

DVLA Check or Data Subject Enquiry Report - New applicants and existing licensees, on renewal, are required to undertake a DVLA online check and share of their drivers licence or a DVLA data subject enquiry report on application, having completed a mandate form.

The mandate should be refreshed every three years as part of the renewal process.

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

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

Remove the need for references

~~**References** - the applicant has to supply three written references. These will be provided by people who have known him/her for at least 2 years. All new applicants must supply three up to date references with their application. References will be from three persons of suitable standing, such as an employer (or business associate if you have been previously self-employed), magistrate, doctor, minister of religion, bank official, accountant, civil servant, local government officer or person of~~

~~similar status. The writers should have known the applicant for at least two years, they will not be related to him/her and they must not be hackney carriage or private hire proprietors or drivers (other than previous employers).~~

~~Anyone who gives references for an applicant should be aware of any issues, such as a criminal record, which may show up within the application, if they knew the applicant at the time of the offence(s). These references will be written by the persons standing as the referees and must be submitted with the application. They will be verified by the Council.~~

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

~~It is not possible to consider an application for a licence from any person until they have held a full This will be a Department of Transport or equivalent EU driving licence, for at least 2 years. You may be required to convert your (foreign) licence to a DVLA licence, or to obtain a paper counterpart to a card-only licence.~~

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

~~**Application Fee** depending on licence (subject to annual 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~~

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 Driving Standards Agency (DSA) pass certificate (TPH10 or equivalent). ~~for~~ hackney carriage/private hire drivers. Waverley will accept the BLUE LAMP TRUST taxi driver assessment package as a suitable alternative/equivalent. No new licence application can be considered without this pass certificate. The fee will be advised by the the relevant assessment centre.DSA. The certificate will be produced to

the Council to show that the driver has undertaken and passed the Driving Standards Agency (DSA) certificate of competence for hackney carriage and private hire vehicles or Blue Lamp Trust equivalent.

If you intend to drive a disabled accessible vehicle you would have to pass an extra part of the test specific to using a disabled accessible vehicle. (WTA10 or equivalent)

–Applicants can book the DSA taxi test on-line via the website booking at www.dsa.gov.uk, or contact the Agency by telephone (0870 0101 372) to arrange this.

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

Right to Remain and work in the United Kingdom

Applicants for the Grant of a Licence will be required to produce documentary evidence of a right to remain and work in the UK. If an applicant has an expiry date on their right to work, any licence that may be granted will not be valid past the said expiry date unless further evidence of a right to remain or work is produced. If there is a restriction regarding the number of hours allowed to work then if a licence is granted a condition will be added to reflect said restriction.

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

PLEASE NOTE NO CASH IS ACCEPTED AT COUNCIL OFFICES

The Next Steps for New Applicants

Interview as a New Applicant, including test of knowledge The applicant will contact the Licensing Office (01483 523219) when he/she has received the DBS disclosure, (and certificate of good conduct, if required) to arrange for an interview with Council's officers. At this time the applicant will be required to produce all the above papers/certificates. He/she will be asked to explain what they understand about driving a taxi or a private hire vehicle. The officers will help with advice on this, if necessary. The applicant will take and have to pass a written and/or verbal knowledge test of the Waverley area, its boundaries and the town where you intend to work. Questions will cover landmarks, places of interest and journeys. You will be asked to clearly and understandably describe local journeys and also journeys to a wider area (other towns, ports and airports for instance). You will be told at

the end of the interview whether the licence is to be granted, and if not, what you can do next.

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

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

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

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

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

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

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

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

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

PART 3

LICENCES FOR VEHICLES

Hackney Carriage (Taxi) and Private Hire Vehicle policy

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

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

A vehicle may be licensed provided

- it is fit for the purpose (it must pass the licence vehicle condition test),
- it is suitable for the purpose (see licence conditions overleaf and consult the Licensing Office for advice before you purchase any vehicle)
- it is within the age limit set out at paragraph 15 overleaf (it must be under 4 years old when first licensed).

Age of the vehicle

As from **1 March 2016** ~~20th July 2010~~, there will be no age limit for a new vehicle submitted for a licence will provided the vehicle is fit for purpose. ~~However be under 4 years old. Once licensed a vehicle may continue to be licensed up to the 10th anniversary of first registration. if at the date of first licensing or renewal date, the vehicle is 5 years or older then Once any vehicle reaches 5 years of age,~~ it becomes subject to 6-monthly tests.

What happens next

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

A licence is issued for a vehicle after it has taken and passed an 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 ~~mechanical and condition inspection~~, 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 - ~~normally on a Wednesday~~)
- Before any licence or licence plate is issued, ~~sight of the test pass paper~~ sight of test pass paper
- Evidence of current hire and reward insurance
- Sight of the registration document (or bill of sale, if newly bought).
~~MOT Certificate (at one year old for taxis, three years old for PHVs)~~

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

- both the vehicle and the driver should be presentable and they must carry evidence of the licences (plate, window sticker, driver badge) in a visible position as defined in the licence conditions, unless they carry an authority to do otherwise;
- the vehicle licence number plate (white/blue for a taxi, white with a red/white-edge for a private hire vehicle) is affixed to the back exterior of the vehicle and a window sticker must be displayed in the front window;
- for taxis and PHVs with a meter, the vehicle licence number is repeated on the fare chart, and the fare chart will be clearly visible to the passengers in the vehicle;
- a taxi will carry an illuminated 'taxi' -roof sign;
- a private hire vehicle will not look like a taxi, nor will it have any roof sign;
- the driver of the vehicle will wear on the lapel or on a neck cord the licence badge issued by the Council, which includes his/her photograph and driver licence number. A cord is provided for this purpose, and a clip is available for those who prefer it. This licence badge must be visible to passengers.

Applying for or renewing a vehicle licence

To renew an application for a vehicle licence for a taxi or a private hire vehicle, the licence must still be 'live'. A lapsed licence of any sort ~~may~~can 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. ~~As stated in Part I of~~

~~this booklet, any vehicle which has been converted to dual fuel use (combining Liquid Petroleum Gas (LPG) with the original fuel) will comply with the conditions shown at Annexe 7.~~

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 (~~after one year for taxis, after three years for private hire vehicles~~)
4. Appropriate and continuing 'Hire and Reward' type insurance for the vehicle
5. The vehicle must pass the Council's vehicle inspection test
6. ~~From 1st February 2012, a~~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. ~~From 1st February 2012, a~~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 (edged)~~ and displayed on the rear exterior of the vehicle, issued annually, unless there are special circumstances
10. All licensed vehicles, without exception, must display the internal licence (front window) sticker
11. Licensed vehicles shall have not less than four passenger doors
12. Convertible vehicles shall not be licensed, but those with not more than 50% sunroof area are permitted
13. The minimum engine capacity shall be 1575 cc. Applications to licence a hybrid/electric vehicle, or any other type of vehicle with an engine capacity of less than 1575cc shall be made to the Licensing Manager in writing. Officers shall have discretion to consider the grant of a licence, provided they are satisfied with the efficiency, size, design and safety standards of the vehicle
14. Seating Capacity is determined by Road Traffic Regulations and further defined by the seatbelt provision in the vehicle offered for licensing.
15. Subject always to the vehicle being fit for the purpose and passing its test, commencing from 1 March 2016 ~~[DATE TO BE INSERTED] 20th July 2010~~, ~~there will be no maximum age limit for-of~~ vehicles presented to be licensed for the first time, ~~shall not be more older than 4 years old at first registration. This is~~

~~assessed by the date in the vehicle's logbook (registration document) when it is ready for its test. The vehicle may continue to be licensed until its 10th anniversary, by which time it will need to be replaced. However if on the date of first licensing or renewal date, the vehicle is 5 years or older then it becomes subject to 6-monthly tests~~

15. ~~Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles— for example, twice-yearly tests for vehicles more than five years old.~~
16. Any replacement vehicle ~~or licence transferred to another 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 defective 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).

~~Mechanical inspections are carried out in accordance with the Council's contracted agreement (currently with the Guildford Borough Council at its depot in Slyfield, Guildford).~~

Vehicle Testing

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

22. Vehicles run on Liquid Petroleum Gas or dual fuel are subject to special conditions and may be licensed on request, subject to approval.

22. A meter must be fitted, tested and illuminated - taxis and specified private hire vehicles only
23. The Council may charge reasonable fees to cover the issue of licences and require the production of the licence and any other documents at any reasonable time.
24. The Licensing Officer is authorised to refuse applications to license any left-hand-drive vehicles. Any dispute may be brought to the appropriate Licensing Committee in the first instance. There may also be an option for further appeal to the Courts against the Council's decision in some cases.

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

Taxis (hackney carriages) only

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

Private Hire Vehicles only

27. Private Hire vehicles shall be of a suitable type, size and design. They should be safe and comfortable and must not appear in any way to look like a hackney carriage vehicle.
28. Private hire vehicles may carry no signs, illuminated or otherwise, unless approved by the Council (see the conditions to the private hire vehicle licence)
29. A meter need not be fitted in a private hire vehicle, but if a meter is fitted, it must be tested with the private hire operator's scale of charges, which must be supplied to the licensing authority with the licence application (see also 26 above).
30. Should an application be made to license a stretch limousine of less than 9 passenger seats and right hand drive, this will be referred to the appropriate Licensing Committee in the first instance, prior to arranging any other aspect of the licence, such as the vehicle test.
31. Private Hire Vehicles may be saloon cars, multi purpose vehicles (MPVs), some 4x4 vehicles such as Range Rover and similar high base vehicles. Applicants are advised to refer to the Licensing Office before committing to purchase any vehicle for licensing purposes, to ensure that no unnecessary outlay is made on a car which may not be suitable for licensing as a taxi or private hire vehicle.
32. The Council may, following written application, exempt the need for an operator to display the licence plate on the rear of the vehicle or the need for the driver to wear their personal badge. Where this exemption is granted the vehicle operator shall be issued with a letter of exemption which shall be retained with the vehicle plate inside the vehicle at all times. The driver must also have their badge on their person although not required to have it displayed. NOTE: The internal licence (front window) sticker must be displayed at all times.

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

PART 4

LICENCES FOR PRIVATE HIRE OPERATORS

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

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

Duty of licence holder to comply with other legislation: All applicants have a duty to comply with all other legal requirements relating to the running of a business, for example, it may be necessary to obtain planning permission for the use of the premises from which the business operates, particularly where there is an office where vehicles may gather outside. It is unlikely that planning permission would be needed for a very small operator's business when it is run from home, for instance. The Licensing Section is not able to offer advice on planning matters. Council departments and others may share the information you give, if necessary, and as the law permits.

New applicants will provide references from three persons of suitable standing for each partner named. New applicants may also be required to have a Criminal Records Bureau (DBS) check, repeated every three years. If the applicant is already licensed by Waverley, the officers will advise whether these checks (the fit and proper test) will be needed, since the driver will already have provided the information.

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

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

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

PART 5

THE COUNCIL'S LICENSING COMMITTEES

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

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

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

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

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

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

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

COMPLAINTS, DISCUSSIONS AND INTERVIEWS

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

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

PART 7

PENALTY POINTS SYSTEM

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

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

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

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

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

Penalty Points will remain current for 3 years from the date the penalty points were issued. Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing within 10 working days from the discovery of the contravention.

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

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

Governance. who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld.

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

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

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

Following a revocation (due to accumulation of penalty points in this scheme) a new licence application will not usually be entertained 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.
5. When operating as a Private Hire driver the licensee shall not display signs, call out, stand with the vehicle at a taxi rank or do anything else whatsoever which is likely to give any person the impression that the vehicle is available for hire as if it is a Hackney Carriage.
6. The licensee shall notify the Council in writing as soon as possible and, in any event, within fourteen days of any:
 - (a) Change of name, change of address, change of telephone number(s); N B any telephone number given to the Council for licensing purposes shall be capable of receiving withheld numbers;
 - (b) Illness or injury affecting his fitness to drive in any way;
7. The licensee shall report to the Council in writing as soon as possible, and in any event within 7 days, details of any:
 - (a) convictions or formal police cautions;
 - (b) motoring offences or endorsements of any type;
 - (c) charges brought against him or her in respect of any criminal offence;

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

IMPORTANT NOTES

1. The above conditions are **additional** to the requirements of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Disability Discrimination Act 1995, the more important of which are summarised below:
 - (i) A vehicle may not be used as a private hire vehicle unless there is a vehicle licence in force for it and the person inviting or accepting hiring's has an operator's licence (1976 Act, Section 46).
 - (ii) This licence must be produced within five days at the request of an authorised Officer of the Council or a Police Officer (1976 Act, Section 53).

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

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

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



ANNEXE 2

CONDITIONS OF LICENCE TO DRIVE A PRIVATE HIRE VEHICLE

Local Government (Miscellaneous Provisions) Act 1976

Conditions subject to which Licence is granted:

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

2. When the vehicle has been hired to be present at an appointed time and place the driver shall, unless delayed by some sufficient cause, punctually attend with the vehicle at that time and place.
- 3 After every hiring the driver shall search the vehicle for any article which may have been accidentally left in the vehicle and, if any such article is found, shall within 48 hours (unless sooner claimed by the owner) deliver the article to the nearest convenient office of the Council.
4. The licensee shall at all times comply with the instructions of the Council or of its authorised Officers concerning any matter relating to his occupation as a Hackney Carriage or Private Hire vehicle driver.
5. The licensee shall notify the Council in writing as soon as possible and, in any event, within fourteen days of any:
 - (a) Change of name, change of address, change of telephone number(s); N B any telephone number given to the Council for licensing purposes shall be capable of receiving withheld numbers;
 - (b) Illness or injury affecting his fitness to drive in any way;
6. The licensee shall report to the Council in writing as soon as possible, and in any event within 7 days, details of any:
 - convictions or formal police cautions;
 - motoring offences or endorsements of any type;
 - charges brought against him or her in respect of any criminal offence;

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

IMPORTANT NOTES

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

- (i) A vehicle may not be used as a private hire vehicle unless there is a vehicle licence in force for it and the person inviting or accepting hiring's has an operator's licence (Section 46).
- (ii) This licence must be produced within five days at the request of an authorised Officer of the Council or a Police Officer (Section 53).
- (iii) The driver must at all times when acting under this licence wear the driver's badge issued by the Council in such position and manner as to be plainly visible (Section 54).

- (iv) The driver shall not without reasonable cause unnecessarily prolong, in distance or in time, any journey for which the vehicle has been hired (Section 69).

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

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



ANNEXE 3

HACKNEY CARRIAGE LICENCES - STANDARD CONDITIONS OF THE LICENCE

1. The maximum permitted number of passengers is **xxxx**
2. The vehicle shall at all times when available for hire carry a roof sign and this shall be capable of illumination and connected to the taximeter, bearing the word 'TAXI'.
3. The plate supplied by the Council shall be clearly displayed on the rear exterior of the vehicle, using the bracket fixing provided, or an acceptable substitute exterior fixing method, such substitute to be agreed with the licensing enforcement officer; and the Council's fare chart and notice of the Licence Number shall be clearly displayed inside the vehicle using the window sticker and fare chart provided.
4. The vehicle shall at all times be maintained in sound and roadworthy mechanical condition and serviced according to the manufacturer's recommendations.
5. No alteration to the manufacturer's specification for the vehicle shall be carried out except with the approval of the Council.
6. The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37A of the Disability Discrimination Act 1995.

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. ~~From 1st February 2012, t~~The vehicle shall carry a first aid kit and fire extinguisher, the minimum standard for which is as follows:

First Aid Kit

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

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

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

Fire Extinguisher

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

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

SPARE/EMERGENCY TYRE

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

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

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

- (c) on the front and/or rear doors of the vehicle or,
- (d) as authorised in writing by the Council following written application

11. No signs (including those of a campaigning nature) or advertisements whatsoever which are visible from the outside or inside of the vehicle shall be displayed other than as mentioned in (2 & 10 above), unless applied for and authorised by the Council.

~~The proprietor may carry commercial advertising on the sides of the vehicle.~~

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

13. Subject also to condition 5 above, there shall be no additional tint (darkening) of the windows of the licensed vehicle beyond the legal limit specified (to minimum 75% light transmission for front and front side windows, and minimum 70% light transmission for rear side windows and rear windows, or the manufacturer's specification, whichever is the lightest).

14. The proprietor of the vehicle shall report to the Council any damage or accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers as soon as possible and, in any case, within 72 hours of the accident/damage occurring. This is in addition to any obligation to notify the Police.

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

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

IMPORTANT NOTES

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

1. The proprietor(s) must not employ as a driver any person who does not hold a Hackney Carriage Driver's Licence (1847 Act, Section 47).
2. If the proprietor of a hackney carriage transfers his/her interest in it to another person he/she must within fourteen days give to the Council written notice of the name and address of the new proprietor (1976 Act, Section 49).

3. The proprietor must present the vehicle for mechanical inspection within such period and at such place as the Council by notice reasonably require (1976 Act, Section 50).
4. The proprietor of the vehicle involved in an accident affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of its passengers **shall report the accident to the Council** as soon as possible and, in any case, **within 72 hours**. This is in addition to the normal obligation to notify the Police (1976 Act, Section 50).
5. The vehicle licence and insurance certificate must be produced to an authorised officer of the Council on request (1976 Act, Section 50).
6. Authorised officers of the Council (or Police Officers) may carry out 'spot checks' and may require further examination of the vehicle (1976 Act, Section 68).
7. A hackney carriage must not be left unattended in any street or place of public resort or entertainment (1847 Act, Section 62).



ANNEXE 4

PRIVATE HIRE VEHICLE LICENCES - STANDARD CONDITIONS OF THE LICENCE

Private Hire Vehicle Conditions

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

9. A taximeter need not be provided on a private hire vehicle but if one is fitted:
- (a) the taximeter shall not be altered or tampered with except with the approval of the Council, and must be retested by the Council if it is altered or if the seal/s affixed by the Council are broken;
 - (b) the fare shall be recorded on the taximeter in plainly legible figures, and the word 'FARE' shall be clearly displayed so as to apply to such figures;
 - (c) the taximeter shall be kept securely fixed in such a position that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.
10. ~~From 1st February 2012, t~~The vehicle shall carry a first aid kit and fire extinguisher, the minimum standard for which is as follows:

First Aid Kit

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

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

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

Fire Extinguisher

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

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

SPARE/EMERGENCY TYRE

11. In the event of a space saver tyre, run flat tyre (when punctured) or puncture repair kit being used it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety. All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle, and an appropriate means of changing the wheel.
12. The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37A of the Disability Discrimination Act 1995.
13. Subject also to condition 3 above, there shall be no additional tint (darkening) of the windows of the licensed vehicle beyond the legal limit specified (to minimum 75% light transmission for front and front side windows, and minimum 70% light transmission for rear side windows and rear windows, or the manufacturer's specification, whichever is the lightest).
14. The proprietor of the vehicle shall report to the Council any damage or accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers as soon as possible and, in any case, within 72 hours of the accident/damage occurring. This is in addition to any obligation to notify the Police.

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

Commencing on 1st March 2008, Licensed vehicles of 5 years and older are subject to a six-monthly vehicle inspection. A licence plate of 6 months duration will be provided in these circumstances, and a reminder will be sent to the proprietor to arrange to have the vehicle tested in good time for issue of a plate for the further 6-month period of the licence year, once the inspection has been passed

IMPORTANT NOTES

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

- (i) No proprietor of a private hire vehicle may employ for the purpose of any hiring a person who does not hold a Private Hire Driver's Licence, and no bookings may be invited or accepted for a private hire vehicle in the course of business unless the person inviting or accepting the bookings has an operator's licence (Section 46).

- (ii) If the proprietor of a private hire vehicle transfers his/her interest in it to another person he/she must within fourteen days give to the Council written notice of the name and address of the new proprietor (Section 49).
- (iii) The proprietor must present the vehicle for mechanical inspection within such period and at such place as the Council by notice reasonably requires (Section 50).
- (iv) The proprietor of the vehicle involved in an accident affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of its passengers shall report the accident to the Council as soon as possible and, in any case, within 72 hours. This is in addition to the normal obligation to notify the Policy (Section 50).
- (v) The vehicle licence and insurance certificate must be produced to an authorised officer of the Council on request (Section 50).
- (vi) Authorised officers of the Council (or Police Officers) may carry out 'spot checks' and may require further examination of the vehicle (Section 68).
- (vii) If a taximeter is fitted it must be tested by the Council (Section 71).

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

ANNEXE 5

PRIVATE HIRE OPERATOR - STANDARD CONDITIONS OF THE LICENCE

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

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

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

.IMPORTANT NOTE

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

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

In addition note:-

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

APPENDIX A

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

APPENDIX B

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

ANNEXE 6

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

When submitting an application for a licence to drive a hackney carriage or private hire vehicle or to be a Private Hire Operator you must declare any convictions or cautions you may have, including any “spent” convictions under the Rehabilitation of Offenders Act 1974. This Act has been amended so that Local Authorities may take into account spent convictions for the purpose of considering applications for these licences. The information received will be treated in confidence and will only be taken into account in relation to your application.

~~You should be aware that t~~The licensing authority is unable to consider applications for such licences until a check has been made with the Criminal Records Bureau (DBS) for the existence and content of any criminal record held in the name of an applicant. Information received from the DBS will be kept in strict confidence and will only be retained as long as necessary. The DBS will, upon an application, send copies of information (called ‘the Disclosure’) to ~~you~~the applicant and to the Council. The check will take the form of an “enhanced” check and the fee should be made to Waverley Borough Council. *[For your information, the Criminal Records Bureau is a Government agency, independent from the Council, and deals with applications nationwide for a variety of purposes. It sets the fees for checks and the fees collected by Waverley are subsequently paid on to the DBS on an account basis.]*

The disclosure of a criminal record or other information does not ~~will not~~ debar ~~you an applicant~~ from gaining a licence unless the authority considers that ~~you~~the conviction means that ~~you are the applicant is~~ not a fit and proper person. In making its decision, the Council will consider the nature of the offence, how long ago and what age ~~the applicant was you were~~ when it was committed and any other factors which may be relevant. Any applicant refused a licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates’ Court.

Applicants who ~~if you~~ would like to discuss what effect a conviction might have on ~~your their~~ application ~~you~~ may telephone the Licensing Administrator on 01483 523219, in confidence, for advice.

Please note, however, that the officers are not authorised to approve any application which shows convictions for offences which might affect the suitability of a person to hold a licence *[Waverley Borough Council’s Scheme of Delegation of Functions]* and applications will have to be submitted to a meeting of the Licensing (General Purposes) Sub-Committee.

The Council will have regard to the following guidelines. (Please note, the offences referred to in the guidelines are not exhaustive and applicants/licensees convicted of other offences may be refused licence or have their licence suspended or revoked if not fit and proper to hold a licence due to the nature/circumstances/number of such offences).

1. The Guidelines Traffic Offences

a. Traffic Offences, New Applicants

Convictions/fixed penalties for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of offences will be taken into account. In some cases it may be appropriate to issue a licence together with a strong written warning as to future driving conduct.

If a significant history of offences is disclosed, refusal of an application may result.

Any new applicant who has a total of 9 penalty points, and/or 6 or more penalty points for a single offence) on his driving licence should expect their application to be heard at a hearing of the Council's Licensing Regulatory Sub-Committee. The Sub-Committee will then decide the application on its own merits, and may:

- a) Issue the licence with or without a written warning
- b) Refuse the application.

A Licence may only be granted if the Sub-Committee are satisfied that the applicant is a fit and proper person.

For any minor offences totalling 8 or fewer points or less than 6 points for a single offence on an applicant's licence, a licence may be granted by the Licensing Manager with words of advice with regards to future conduct.

b. Traffic Offences – Existing Licence Holders

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times.

Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements

Any existing licence holder who has 9 penalty points or more and/or 6 penalty points for a single offence on his driving licence will be expected to go before the Sub-Committee to explain their offences. The Licensing ([General Purposes](#)) ~~Regulatory~~ Sub-Committee will decide the case on its own merits, and may

- a) Take no further action
- b) Take informal action
- c) Suspend the Licence for a period of time
- d) Revoke the licence
- e) (in the case of a renewal application) renew the licence
- f) (in the case of a renewal application) refuse to renew the licence

Licensees who are sentenced by a court to a discretionary disqualification in place of penalty points may be referred to the Sub-Committee.

Existing hackney carriage/private hire driver's licence holders at the date of implementation of this policy will not be referred to the Sub-Committee/have their licence suspended/revoked solely on the basis of convictions/cautions/endorsements existing at the date of implementation of this policy provided the same were declared on application/renewal and notified to the Council as required by condition 6 of their private hire driver's licence or condition 7 of their private hire/hackney carriage (dual) driver's licence).

C, "Traffic Offences – New Applicants and Existing Licence Holders.

In calculating the total number of penalty points on a person's driving licence/record, any points in respect of offences committed more than three years before another will be disregarded."

2. Insurance Offences

The Council takes a serious view of convictions for using/permitting use of a vehicle without insurance. An isolated incident in the past should not necessarily debar an applicant from being issued a licence. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant who has been disqualified from driving in connection with an insurance offence, is considered for a hackney carriage or private hire licence.

Existing licence holders convicted of using/permitting use of a vehicle without insurance will be referred to Committee.

~~3.~~ 3. Sexual Offences

As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions or cautions for any sexual offence, will not be granted a licence should expect their application

~~to be heard at a hearing of the Regulatory Sub-Committee. New applicants will normally be refused a licence until they can show a substantial period (usually minimum 5 years) free from any such conviction. A strict warning as to future conduct should be issued to any applicant who is granted a licence.~~

A licensee should expect to have his licence revoked/suspended if convicted of any sexual offence or suspended with immediate effect if being investigated/charged etc for any sexual offence.

4. Drunkenness

This section has been divided into two separate sections: drink driving and drunkenness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders

a. With a Motor Vehicle

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath//blood/urine for analysis

New Applicants

Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 2 year to elapse after the restoration of their DVLA licence, before being considered for a licence

More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence. At least 5 years should elapse (after restoration of the DVLA licence) before an application is considered.

Existing Drivers

A driver found guilty of driving passengers for hire or reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis should expect to have his hackney carriage or private hire drivers licence revoked **IMMEDIATELY and a further application should not normally be considered until a period of 5 years has elapsed after restoration of the DVLA licence.**

If a driver's licence has been revoked by the DVLA for offences relating to drink-driving, but not when driving for hire or reward, then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 2 years has elapsed after restoration of their DVLA licence.

b. Without a Motor Vehicle

Conviction(s)/caution(s) for drunkenness not associated with a motor vehicle may result in referral to the Sub-Committee for consideration both for new applicants and existing licence holders.

In both cases

More than one conviction/caution of drunkenness or refusal to provide a specimen may indicate a medical problem and the applicant may be asked to submit to a medical examination by a medical practitioner nominated by the Council, before the application is entertained. If the results of the examination show the applicant to be an alcoholic, the applicant must undertake treatment and a period of 5 years should elapse after treatment is complete and the Sub-Committee must agree that they are a fit and proper person to hold such a licence before a further application is granted.

5. Drug Offences

A serious view is taken of any drug-related offence. An applicant with a conviction/caution for a drug-related offence should be required to show a period of at least 3 years free from conviction/caution before an application is entertained. If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction/caution after the end of treatment is required. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine screen for drugs or drug abuse.

An existing licensee convicted of/ cautioned for a drug offence can expect to have their licence revoked/suspended.

6. Violence

As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be treated seriously.

(a) An application/licence will normally be refused or revoked for the following offences, regardless of the period of time elapsed after the date of conviction:

- Murder
- Manslaughter
- Causing death by reckless/careless/dangerous driving

(b) An application/licence should be refused, revoked or suspended where the applicant has a conviction for one of the following offences and (in the case of an application) where the conviction is **less than 10 years** prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated

(c) An application/licence should be refused, revoked or suspended where the applicant has a conviction for one of the following offences and (in the case of an application) where the conviction is **less than 5 years** prior to the date of application:

- Grievous bodily harm with intent
- Unlawful wounding with intent
- Grievous bodily harm
- Unlawful wounding
- Robbery

(d) An application/licence should be refused, revoked or suspended where the applicant/licensee has a conviction/caution for one of the following offences and (in the case of an application) where a conviction/caution is

less than 3 years prior to the date of application:

- Assault, including common assault/battery
- Affray
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest
- s.4 Public Order Act 1986 offence (fear or provocation of violence)
- s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- harassment

7. Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change.

Overseas visitors can be confused by the change in currency and become “fairgame” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken of any convictions involving dishonesty.

An application/licence should be refused/revoked/suspended where the applicant /licensee has a conviction/caution for one of the following offences and (in the case of an application) where a conviction/caution is less than 3 years prior to the date of application:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Making off without payment

8.Cautions

An applicant/ licensee who has/receives a caution for any offence may be referred to the Sub-Committee, who will consider the nature and circumstances of the offence in determining its relevance to an applicant's/licensee's fitness and propriety to hold a licence.

Existing hackney carriage/private hire driver's licence holders at the date of implementation of this policy will not be referred to the Sub-Committee/have their licence suspended/revoked solely on the basis of convictions/cautions/endorsements existing at the date of implementation of this policy provided the same were declared on application/renewal and notified to the Council as required by condition 6 of their private hire driver's licence or condition 7 of their private hire/hackney carriage (dual) driver's licence.

	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
<u>14</u>	<u>Unsatisfactory appearance of driver</u>	<u>3</u>	<u>✓</u>	
<u>15</u>	<u>Refusal to accept hiring without reasonable cause eg drunk or rude customer</u>	<u>6</u>	<u>✓</u>	
<u>16</u>	<u>Using a non approved or non-calibrated taximeter</u>	<u>4</u>		<u>✓</u>
<u>17</u>	<u>Failure to display fare card</u>	<u>3</u>	<u>✓</u>	
<u>18</u>	<u>Hackney Carriage vehicle unattended on a rank not available for immediate hire</u>	<u>4</u>	<u>✓</u>	
<u>19</u>	<u>Failure to observe rank discipline. (Hackney Carriage)</u>	<u>3</u>	<u>✓</u>	
<u>20</u>	<u>Unreasonable prolongation of journeys or any misconduct regarding the charging of fares</u>	<u>6</u>	<u>✓</u>	
<u>21</u>	<u>Using unlicensed vehicle or vehicle without insurance</u>	<u>12</u>	<u>✓</u>	<u>✓</u>
<u>22</u>	<u>Using a vehicle subject to a suspension order issued by an authorised officer or a police officer</u>	<u>12</u>	<u>✓</u>	
<u>23</u>	<u>Using a vehicle for which the licence has been suspended or revoked</u>	<u>12</u>	<u>✓</u>	
<u>24</u>	<u>Unsatisfactory condition of vehicle, interior or exterior</u>	<u>4</u>	<u>✓</u>	<u>✓</u>
<u>25</u>	<u>Failure to display external/internal licence plate or signs in accordance with Policy</u>	<u>4</u>	<u>✓</u>	<u>✓</u>
<u>26</u>	<u>Carrying more passengers than stated on the vehicle licence</u>	<u>6</u>	<u>✓</u>	
<u>27</u>	<u>Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence</u>	<u>6</u>		<u>✓</u>
<u>28</u>	<u>Dashboard warning light illuminated</u>	<u>4</u>	<u>✓</u>	
<u>29</u>	<u>Failure to carry fire extinguisher in accordance with Policy</u>	<u>3</u>	<u>✓</u>	<u>✓</u>
<u>30</u>	<u>Failure to carry first aid kit in accordance with Policy</u>	<u>3</u>	<u>✓</u>	<u>✓</u>
<u>31</u>	<u>Displaying unsuitable, unauthorised or inappropriately sited signs or advertisements in or on the vehicle</u>	<u>36</u>		<u>✓</u>

	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
<u>32</u>	<u>Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle</u>	<u>8</u>	<u>✓</u>	<u>✓</u>
<u>33</u>	<u>Smoking or strong evidence of smoking in vehicle</u>	<u>6</u>	<u>✓</u>	
<u>34</u>	<u>Plying for hire in a Private Hire vehicle</u>	<u>9</u>	<u>✓</u>	
<u>35</u>	<u>Parking/Stopping a Private Hire Vehicle on a rank</u>	<u>9</u>	<u>✓</u>	
<u>36</u>	<u>Parking/Stopping a Private Hire Vehicle within 100 meters of a rank without a booked fare</u>	<u>6</u>	<u>✓</u>	
<u>37</u>	<u>Displaying any feature on private hire vehicle that may suggest that it is a taxi</u>	<u>6</u>	<u>✓</u>	<u>✓</u>
<u>38</u>	<u>Misleading use of the words 'Taxi' or 'Cab' on advertising materials</u>	<u>6</u>	<u>✓</u>	<u>✓</u>
<u>39</u>	<u>Failure to produce on request records of drivers work activity</u>	<u>4</u>		<u>✓</u>
<u>40</u>	<u>Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced</u>	<u>6</u>		<u>✓</u>
<u>41</u>	<u>Abusive behaviour to Council Officer</u>	<u>5</u>	<u>✓</u>	<u>✓</u>
<u>42</u>	<u>Unsatisfactory behaviour or conduct of driver</u>	<u>1-12</u>	<u>✓</u>	<u>✓</u>
<u>43</u>	<u>Failure to give assistance with loading/unloading when requested</u>	<u>3</u>	<u>✓</u>	
<u>44</u>	<u>Failure to carry legal spare wheel or repair kit and tools if run flat tyres are not fitted</u>	<u>3</u>	<u>✓</u>	<u>✓</u>
<u>45</u>	<u>Minor vehicle defects e.g. blown exhaust, ineffective/broken windscreen wiper/washer</u>	<u>3</u>	<u>✓</u>	
<u>46</u>	<u>Urinating or defecating in a public place</u>	<u>5</u>	<u>✓</u>	
<u>47</u>	<u>Failure to comply with any other licensed conditions</u>	<u>3</u>	<u>✓</u>	<u>✓</u>
<u>48</u>	<u>A licensed vehicle with a bald tyre or other major defect</u>	<u>5 per tyre</u>	<u>✓</u>	<u>✓</u>
<u>49</u>	<u>Minor contravention of a section of the Road Traffic Act or other legislation relating to vehicle, driver or operator licensing</u>	<u>3</u>	<u>✓</u>	

<u> </u>	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
<u>50</u>	<u>Parking in contravention of public highway parking restrictions</u>	<u>3</u>	<u>✓</u>	
<u>51</u>	<u>Parking/stopping or picking up or dropping passengers on zigzags of a pedestrian crossing or school entrance</u>	<u>3</u>	<u>✓</u>	
<u>52</u>	<u>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</u>	<u>3</u>	<u>✓</u>	
<u>53</u>	<u>Use of hand held mobile device (eg mobile phone) whilst driving licensed vehicle</u>	<u>36</u>	<u>✓</u>	
<u>54</u>	<u>Eating or drinking whilst driving a licensed vehicle</u>	<u>3</u>	<u>✓</u>	
<u>55</u>	<u>Points awarded by Licensing Sub-Committee where matters referred to them for decision</u>	<u>1-12</u>	<u>✓</u>	<u>✓</u>

LIQUID PETROLEUM GAS (LPG) ADAPTATIONS
POLICY AND LICENCE CONDITIONS
AGREED BY THE COUNCIL ON 23RD JULY 2002

~~1. THE COUNCIL'S POLICY ON LIQUID PETROLEUM GAS (LPG)~~
ADAPTATIONS

~~1.1 The Council has considered the issues involved in adaptation of licensed taxis and private hire vehicles for use with Liquid Petroleum Gas (LPG). The Council has concluded that it would be appropriate and beneficial, both for proprietors of these vehicles and for the environment, to permit alteration to vehicle specification in appropriate cases to allow conversion to LPG for dual fuel use. Proprietors may ask the Council to approve any vehicle in their ownership (or which they are considering buying) for adaptation to LPG use. Once a vehicle has been authorised for this adaptation it will be subject to additional conditions and these shall be added to the vehicle licence~~

~~1.2 The Council's policy guidelines for proprietors who wish to have their vehicles approved for adaptation are set out at A and B below:~~

~~A. Only suitable vehicles (approved for such installation) and which are less than **five years** from the date of first registration and which have covered **less than 150,000 miles** shall be approved for alteration to the manufacturer's specification to allow conversion to LPG use.~~

~~(Where a proprietor is dissatisfied with this policy, he/she shall be entitled to produce justification for an exception to the policy, for consideration by the Licensing and Regulatory Committee, which shall make its own decision on the application and whether the information provided is sufficient, taking into account any other advice it may receive.)~~

~~———— B. ——— Any previously unlicensed vehicle presented for a hackney carriage or private hire licence and which has already been adapted for LPG use shall be subject to the above conditions upon licensing, except that the Council shall accept the adaptation without regard to the age or mileage of the vehicle in this regard.~~

~~———— [Vehicles newly put forward for licensing must in any case be comply with the revised age policy.]~~

~~2. ——— CONDITIONS TO BE ADDED TO LICENCE FOR AN ADAPTED VEHICLE~~

~~———— The following conditions will be added to the vehicle licence where it is or is to be adapted for use with LPG and the applicant will need to be aware of the conditions before carrying out the adaptation and discuss these with the LPG Association authorised fitter:~~

~~———— 1. ——— Subject to **the Council first approving the conversion** of any licensed vehicle this shall be carried out by a currently authorised LPG Association fitter and the certificate of conversion be produced to the officers, together with an annual inspection certificate thereafter.~~

~~———— 2. ——— The type of fuel tank fitted to the vehicle shall be either:~~

~~———— (i) ——— cylindrical, bolted to the chassis in a safe and secure manner to the satisfaction of the Council so as to avoid any danger to passengers in the vehicle in the event of an accident; or~~

~~———— (ii) ——— ring shape, fitted in the spare wheel space. If this ring type tank is used, the proprietor shall ensure that the spare wheel continues to be carried at all times and is safely secured and attached, and not placed loose in the vehicle;~~

~~_____ and the proprietor shall make suitable arrangements to ensure that there is no detriment to passengers and that they are aware of the vehicle's space limitations before agreeing to a booking which includes carriage of luggage.~~

~~_____ 3. _____ **Stickers shall be provided by the proprietor** and shall be displayed on the front and rear windows at all times to indicate clearly to emergency services and others that the vehicle has been adapted to use LPG.~~

~~_____ GENERAL ADVICE~~

~~3. _____ You are advised that you must follow the policy guidelines set out above and ensure that the vehicle, when adapted, can comply with the above conditions. The first point of contact at the Council for applications of this and all types to do with taxi and private hire licensing is the Licensing Administrator, telephone 01483 523219; email: licensing@waverley.gov.uk~~

~~_____~~

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	Level 3

as private hire vehicle

69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstruction of an authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirements of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

Private Hire Trade Offences

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed PH(V)	Level 3
46(1)(b)	Driving a PH(V) without a PH driver's licence	Level 3
46(1)(c)	Proprietor of a PH(V) using an unlicensed driver	Level 3
46(1)(d)	Operating a PH(V) without a PH operator's licence	Level 3
46(1)(e)	Operating a vehicle as a PH(V) when the vehicle is not licensed as a PH(V)	Level 3
46(1)(e)	Operating a vehicle as a PH(V) when the driver is not licensed as a PH driver	Level 3
48(6)	Failure to display PH(V) plate	Level 3
49	Failure to notify transfer of PH(V) licence	Level 3
50(1)	Failure to present PH(V) for inspection as required	Level 3
50(2)	Failure to inform local authority where PH(V) is stored if requested	Level 3
50(3)	Failure to report an accident to local authority	Level 3
50(4)	Failure to produce PH(V) licence and insurance certificate	Level 3
53(3)	Failure to produce PH drivers licence	Level 3
54(2)	Failure to wear PH driver's badge	Level 3

56(2)	Failure by PH operator to keep records of bookings	Level 3
56(3)	Failure of PH operator to keep records of vehicles operated by him	Level 3
56(4)	Failure to produce PH operator's licence on request	Level 3
57	Making false statement or withholding information to obtain PH driver's or operator's licence	Level 3
58(2)	Failure to return plate after expiry of notice, revocation or suspension of PH(V) licence	Level 3 + £10 daily fine
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3
67	Charging more than the meter fare when HC used as PH vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstructing of authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

Transport Act 1980

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

Disability Discrimination Act 1995

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

Standard Scale of Fines

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

Standard scale of Fines	
Level	Maximum Fine
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000

The Use of Mobile Phones and Other Devices Whilst Driving

It is a specific offence to use a hand-held phone, or similar device, when driving, incurring a £60 fixed penalty fine or up to £1,000 on conviction in court (£2,500 for drivers of goods vehicles, buses or coaches). Three 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 -----

Interview 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.
6. If the matter is reported to Committee or Sub-Committee you will be notified of the date of the meeting at least two weeks in advance. You will be asked to attend the meeting and may bring a representative with you.

Signed

Date

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE
26 NOVEMBER 2015

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
28 JANUARY 2016

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

Present

Cllr Simon Inchbald (Chairman)
Cllr Peter Isherwood

Cllr Anna James
Cllr Bob Upton

Cllr Carole King (Substitute)

Apologies

Cllr Patricia Ellis

39. MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 12 October 2015 were confirmed and signed.

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

An apology had been received from Cllr Patricia Ellis. Cllr Carole King attended as a substitute member.

41. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no interests declared under this heading.

PART I - RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PART II - MATTERS OF REPORT

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

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

RESOLVED 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 paragraph 1 of the revised Part 1 of Schedule 12A to the act, namely:-

Information relating to any individual (paragraph 1)

43. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 5.)

The applicant, Mr A M, attended the meeting accompanied by a friend. An official interpreter was also in attendance.

The Council's Solicitor advised the Sub-Committee that enquiries to another local authority where the applicant had previously been a licensed taxi driver had revealed information that had not been available when the agenda was published.

The Council's Solicitor advised the applicant that in the interests of fairness he could ask for the matter to be adjourned so he could consider the information and engage a solicitor if he so wished.

In response the applicant said that he did wish for his application to be deferred to a future meeting of the Sub-Committee.

It was then proposed and agreed that consideration of Mr A M's application be adjourned until the next meeting of the Sub-Committee on 28 January 2016.

The meeting commenced at 10.45 am and concluded at 10.57 am

Chairman

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 9 NOVEMBER 2015

SUBMITTED TO THE LICENSING & REGULATORY COMMITTEE – 28 JANUARY 2016

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

Present

Cllr Kevin Deanus
Cllr Patricia Ellis

Cllr Tony Gordon-Smith

Also Present

Cllr Simon Inchbald

8. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Patricia Ellis was appointed Chairman for this meeting of Licensing Sub-Committee B.

9. MINUTES (Agenda item 2.)

The Minutes of the Meeting held on 28 September 2015 were confirmed and signed.

PART I - RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PART II - MATTERS OF REPORT

Background Papers

The background papers relating to the following report items in part II are as specified in the agenda for the Committee.

10. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - MARKS & SPENCER, LION LANE, HASLEMERE, SURREY GU27 1LD (Agenda item 3.)

The applicant's legal representative attended the meeting. The objectors to the application were not present at the meeting and their representations were taken into account in their absence.

The Licensing Manager introduced the report and advised that there had been no representations from relevant authorities and there had been one late representation received which had not introduced any new or different issues. The applicant's legal representative and the Sub-Committee were content that it be included in the consideration of the application.

The Licensing Manager advised the Sub-Committee that following sight of the objections to the application the applicant had amended the application by amending the hours for sale of alcohol and opening. That had resulted in one objector being content with the amended application.

The applicant's legal advisor then summarised the application and explained that upon acquiring a number of similar Co-Op stores, Mark & Spencer had submitted a number of new applications during the year all with the same hours for the sale of alcohol and opening, ie. 0600-0000 hours. This was to allow seasonal flexibility and reduce the need to serve Temporary Event Notices. However, on receipt of the objections the applicant had decided to amend the application to 0600-2300 hours.

The applicant's legal advisor advised that the new application had been submitted because the new operator had different policies and procedures and the premises layout was being changed to add a café. Alcohol would be served in the café but only as part of the offers available on dining meals and staff serving in the café would have had relevant training in serving and selling alcohol. The latest digital CCTV would be installed and when appointed the Designated Premises Supervisor (DPS) would also be the shop manager. In his/her absence the Duty Manager would also have had training in the sale of alcohol. The applicant's legal representative also said that a number of concerns raised by the objectors were regarding planning and this was not within the remit of the Licensing Committee.

The Chairman then said that although no objectors were present their concerns would be taken into account.

The Sub-Committee then asked questions of the applicant's legal representative and asked whether the applicant would be displaying notices that requested customers to leave the premises quietly. The applicant would not normally display such notices but would do so if the Sub-Committee, with knowledge of the local area, requested it.

The Licensing Manager then clarified that the Police, as a responsible authority, had not responded to the notice of the application and would usually only do so if they had a representation to make.

The Council's Solicitor reminded the applicant's legal representative that should the Sub-Committee be minded to grant licence then the premises would require a (DPS). The applicant's legal representative said that the present DPS would be changed when a manager, who would also be the DPS, was appointed.

The Sub-Committee then WITHDREW at 10.37.

Following the Sub-Committee's deliberation the meeting RESUMED at 12.04. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision and on the appointment of a Designated Premises Supervisor.

The Chairman advised that the Sub-Committee had noted the condition regarding CCTV on the previous licence was more comprehensive. The Chairman read out the revised wording (see condition on CCTV below) and the applicant's legal representative indicated that he was content to accept this.

The Sub-Committee carefully considered the application for a new premises licence, taking into account the representations received, statutory guidance and the Council's Statement of Licensing Policy 2013-2018.

The Sub-Committee heard that the applicant had amended the application by amending the hours for sale of alcohol and opening, and that had resulted in one objector being content with the amended application. The Sub-Committee was advised that a late objection had been received which had not brought up any additional issues and the applicant and Sub-Committee were content to include this in their considerations. The Sub-Committee noted that with regard to Sunday opening hours, the application stated these would be subject to relevant legislation, eg. the Sunday Trading Act 1994.

On the balance of probabilities the Sub-Committee found that, on the evidence before them, the amended application with the following times

Monday – Sunday : 0600 – 2300 hours

be granted with the following additional conditions:

Digital CCTV, with a capability to download cd/dvd, will be installed and data retained for a minimum period of 31 days and made available to the Police and responsible authorities.

Signage shall be displayed in store stating that it is an offence for people aged under 18 to purchase alcohol and that the store operates a Challenge 25 scheme.

Signage shall be prominently displayed asking customers to respect local residents by keeping noise to a minimum when leaving the premises.

The Sub-Committee had taken into consideration the concerns raised by the objectors but can only take steps as it considers appropriate to promote the four licensing objectives. A number of concerns raised were related to planning matters, and delivery hours and not covered by the licensing act.

The Sub-Committee took note of concerns regarding anti-social behaviour issues on Lion Green. However, guidance issued states that the Authority should look to the police as the first source of advice on crime and disorder and the police have made no representations to this application. The Sub-Committee therefore finds it cannot link such concerns to these premises.

However in view of the proximity to residential premises the Sub-Committee imposed the condition regarding signage reminding customers to leave quietly, so that residents are protected from disturbance.

The Sub-Committee noted that on the grant of the licence the existing licence would be surrendered.

The Sub-Committee is conscious that should there be any cause for concern in the future, legislation allows for members of the community and responsible authorities to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

The applicant or any person who made a representation may appeal against this decision to the magistrates' court within 21 days of receiving written notice of this decision.

The meeting commenced at 10.00 am and concluded at 12.17 pm

Chairman