

**Waverley Borough Council**  
**LICENSING AND REGULATORY COMMITTEE**  
**13 JANUARY 2020**

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**Title:**

**HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW**

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

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

**Key decision:** No  
**Access:** Public

**1.0 Purpose and Summary:**

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

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**2.0 Introduction**

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of Transport on the report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing, given the outdated legislation and the new challenges facing the taxi industry.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

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

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

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

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

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

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

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

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

### **Response**

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

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

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

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

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

### **Response**

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

### **2.8 Recommendation 9 (driver cooperation with other enforcement authorities)**

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

### **Response**

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

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

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

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

**See page 62 of the Taxi Policy (Review)**

### **2.9 Recommendation 10 (enforcement and compliance checks)**

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

### **Response**

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

### **2.10 Recommendation 12 (licensing resource and fees)**

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

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

## **2.11 Recommendation 17 (*mandatory CCTV*)**

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

### **Response**

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

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

**Links below for members to consider.**

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

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

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

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

**Response**

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

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

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

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

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

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

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

### **Response**

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

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

#### **2.14 Recommendation 21** (*convictions policy*)

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

### **Response**

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

The IoL Policy is available at  
[https://www.instituteoflicensing.org/documents/Guidance\\_on\\_Suitability\\_Web\\_Version\\_\(16\\_May\\_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

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

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

### **Response**

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

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

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

**2.16 Recommendation 25** (*safeguarding/CSE training*)

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

**Response**

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

**2.17 Recommendation 26** (*training*)

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

**Response**

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

**2.18 Recommendation 28** (*English language test*)

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

**Response**

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

**2.19 Recommendation 29** (*disability, equality and awareness training*)

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

## **Response**

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

### **2.20 Recommendation 31** (*wheelchair accessible vehicle list*)

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

## **Response**

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

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

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

## **Response**

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

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

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

## **Response**

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



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

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

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

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

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

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

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

### **3.5 Vehicle age policy**

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

#### *Age of the vehicle*

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

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

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

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

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

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

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

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

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

### **3.6 Electric Vehicles**

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

### **3.7 Vehicle Write Offs**

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

#### **3.7.2 Write-off categories**

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

### 3.9 Tyre Age

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

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

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

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

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

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

#### 4.0. Requests for review from the trade

##### 4.1.1 Vehicle Window Tinting

Waverley's current policy states ;

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

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

4.1.2 Two other written comments from drivers have been recieved;

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

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

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

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

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

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

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

## **4.2 Testing Station**

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

## **5.0 Timetable for consultation**

- 5.1 The Proposed Timetable for the consultation is;

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

## **6.0 Conclusion**

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

## **7.0. Recommendation**

7.1. It is recommended that the Licensing and Regulatory Committee

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

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

7.2 considers the recommendation in respect of;

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

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

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

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

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

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

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

10.0 **Implications of decision(s)**

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

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

10.2 **Risk management**

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



### 10.3 **Legal**

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

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

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

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

### 10.4 **Equality, diversity and inclusion**

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

### 10.5 **Climate emergency declaration**

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

### 11.0 **Consultation and engagement**

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

### 12.0 **Other options considered**

12.1 Other options considered are commented on throughout the report.

### 13.0 **Governance journey**

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

**Annexes:**

Annexe 1 - Task and Finish Group report recommendation

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

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

Annexe 4 - Surrey licensing forum meeting in May 2019 document

Annexe 5 – Petition letter from licensed drivers

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

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

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**Background Papers**

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

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

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Agreed and signed off by:

Legal Services: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

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