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To: MEMBERS OF THE COMMUNITY SERVICES COMMITTEE
Councillors Wren (Chair), Shiner (Vice-Chair), Bilton, Black, Crane, Lee, North, O'Driscoll, Patel, Pinard, Sharp and Windsor

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01883 722000

Substitute Councillors: Gaffney, Montgomery, Moore and Steeds

C.C. All Other Members of the Council

7 June 2023

Dear Sir/Madam

COMMUNITY SERVICES COMMITTEE THURSDAY, 15TH JUNE, 2023 AT 7.30 PM

The agenda for this meeting of the Committee to be held in the Council Chamber, Council Offices, Station Road East, Oxted is set out below. If a member of the Committee is unable to attend the meeting, please notify officers accordingly.

Should members require clarification about any item of business, they are urged to contact officers before the meeting. In this respect, reports contain authors' names and contact details.

If a Member of the Council, not being a member of the Committee, proposes to attend the meeting, please let the officers know by no later than noon on the day of the meeting.

Yours faithfully,

David Ford
Chief Executive

AGENDA

- 1. Apologies for absence (if any)**
- 2. Declarations of interest**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) any Disclosable Pecuniary Interests (DPIs) and / or
- (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or his staff prior to the meeting.

- 3. Minutes of the meeting held on 9 March 2023 (Pages 3 - 6)**

To confirm as a correct record.

4. Minutes of the meeting held on 25 May 2023 (Pages 7 - 8)

To confirm as a correct record.

5. To deal with questions submitted under Standing Order 30

6. Electric Vehicle Charging (Pages 9 - 16)

7. Result of the consultation on appointing a stand for Hackney Carriages at Station Road East, Oxted (Pages 17 - 30)

8. Hackney Carriage and Private Hire Trades Licensing Policy - Consultation (Pages 31 - 174)

9. Review of Dog Walking Policy (Pages 175 - 182)

10. UK Shared Prosperity Fund Update (Pages 183 - 192)

11. 2022/23 Budget Outturn - Community Services (Pages 193 - 202)

12. Consideration of motion presented to Council by Councillor O'Driscoll (Pages 203 - 210)

13. Proposed transfer of functions to the Licensing Committee (Pages 211 - 218)

14. Any other business which, in the opinion of the Chair, should be considered as a matter of urgency

To consider any other item(s) which, in the opinion of the Chair, should be considered as a matter of urgency – Local Government Act 1972, Section 100B(4)(b).

15. To consider passing the following resolution to exclude the press and public

That members of the press and public be excluded from the meeting for agenda item 9 under Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- i) it involves the likely disclosure of exempt information as defined in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part 1 of Schedule 12A of the Act; and
- ii) for the items the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

16. Support for Freedom Leisure (Pages 219 - 242)

TANDRIDGE DISTRICT COUNCIL

COMMUNITY SERVICES COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 9 March 2023 at 7:30pm.

PRESENT: Councillors Wren (Chair), Swann (Vice-Chair), Allen, Bilton, S.Farr, Lee, North, O'Driscoll, Pinard, Shiner and Hammond (Substitute) (In place of G.Black)

ALSO PRESENT (Virtually): Councillors Montgomery, Evans and C.Farr

APOLOGIES FOR ABSENCE: Councillors G.Black and Caulcott

256. STATEMENTS

Prior to the business of the meeting, two statements were made.

The Chair informed the Committee of the recent passing of John Dyer, Grounds Maintenance Officer at Queens Park, who had served the Council for 23 years. The Council's thoughts and deepest condolences were with his family, friends and colleagues.

The Head of Operations and Contracts also made a statement. Following the tragic dog attack in January at Gravelly Hill, the Council would review how it can enhance public safety whilst protecting businesses engaged in dog walking through a Dog Public Space Protection Order. A report would be taken to the June meeting of the Committee setting out the consultation process and options on the number of dogs that could be walked at one time.

257. MINUTES OF THE MEETING HELD ON 17 JANUARY 2023

The minutes were confirmed and signed as a correct record.

258. COMMUNITY SAFETY REVIEW - MARCH 2023

The Committee received a presentation from the Community Safety and Partnerships Specialist and the Head of Communities and Partnerships which updated Members on the community safety activities in the District.

The Community Safety and Partnerships Specialist explained that the Council operated a partnership approach to reducing crime and disorder through the Tandridge Community Safety Partnership. The four priorities of the Partnership were community support and engagement, tackling community harm, youth engagement and provision, and preventing frauds and scams. 15 themes had been identified to help achieve these priorities.

In the last 12 months it was noted that:

- 51 Tandridge families had accessed the Family Support Programme
- 530 domestic abuse referrals had been made to East Surrey Domestic Abuse
- 32 adults and 7 children had been referred to Surrey for safeguarding

- 100 children attended the Friday Night Project weekly in Oxted and Caterham
- the animal warden had issued 51 warnings, 17 Community Protection Warnings, and one Community Protection Notice.

The Council would work to implement government priorities, including Martyn's Law, Serious Violence Duty and the requirements of the Domestic Abuse Act 2021.

The Head of Communities and Partnerships gave further details on the Friday Night Project and how the Council works with partnerships on safeguarding matters. A number of achievements of the Council's safeguarding work were noted.

In terms of next steps, the Council would focus on reviewing all contracts to ensure safeguarding was included, follow the new Section 11 Self-Assessment process, and continue with staff training and awareness.

Police Sergeant Dan Kite gave a presentation which outlined:

- the Tandridge Borough Policing Structure
- Tandridge Crime Data for 2021/22, which saw a reduction in residential burglary by 34.9%, a reduction in Anti-Social Behaviour (ASB) by 19.9%, a reduction in vehicle crime and catalytic converter thefts, and a small increase in theft of motor vehicles (TOMV). The solve rate of TOMV had increased to 18.4%
- how the Police work with partners, including the Council
- ASB interventions, actions against rural crime, and engagement with youth.

It was also noted that the Police had made a successful Safer Streets bid which resulted in an increase in ANPR in key locations across the District and 400 safety kits provided to residents for garages and outbuildings.

The Police's priorities for the District were:

- Protect those most vulnerable in the community
- Reduce ASB, burglaries, vehicle crime, rural crime and violence against women and girls.

The Committee made the following observations:

- The importance of seeking to extend youth provision to more rural areas and covering a range of activities
- The importance of working with partners, including Surrey County Council, on youth provision and community safety

In response to Member questions, Officers and the Police explained:

- an ASB project was underway to look at ASB policies and procedures across the Council, along with intervention and enforcement tools available to the authority and partner agencies.

- the importance of the Police being informed of criminal behaviour.
- that each report into the Police is risk assessed and Police Officers may not attend incidents if the report is low on the risk assessment.
- further information would be provided on the enforcement of nitrous oxide.

The Chair thanked Officers and the Police for attending.

259. QUARTER 3 2022/23 BUDGET MONITORING - COMMUNITY SERVICES COMMITTEE

The Committee received a report outlining the financial position of the Committee's 2022/23 Revenue (£4,051k) and Capital (£1,839k) budgets as of Quarter 3 2023/24.

The report set out a full-year overspend of the Revenue budget of £294k. This was the result of a projected impact of inflation on the Waste Management contract and a shortfall in the expected income in car parking and cesspool emptying. Overall, there was a £30k improvement from the Q2 position as a result of savings on salaries and better than expected income from cemeteries.

The impact of inflation had been anticipated in the 2021/22 financial outturn report to the Strategy and Resources Committee on 30 June 2022 and amounts had been set aside as a corporate contingency to mitigate the risk. The full contingency was being held back due to the possibility of improvement in the committee forecast.

In terms of the Capital budget, spend across the Committee's schemes at Q3 was £286k, and a forecast full year variance of £1,110k slippage. However, work had started on the Grange Meadow Access Track which would result in spend within the remainder of the year.

During the debate Members asked several questions and Officers responded by explaining that:

- Officers were considering a report from consultants on the Council's playgrounds, with a view that improvements would begin in 2023/24. Officers would continue to work with Parish Councils on Parish playground improvements.
- The Council operated two streetsweepers. However, both had been out of operation recently as one had been involved in a road traffic incident and one had been damaged. An additional Officer had been trained in order to ensure that the sweepers were operating more than 50 weeks a year.
- A review into the viability of the cesspool emptying service would be undertaken.
- The Deputy Chief Executive would speak to relevant Officers about Key Performance Indicators being received by the Committee.

RESOLVED – that the Committee's forecast Revenue and Capital budget positions as at Quarter 3 / M9 (December) 2022 be noted.

260. COMMUNITY SERVICES COMMITTEE - FUTURE TANDRIDGE PROGRAMME UPDATE - MARCH 2023

The press and public were excluded from this item in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- i) the item involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act; and
- ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Committee received a report which set out the progress to date for the service reviews undertaken as part of the Future Tandridge Programme within the scope of the Committee.

In terms of the waste element of the review, Officers explained that there had been evidence of bring bank services being misused and they were recommended for removal. Confirmation had been received that Parish Councils would not be able to fund this service. The full year effect of the saving was £50k, and it was expected they would be removed from May.

In terms of street cleansing, the frequencies of street cleansing had been reviewed and opportunities for reductions had been identified. Approval would allow a new operating model to be developed to identify the future costs of the service and the savings that could be delivered.

Arising from the discussion the Committee agreed that recommendation C and E be amended in accordance with the resolution below.

RESOLVED – that:

- A. the extension of the current specialised grounds maintenance contract for a period of 12 months be approved.
- B. in accordance with paragraph 1(C) of the Committee Terms of Reference and following consultation under Standing Order 46, approval be given on behalf of the Housing Committee to the extension of the current specialised grounds maintenance contract for a period of 12 months.
- C. i) the charging of commercial event organisers for additional cuts outside the revised schedule be approved, and
ii) the changes to the defined frequency of cuts for sports clubs be approved on a trial basis with a report to come back to Committee setting out the financial impact of additional cuts.
- D. the options for the future delivery of the ground maintenance work in the District be noted.
- E. a report be brought to Committee regarding the reduction in cleansing frequencies to allow the development of a new operating model for street cleansing and to confirm the future costs for the service and savings.
- F. the removal of the bring bank recycling service be approved.

Rising 10.02 pm

TANDRIDGE DISTRICT COUNCIL

COMMUNITY SERVICES COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 25th May 2023 at 9.10pm.

PRESENT: Councillors B.Black, Bilton, Crane, Lee, O'Driscoll, Patel, Pinard, Sharp, Shiner, Windsor and Wren

APOLOGIES FOR ABSENCE: Councillor North

1. ELECTION OF CHAIR FOR 2023/24

RESOLVED – that Councillor Wren be elected Chair of the Committee for the 2023/24 municipal year.

2. ELECTION OF VICE-CHAIR FOR 2023/24

RESOLVED – that Councillor Shiner be elected Vice Chair of the Committee for the 2023/24 municipal year.

3. APPOINTMENT OF THE REGULATORY SUB-COMMITTEE FOR 2023/24

RESOLVED – that the Regulatory Sub-Committee be appointed as follows:

Residents' Alliance

Councillor Colin White (principal member)

Liberal Democrats

Councillor Gray (principal member)

Conservatives

Councillor North (principal member)

(In the event of one or more of the three principal members being unable to attend a hearing, their places shall be filled by selecting substitutes from the Community Services Committee.)

Rising 9.11 pm

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Electric Vehicle Charging Points

Community Services Committee - Thursday 15 June 2023

Report of: Head of Policy and Communications

Purpose: For decision

Publication status: Open

Wards affected: All

Executive summary:

Officers have been involved in discussions with Surrey County Council and other district and borough councils about the delivery of electric vehicle (EV) charging points across the county.

A contract between Surrey County Council and Connected Kerb Ltd has now been signed to deliver publicly accessible on-street EV charging point infrastructure across Surrey

The District Council has been invited to consider an integrated approach to EV charging by entering into a contract with Connected Kerb Ltd to allow EV charging points to be installed in its car parks.

This contract would have the same terms and conditions as the Surrey contract, if these meet the Council's requirements and will benefit from the economies of scale provided by the overall contract with Surrey.

This report supports the Council's priority of:

Becoming a greener, more sustainable district

Contact officer Giuseppina Valenza, Head of Policy & Communications
gvalenza@tandridge.gov.uk

Recommendation to Committee:

That the committee approves the following recommendation:

- The Council enters into a contract with Connected Kerb Ltd to deliver EV charging infrastructure in its car parks and any other suitable council owned land, on terms acceptable to the Head of Legal Services and the Chief Finance Officer.

Reason for recommendation:

Surrey County Council has signed a contract with Connected Kerb Ltd, to deliver priority EV charging points early in 2024.

Surrey County Council has offered districts and boroughs the opportunity to take advantage of the terms and conditions of this contract to enable the installation of EV charging points on their land.

To ensure the Council is able to take advantage of this offer, with the possibility of securing Local Electric Vehicle Infrastructure (LEVI) funding (see paragraph 21), a decision is required by July.

This will ensure the Council is on Connected Kerb Ltd's priority delivery list and can benefit from any funding. Any district or borough council which signs a contract with Connected Kerb Ltd will have EV chargers installed on their land in 2024, as they will be included in the EV priority delivery plan.

If the Council enters into this contract, this will enable the installation of charging facilities in the district's car parks to support the growing numbers of electric vehicles. The District Council would benefit from the same terms and conditions as the Surrey contract, subject to any changes the Council may require and from the economies of scale provided by the overall contract with Surrey.

The contract will provide a solution fully funded by Connected Kerb Ltd and a revenue return to the Council for every KWH of power sold to EV users.

A unified approach in terms of having the same infrastructure and payment application and access across the county will benefit residents and other car users.

This approach would mean the Council would not need to conduct its own procurement process, which would be lengthy and resource intensive. It also supports the delivery of a key corporate objective.

Introduction and background

1. In 2020 the government announced sales of all new petrol and diesel cars and vans would end in 2030 and all new cars and vans would be fully zero emission at the tailpipe by 2035. By 2030 the government expects there will be at least 300,000 public chargers available. Creating an EV charging infrastructure is fundamental to delivering net zero road transport.

2. By 2030, it is anticipated there will be between approximately 8 million and 11 million hybrid or electric cars in the UK, if uptake is aligned with the government targets. By 2040, the number of hybrid or electric cars could reach 25.5 million. While conventional hybrid vehicles (that cannot be plugged in) will initially form many of these sales, it is expected plug-in hybrid and EVs will make up an increasing proportion as technology develops (LGA <https://www.local.gov.uk/electric-vehicles-whats-going-out-there>).
3. Surrey County Council and Connected Kerb Ltd have agreed a contract to support the rollout of on-street electric vehicle charging points across the county. The aim will be to install thousands over the next five years and Connected Kerb Ltd has been licensed to operate the charging points for 15 years from installation.
4. Surrey County Council has offered district and boroughs the opportunity to co-ordinate installation and delivery of EV charging points in council owned car parks by using the same contractor.
5. Increasing the number of public charging points will support residents who would like to switch to an electric vehicle, or who already have, but do not have a driveway to be able to install a charging point at their home. Through this contract, charging points will be installed at convenient locations in residential areas and key locations in the community, such as on high streets and public car parks.
6. The Council recognises the significant benefits electric vehicles can offer over petrol and diesel vehicles, particularly in relation to air quality and public health. If the government targets are to be achieved, the district needs a robust electric vehicle charging infrastructure. This contract will be a step towards realising this.
7. Connected Kerb Ltd is keen to install charging points in council owned car parks, alongside on-street locations, as this will provide a number of options for users and a wider variety of locations.
8. The District Council would need to enter into a contract with Connected Kerb, which would mirror the terms and conditions agreed with Surrey County Council, or if necessary be adapted to match the Council's own requirements. The final contract would be subject to Legal and Finance approval.
9. Officers would work with Connected Kerb Ltd to agree the design and location for car park charging points to minimise visual impact and street clutter. Charging points are designed to be robust and environmentally sensitive with lighting rings for low lighting conditions. All installation costs would be covered by Connected Kerb Ltd.
10. The Council would need to enter into a 15 year contract, An additional 5 year extension on the right to install will be assessed at 5 and 10 year break points from the initial contract start date.

11. At the end of the 15 years, the Council can negotiate to own the installed chargers, renew a contract with Connected Kerb Ltd, or transfer to another provider, although this may create issues around installing different infrastructure. They can also be removed if the Council decides not to continue providing this infrastructure. Throughout the 15 years Connected Kerb Ltd will be responsible for the chargers and any repairs and upgrade.
12. While the lease term may seem quite long, Connected Kerb Ltd needs to recoup its investment, as it is fully funding the installation. The company also views this as a long term partnership with the Council and the chargers have a lifespan beyond the length of a 15 year contract.
13. Officers have reviewed the procurement evaluation which clearly sets out how Surrey has considered value for money, back office support, technical excellence, installation, management of the network, operational performance and customer service.
14. For charging points located on and off the highway and on council land, Connected Kerb Ltd will complete a Highways Act s115E licence or lease of the land on which the charging point stands.

Costs and payment for charging

15. Connected Kerb Ltd will take on all costs and risks for infrastructure delivery and the Council will have access to back office administration, to allow reporting on usage and performance.
16. The contract will provide a solution fully funded by Connected Kerb Ltd and a share of the revenue from charging points in car parks would come back to the Council. Tariffs will be fixed for the first two years and remain the same across the whole network. After that time the tariff will be reassessed by the Strategic Management Board. This could lead to agile tariffs changing by time of day, where the net costs to users are lowered compared to a fixed tariff.
17. A key benefit of being part of the Surrey wide roll out is that less profitable sites will be included, the more commercial sites will subsidise the less lucrative sites.
18. Any required upgrades will be factored into the Connected Kerb Ltd Delivery Programme.
19. EV charging point users will need to download an easy to use app to pay for charging. Connected Kerb Ltd has agreements with network roaming partners to enable broader digital access.
20. If the user doesn't want to download the app, they can pay through Zapmap, which allows access to a large number of different networks including Connected Kerb. They will also be able to sign up to other roaming partners. Connected Kerb Ltd is also planning to roll out a QR code.

Administration of the contract

21. Project liaison will be offered by Surrey County Council for the overall strategy. The District Council would be responsible for the contract signing and any land arrangements in car parks. Surrey County Council would manage on-street installations in the district.
22. Throughout the life of the contract, Surrey County Council will support and advise through an Operations Board (OB) and a Strategic Management Board (SMB), to ensure there is a common and integrated approach across all districts and boroughs. Being part of the contract provides membership, access to these boards and a say in any decisions.
23. Surrey County Council has received funding for two years from the government to support this approach. Once the funding ends, the Council will need to pay an administration fee to Surrey County Council, which will be agreed by the SMB which the Council will be a member of.
24. This fee is likely to be a percentage of revenue. Officers are seeking clarification on the level of administration fee and will need to be satisfied it does not represent a material revenue risk before signing the contract. Each district and borough on the board will be part of the decision making about sharing any overhead, which is likely to be proportionate to the number of charging points in each area.
25. The SMB will also work with partners to access any additional funding support being offered to local councils to assist the rollout of public charging infrastructure, including the Local Electric Vehicle Infrastructure (LEVI) fund.
26. The LEVI funding aims to boost existing On-Street Residential Chargepoint Schemes and help councils secure dedicated resource to develop in-house capability to coordinate charging point plans and work with private operators. Any LEVI funding allocated to Surrey County Council will have to demonstrate delivery across Surrey.
27. Additional resource may be needed to manage the District Council's in-house co-ordination and delivery. Through membership of SMB, the Council would increase its chances of securing LEVI funding for a dedicated resource to develop in-house capability to co-ordinate charging point mapping and future plans. Any such resource would require committee approval before being committed.
28. The LEVI capability fund should cover all project management and legal costs within Surrey County Council for the next two years.

Other options considered

29. The Council could seek an alternative supplier to install EV charging points in its car parks, but it has limited resources to scope and deliver this type of project. In 2021 soft market testing was carried out to establish how viable it

would be for the Council to install electric vehicle charging points in its car parks and a report was brought to the Strategy and Resources Committee on 6 July 2021. Councillors agreed to officers drawing up a tender in conjunction with the Climate Change Task and Finish Group. However, this work had to be put on hold due to lack of resources to take it forward and other corporate priorities to focus on.

30. The Council has been approached by one of its car park contractors interested in installing charging points, but discussions have not been progressed due to capacity issues and the complexity of the current car park set up.
31. Even if the Council was able to fully evaluate alternatives, it may be these would be more expensive and onerous to implement than the current option offered by Connected Kerb Ltd. The number of locations for charging points the Council could put forward would not present the same economies of scale as the contract being offered by Connected Kerb Ltd and some sites may not generate enough revenue to be viable. One of the key advantages of the Connected Kerb Ltd contract is that less economically attractive sites would be subsidised by those which would generate a greater return on investment.
32. If the Council does not sign this contract, there is a risk it will miss out on an opportunity to work with partners to install EV charging points in the next year. It is unlikely the Council has the resources – staffing or financial – to fully explore other options and implement them in a reasonable timescale.
33. In addition, if the Council was not seen to take advantage of a practical and rapid approach to rolling out charging points in the district, this could have a reputational impact.
34. Other east Surrey councils are in discussions with Surrey County Council about entering into a contract, which means it is unlikely they would consider partnering with Tandridge District Council.

Other points to note

35. The contract allows for other public sector organisations, such as parish councils, to have access to the same terms and conditions, which means in areas where the District Council does not have a car park, the parish council could install a charging point on its land with the District Council's support. Public sector organisations include the NHS, registered social landlords, educational establishments, registered charities and any other not for profit community landowners within the county.
36. While offering these third parties the benefit of the contract terms and conditions, the Council would not provide any subsidy and is likely to charge an administration fee in the same way Surrey County Council would charge the Council.
37. Further discussions would be needed to determine if the Council's office sites in Oxted and Hurst Green would be viable for the installation of charging

points, as they are not always open to the public to access. There is likely to be a cost to the Council to install chargers at these locations. This would need to be discussed in more detail if the contract is signed.

38. In terms of security and safety, the chargers are required to be installed in well-lit areas. There are LED lights on all units which display the availability of the charger, but also help maintain visibility overnight. Every unit includes contact details for Connected Kerb's 24/7 helpline.
39. Chargers have a universal socket, which means they can be accessed by all vehicle types, with users plugging in their own cable. The charging power of the charging points will depend on individual locations.
40. At this stage it is not clear how many chargers the District Council will be able to install. It will be partly determined by the existing power network. Substation capability may dictate the type of charger installed, while cable layout and the way the cables are laid may dictate where the chargers are installed. Developing this type of network in a rural area can be very expensive, which means some areas may have limited charging points if Connected Kerb Ltd makes a decision not to invest fully in more rural areas.
41. There are financial risks as set out in the report, particularly in respect of the administration fee. Officers will need to manage these and report back to committee throughout the contract life.

Consultation

42. In 2022, Surrey County Council ran a public consultation inviting suggestions for charging points, which the District Council supported by promoting to businesses and residents through its communication channels. The Council also submitted its own list of potential locations, mainly in its car parks.
43. Although residents and businesses responded to calls to identify potential installation points, more work will need to be done to get input from parishes, businesses, the Business Improvement Districts and residents, to identify more suitable locations, otherwise there may be insufficient charging points and possibly a poorer take up of the service

Key implications

Comments of the Chief Finance Officer

The financial implications of the proposal are as yet unclear, since much will depend on the number of charging points to be installed on council land. There is a likelihood that beyond year two of the contract, an administration fee will be required. There is a risk this may exceed the income from the charging points.

Officers are seeking clarification from Surrey County Council on the likely exposure from this risk and will need to be satisfied it is manageable and appropriate before signing the contract.

Officers will also review the contract terms to ensure there are no hidden liabilities, particularly at the end of the asset or contract life. This activity is part of normal due diligence when entering into any contract, but may mean that the proposal does not go ahead if terms cannot be agreed.

Comments of the Head of Legal Services

The proposal for the Council to establish a partnership with Connected Kerb by entering into an agreement which is permitted by the general power of competence given to local authorities by section 1(1) of The Localism Act 2011, which empowers councils to do anything an individual can do unless prohibited by law and subject to public law principles.

Further, section 111 of The Local Government Act 1972 sets out subsidiary powers of local authorities which allow the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. Legal Services have assisted officers and confirm the terms of the agreement are acceptable from a legal perspective.

Equality

If left to the market to deploy, EV charging infrastructure is unlikely to be fairly or evenly distributed. This contract would allow the Council to play a key role in supporting residents and businesses with an offer of affordable charging solutions, especially in rural and lower income residential areas.

Officers will do all they can to ensure the EV charging infrastructure meets the needs of a wide range of people, through the provision of accessible and reliable charging infrastructure.

Further engagement with stakeholders and a review of relevant data will support equality and inclusion.

Climate change

Electric vehicles help reduce the impact of climate change. As well as the direct health benefits of having less pollutants in the air, reducing emissions overall is vital to society's efforts to reduce its carbon footprint.

It is important the right infrastructure is in place to support the transitioning of vehicles to electric power.

The Council has a duty to lead by example by introducing EV technology to reduce the environmental impact on the district.

Appendices

None

Background papers

None.

----- end of report -----

Result of the consultation on appointing a stand for Hackney Carriages at Station Road East, Oxted

Community Services Committee Thursday, 15 June 2023

Report of: Deputy Chief Executive

Purpose: For decision

Publication status: Open

Wards affected: Oxted North and Tandridge

Executive summary:

To consider the comments received during the consultation period and to determine the appointment of a stand for Hackney carriages on the public highway at the proposed site of Station Road East, Oxted at the side of 129 to 131 (Lorimers).

The process for the approval of taxi stands is subject to consultation. As there were comments received during the consultation period, the matter has returned to Committee for determination.

This report supports the Council's priority of:

Creating the homes, infrastructure and environment we need

Contact officer Jeannette Pickles Licensing Officer
jpickles@tandridge.gov.uk

Recommendation to Committee:

- A. To consider the comments received in the consultation period from members of the public
- B. To determine appointing a stand for Hackney carriages on the public highway at the proposed site of Station Road East, Oxted at the side of 129 to 131 (Lorimers).

- C. If the Committee determines to appoint stand, the Committee must authorise in accordance with The Traffic Signs Regulations and General Directions 2002 Regulation 11 and Schedule 6.
 - D. If the Committee determines not to appoint the stand, the Committee must provide full reasons for their decision.
-

Reason for recommendation:

- A. As objections were received during the consultation period, the matter has returned to committee for consideration.
 - B. To appoint the stand for Hackney carriages on the public highway at the proposed site of Station Road East, Oxted at the side of 129 to 131 (Lorimers) in accordance with section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
 - C. To comply with The Traffic Signs Regulations and General Directions 2002 Regulation 11 and Schedule 6.
 - D. To justify the decision to refuse to appoint the taxi stand.
-

Introduction and background

- 1.1 On 17th January 2023, the Committee approved the advert for the public consultation on appointing a stand for Hackney carriages on the public highway. The public notice was issued in the local press on 2nd February 2023 for 28 days.
- 1.2 During the consultation period there were 7 comments received from members of the public:
 - There were 5 comments received in objection of the proposal, attached at Appendix 'A' of this report.
 - There were 2 comments received in support of the proposal, attached at Appendix 'B' of this report.
- 1.3 The current taxi stand at Station Road East in Oxted located in the centre of the carriageway was adopted by the Council, to hold 4 vehicles and to operate 24 hours a day. The proposal is to appoint the taxi stand to the side of the carriageway to also hold 4 vehicles and to operate 24 hours a day. The site plan is attached at Appendix 'C'.
- 1.4 Appointing a stand for Hackney carriages on the public highway at the proposed site of Station Road East, Oxted at the side of 129 to 131 (Lorimers) will improve public safety by allowing passengers to enter and exit taxis safely from the pavement. This will also improve traffic flow by allowing more space for vehicles to manoeuvre.
- 1.5 Surrey County Council were contacted by the taxi trade for the change in the layout due to safety. Pedestrians wanting a taxi need to walk in the middle of the road to speak to the driver and to get into the vehicle. Other vehicles using the parking bays or picking up/dropping off passengers, especially with

the size of modern cars, have to squeeze past parked vehicles in the parking bays and the taxis in the taxi stand.

- 1.6 Following the request by the trade and the approval from the Tandridge Local Committee of Surrey County Council, Surrey County Council formally advertised in the Surrey Mirror newspaper, by putting notices on street light columns and parking bay signs and sent postcards to local addresses advising them that changes to parking were planned with a link to their website with the full details. This consultation was for a 28 day period ending on the 10th February 2022 for comments and objections. In respect of this consultation, there were no comments received.
- 1.7 The decision for this Committee is under section 63 of the Local Government (Miscellaneous Act) 1976, for the Council to appoint a stand for Hackney carriages on the public highway at the proposed site of Station Road East, Oxted at the side of 129 to 131 (Lorimers).
- 1.8 The comments must be considered by the Committee prior to determining appointing a stand at the proposed site of Station Road East, Oxted at the side of 129 to 131 (Lorimers).
- 1.9 Subject to the approval of the Committee, Surrey County Council Highway have included the relocation of the taxi stand in the current works order.

Consultation

- 2.1 Public consultation occurred immediately after the decision of the 17th January 2023 Committee. The consultation lasted twenty eight days from the date of the first publication of the notice on 2nd February 2023.
- 2.2 During the consultation, the comments attached at Appendix 'A' and 'B' were received.

Key implications

Comments of the Chief Finance Officer

- 3.1 The recommendations contained in this report have no direct financial implications to the Council.

Comments of the Head of Legal Services

- 4.1 There are no particular legal implications provided section 63 of the Local Government (Miscellaneous Provisions) Act 1976 is complied with and all relevant considerations are taken into account including any local transport plan. The power for District Councils to create hackney carriage stands (more commonly referred to as taxi ranks) is contained in Section 63(1) of the Local Government (Miscellaneous Provisions) Act 1976. This legislation enables District Councils to create taxi ranks in any highway in the District that is maintainable at public expense, with the consent of the Highway Authority.

Equality

- 5.1 Should the stand be adopted, this change of layout will have a positive impact by improving access for all passengers. The change will make a positive impact towards: Road safety, access for emergency vehicles, access for refuse vehicles, easing traffic congestion, controlling parking and public safety.

Climate change

- 6.1 There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix 'A' – Comments received in objection to the proposal

Appendix 'B' – Comments received in support to the proposal

Appendix 'C' – Site plan

Background papers

Community Services Committee Tuesday, 17th January, 2023 7.30 pm - Report and decision of 'Appointing a stand for Hackney carriages on the public highway at Station Road East in Oxted.

----- end of report -----

From: REDACTED
Sent: 13 February 2023 10:28
To: taxilicensing
Subject: Proposed new taxi rank Station Road East Oxted

Follow Up Flag: Follow up
Flag Status: Flagged

Hi

I am writing to you about the proposed alterations to the taxi rank outside the station on Station Road East Oxted.

As the Business Improvement District we represent over 180 businesses in Oxted Town Centre. As you will know, the high street is changing rapidly, with retail being impacted most by these changes. Businesses need all support available for people to easily and conveniently visit Oxted town centre, and on street parking helps facilitate this.

While we understand the safety improvements behind this proposal, local businesses are keen to retain on street parking spaces for shoppers.

We are therefore writing to enquire whether it would be possible to introduce herringbone parking in this area, rather than parking that is parallel to the pavement, thus increasing the number of spaces available and retaining some of the shopper parking spaces. Anything that can be done to minimise loss of on street parking would be welcomed.

Kind regards

REDACTED

From: REDACTED
Sent: 13 February 2023 20:56
To: taxilicensing
Subject: Moving taxi rank in Station Road East Oxted

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

All I can say this is a ridiculous idea. If this proposal goes through Oxted lose more parking spaces. There will then be a huge waste of space from where the taxis were parked up. Why do TDC think it is sensible to change something that has worked well for years. Unless you build a pavement on both sides of the proposed new rank people are still going to get in and out on the road. If pedestrians can't be bothered to walk round the horse shoe that is their choice. Guess it won't be long before TDC decide to kill off the high street once and for all by making Station Road East pedestrian only. I despair to be honest.

Yours

REDACTED

From: REDACTED
Sent: 14 February 2023 10:56
To: taxilicensing
Subject: Proposed change to taxi rank Station Rd East.

Follow Up Flag: Follow up
Flag Status: Flagged

As a resident for over 25 years.

I disagree with your proposal to change the rank to the kerb, will limit the parking space for locals who are currently already restricted to eat nearby and bring in more revenue which is needed at this time.

Are you proposing to allocate the four bays in the middle of the road to the public or just remove them all together.

Families use those bays by lorimers during periods and spend more in our high street shops than on a single taxi journey. Taxis cater for a limited number of people and are stationary most of the time until the trains arrive or depart.

It is up to both the passengers and taxi drivers to ensure they can depart from the vehicle safely. They can assist their passengers out of curtesy. Taxi drivers are either in their cars or having a chat with each other for lengthy periods of time. The public are unable to use their bays out of hours.

Pedestrians have always walked around on the pavement with exception to commuters who automatically walk across the road like at any other active station. Their are waiting bays were taxis can drop off their passengers safely in front of the subway or drop them off on station road west instead.

Kind regards,

REDACTED

From: REDACTED
Sent: 14 February 2023 11:43
To: taxilicensing
Subject: Change of taxi rank location on Station Road East, Oxted

Hello,

I am concerned with this proposal as by moving the taxi rank we will lose valuable car parking spaces. This will undoubtedly have an impact on local business as without car parking people often chose to space at out of town locations.

In addition I don't agree with the assumption that it is difficult to exit or enter a car there and have never seen any issues.

Thanks, REDACTED

From: REDACTED
Sent: 18 February 2023 00:28
To: taxilicensing
Subject: Proposed re-location of taxi rank outside Lorimers, 129-131 Station Road East, Oxted - Objection

Follow Up Flag: Follow up
Flag Status: Flagged

I have seen the plans and drawings for the proposed re-siting of the taxi rank and wish to register my objection to these proposals.

- The current arrangement seems to work very well so why does it need to be changed. Nothing is going to be perfect but there are many good reasons for keeping things as they are.
- Parking spaces on the street are at a premium and the shops need all the help they can get. We should be preserving on street car parking spaces, not taking them away.
- The loss of these car parking spaces on the street will be a blow for those who do not want to park in Morrisons or Beatrice Road as they are only going to the shops for a short while or who are elderly or infirm and the walk from these car parks is too far. We have lost far too many spaces from the High Street already.
- There are not many spaces to park at this side of the station and the spaces outside Lorimers are used by others collecting people from the station - particularly late at night. It will not be satisfactory to have those people trying to find their lifts too far from the station particularly if it is dark, they have heavy luggage, they are managing children or they are elderly or infirm.
- The presence of the taxis in the middle has the effect of slowing down the traffic in this area which is a great advantage for the many pedestrians who use it and who are funnelled into the tunnel under the railway / the station.
- The presence of the taxis in the middle also provides added safety for those crossing the road between the pavement near Hammonds and the pavement in front of Lorimers as they act as a sort of island/midway point. To have to negotiate the whole of this stretch in one crossing could be quite hazardous - not only because the island of the taxis in the middle won't be there but also because without that island, the traffic in that area is likely to be sweeping in and driving out much faster.
- The taxis are not always there so when they are not there, it will be particularly galling to have wasted parking spaces outside Lorimers that others could use.
- The car parking spaces outside Lorimers are very popular and are rarely free. The community and many shoppers' use of them should not be sacrificed for the commercial operation of the taxis who are used by very few of the community.
- The excess space given over to taxis in Station Road West has made dropping off and collection there very difficult now and car parking spaces have been lost. Please do not do the same in Station Road East.
- The taxis do not operate all the time and when they are not operating, the car parking spaces will be empty and completely wasted.
- All possible on street car parking for shoppers and the wider community use should take precedence over the commercial activities of taxi firms who serve only a very small minority of the community and who are not spending money supporting local shops and services in Oxted.

This proposal is misconceived and has not been properly thought through. I sincerely hope that you do not proceed with it.

Regards,

REDACTED

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From: REDACTED
Sent: 14 February 2023 06:37
To: taxilicensing
Subject: Support for taxi rank changes

Follow Up Flag: Follow up
Flag Status: Flagged

I live on the outskirts of Oxted and I thoroughly support the change of the taxi rank layout. I use that rank often and it is scary getting over to get one of those taxis. And makes crossing the road difficult.

Also the spaces that are on the side of the road by Lorimers are barely usable by many of the cars on the road today and often end up blocking exiting cars. Much better make a more usable taxi rank.

I really hope it gets moved.

REDACTED

From: REDACTED
Sent: 14 February 2023 06:38
To: taxilicensing
Subject: Taxi rank in OXTED

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

I fully support the move to remove the middle section for parking. I use the side spaces now and then, and I dread leaving, trying not to damage any cars as I squeeze by. The concentration to do this does distract from focusing on pedestrians, who do seem to think they can just cross without gaging eye contact with the drivers.

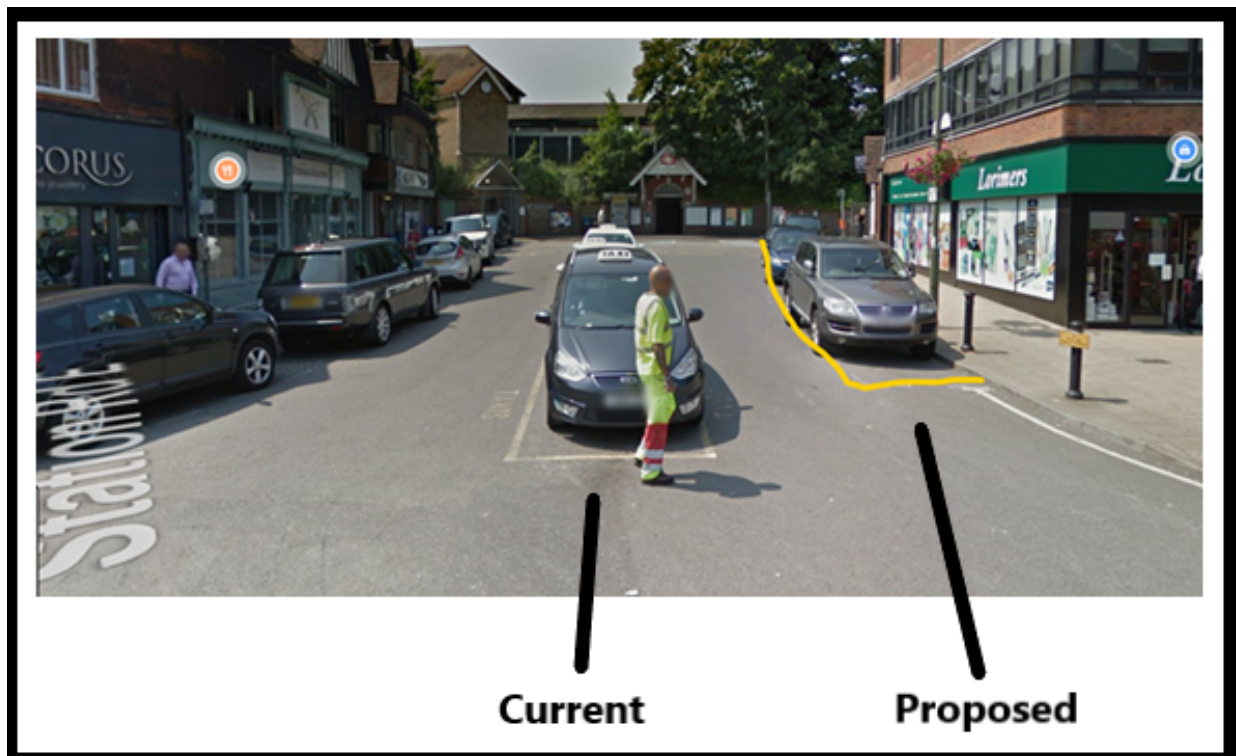
I have also witnessed cars being damaged from this layout and close calls with people from other drivers using this area.

I think it would be a positive, safer change.

Kind regards,

REDACTED

SITE PLAN / PHOTOS OF LAYOUT STATION ROAD EAST TAXI RANK



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Hackney Carriage and Private Hire Trades Licensing Policy - Consultation

**Community Services Committee Thursday, 15
June 2023**

Report of: Deputy Chief Executive

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

Following the publication of the Statutory Taxi & Private Hire Vehicle Standards by the Department for Transport in July 2020, all Licensing Authorities are required to review their Licensing Policy's in respect of Hackney Carriage and Private Hire licensing.

The new policy will incorporate the additional requirements placed on Licensing Authorities within the Statutory Standards. The Department for Transport have stated that the Council must merge all existing different policies into one coherent all-encompassing policy that will provide clarity and guidance to members of the trade and the public alike.

Any policy must be subject to a consultation exercise with the Hackney Carriage and Private Hire trade to ensure their views are taken into account before adoption of the final policy.

This report supports the Council's priority of:

Creating the homes, infrastructure and environment we need

Contact officer Aneurin Hughes, Senior Licensing Officer

AHughes1@tandridge.gov.uk

AneurinHughes@molevalley.gov.uk

Recommendation to Committee:

That the Committee considers the revised Licensing Policy for Hackney Carriage and Private Hire and subject to any amendments approves the draft policy for consultation seeking the views of the licensed Hackney Carriage and Private Hire trade and relevant stakeholders.

Reason for recommendation:

- 1.1 Under Section 177 of the Policing and Crime Act 2017, the Secretary of State may issue statutory guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children and vulnerable individuals who are 18 or over from harm.
 - 1.2 On 21 July 2020, the Department of Transport issued Statutory Taxi & Private Hire Vehicle Standards, referred to in this report as the 'The Statutory Standards'.
 - 1.3 The Statutory Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance.
 - 1.4 The introduction to the Statutory Standards states that the Department for Transport "expects these recommendations to be implemented unless there is a compelling local reason not to."
-

Introduction and background

- 1.5 Under Section 177 of the Policing and Crime Act 2017, the Secretary of State may issue statutory guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children and vulnerable individuals who are 18 or over from harm.
- 1.6 On 21 July 2020, the Department of Transport issued Statutory Taxi & Private Hire Vehicle Standards, referred to in this report as the 'The Statutory Standards'.
- 1.7 The Statutory Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the immigration Act 2016 and Common Law Police Disclosures (which repealed the Notifiable Occupations Scheme).
- 1.8 The Statutory Standards replace relevant sections of the Best Practice Guidance issued by the Department in 2010. Where there is a conflict

between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance, the Statutory Standards take precedence.

- 1.9 The Statutory Standards are the result of extensive consultation with the police, the trade, the Institute of Licensing and others and sets out the approach that Licensing Authorities must adopt when carrying out their functions.
- 1.10 The introduction to the Statutory Standards states that the Department for Transport “expects these recommendations to be implemented unless there is a compelling local reason not to.”
- 1.11 It is clear, therefore, that it is the desire of the Government to see consistent standards applied by taxi and private hire licensing authorities across the country and state within the guidance - ‘In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these’.
- 1.12 In accordance with the Policing and Crime Act 2017, Licensing Authorities “must have regard” to these Standards when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 1.13 Licensing Authorities should review their policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually, or any changes in the legislation and guidance.
- 1.14 Members may recall a report coming before them in December 2021, with further detail in respect of the Statutory Standards and requesting approval of a delivery plan. However, due to a change of staff there has been a delay in the formulation and implementation of the Licensing Policy for Hackney Carriage and Private Hire Review.

2.0 Proposed Policy

- 2.1 The current Hackney Carriage and Private Hire Licensing Policy for the Council was last reviewed in 2015, prior to the Statutory Standards being issued by the Department for Transport (DfT). The policy was approved by the Committee on the 5th March 2015. A copy of the current policy is attached at **Appendix A** to this Report.
- 2.2 The current Hackney Carriage and Private Hire Policy regarding the relevance of convictions and other related information was approved by the Committee on the 19th September 2017. A copy of this Policy is attached at **Appendix B** to this Report.

- 2.3 The proposed joint policy is attached at **Appendix C** to this Report. Members are aware that for Licensing and Environmental Health matters, a Shared Service is provided by Mole Valley District Council who delivers services on behalf of the Council.
- 2.4 It is therefore the intention of the Licensing Department to implement the same policy in respect of Hackney Carriage and Private Hire Licensing for both District Councils.
- 2.5 The DfT published its Statutory Taxi and Private Hire Vehicle Standards in July 2020. In their introduction to this document, the DfT states that they expect the standards to be implemented “unless there is compelling local reason not to” (Para 1.3) and that “as the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice...any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence” (Para 2.8).
- 2.6 The DfT also confirms that any changes in licensing requirements should be followed by a review of the licences already issued, but there should be a pragmatic approach to allow licence holders the opportunity to adapt or change their vehicles, or obtain the relevant training course or qualification. As a practical example of this, where existing licensed drivers are next due for renewal, the condition that they are required to attend refresher safeguarding and disability awareness training will then take effect, but the council would allow a six month window to allow the driver time to attend the training before considering any enforcement action.
- 2.7 The proposed policy updates the previous policy in respect of several new considerations that the Licensing Authority must take into account in developing their policy. These include, but are not limited to, the following: -
- 2.7.1 All licensing authorities should publish their consideration of the measures contained in the Statutory Standards and the policies and delivery plans that stem from these.
 - 2.7.2 Licensing authorities should review their licensing policies every five years, and consider interim reviews should there be significant issues arising in their area or a change in legislation or guidance.
 - 2.7.3 Policy consultation requirements.
 - 2.7.4 Changes in licensing policy should be followed by a review of existing licence holders.
 - 2.7.5 Licensee self-reporting.
 - 2.7.6 Complaints about licence holders and information sharing.
 - 2.7.7 Certificates of Good Conduct for applicants/licensees who have lived abroad.
 - 2.7.8 The Regulatory Structure and Delegated Authority.
 - 2.7.9 Amended convictions policy

- 2.7.10 Enhanced DBS check to be carried out every six months for licensed drivers.
- 2.7.11 Increased language proficiency – test of an applicant/driver’s oral and written English language skills.
- 2.7.12 Annual Basic DBS checks for vehicle proprietors who are not licensed drivers.
- 2.7.13 Annual Basic DBS checks for Private Hire Operator Licence holders who are not already licensed drivers.
- 2.7.14 Private Hire Operator’s must demonstrate having had sight of a Basic DBS disclosure for all their booking and dispatch staff.
- 2.7.15 Amended record keeping requirements.
- 2.7.16 Recommended use of a Penalty Points System for enforcement issues.

3.0 Consultation

- 3.1 The consultation will run for twelve weeks from the end of June through to the end of September 2023. This will be a public consultation, and in addition will be sent to the following: -
 - All licensed drivers and operators;
 - Community Safety and Surrey Police;
 - All local authorities in Surrey, including Surrey County Council.
- 3.2 Once the consultation period is complete, any comments received will be taken into consideration and a further report brought back to this Committee with a summary of responses and a final version of the policy for consideration of adoption, with a view to it taking effect from April 2024.

Key implications

4.0 Comments of the Chief Finance Officer

- 4.1 There is not expected to be any additional financial implications in adopting the recommendations of this report, bar officer time which is already included in the Council’s budgets.

5.0 Comments of the Head of Legal Services

- 5.1 The Statutory Taxis and Private Hire Vehicles Standards have been issued under the Policing and Crime Act 2017 and came into effect on 20 July 2020. The Act enables the Secretary of State to issue Statutory Guidance on exercising Taxi and Private Hire licensing functions to protect children and vulnerable adults from harm when using these services. Licensing authorities are under a legal duty, under Section 177(4) of the Policing and Crime Act 2017, to have regard to statutory guidance (which incorporates the Statutory Standards) when exercising any of their functions under taxi and private hire legislation. These functions include

developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. In accordance with the provisions within the Act, the Department for Transport published the final Statutory Taxi and Private Hire Vehicle Standards in July 2020. These Standards have been issued in light of evidence that taxis and private hire vehicles are viewed as a high-risk environment, specifically in terms of risks to passengers.

- 5.2 The Licensing team have reviewed the Council's current policy against the DfT's Statutory Standards and the result of this review is that the current policy requires updating to ensure that recommendations contained within the Statutory Standards which are not currently in place are addressed.

6.0 Risk Implications

- 6.1 A legal challenge could be made to an authority's practice and any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence.
- 6.2 Whilst the legislation surrounding the licensing of hackney carriages and private hire vehicles allows local districts the flexibility to address local considerations, there is a recognition that common core minimum standards are required to regulate the sector better. A failure to review the Statutory Standards and deliver on the recommendations may make the Council susceptible to 'licence shopping', whereby those who have not met the standards elsewhere are drawn to the Council's area as the 'easy' option, resulting in a risk of reputational damage.
- 6.3 Ensuring the Council has met the Statutory Standards will provide assurance to those using taxis when visiting, living or working in the district, and will have a positive impact on how our communities live, work and relax.
- 6.4 Failure to properly consider the policy could result in the Council not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions are fair, consistent and comply with the legislation.

7.0 Corporate Implications

Equalities Implications

- 7.1 There are no equality implications as a direct consequence of this report.
- 7.2 Members are being asked to consider the Draft Licensing Policy for Hackney Carriage and Private Hire and agree to a consultation exercise to seek the views of the licensed Hackney Carriage and Private Hire trade and relevant stakeholders. Any changes to licensing policy or standards as a result of this that may have Equalities Implications will be subject to a further report that would include an Equalities Impact Assessment if necessary.

Employment and Resource Implications

7.3 There are no employment and resource implications arising as a direct result of this report.

Sustainability Issues

7.4 There are no sustainability issues arising as a direct result of this report.

Consultation

7.5 Consultation in respect of the Draft Licensing Policy for Hackney Carriage and Private Hire will be undertaken as described in Section 3 of this Report.

Communications

7.6 The draft policy will be consulted upon, and subject to further report(s) to the Committee. These report(s) will include details of the responses to the consultation exercise and how the points raised have been considered.

Appendices

Appendix 'A' - Current Policy for Hackney Carriage and Private Hire Vehicles

Appendix 'B' – Current Policy regarding the relevance of Convictions and other related information

Appendix 'C' – Draft Licensing Policy for Hackney Carriage and Private Hire

Background papers

[Statutory Taxi & Private Hire Vehicle Standards](#)

----- end of report -----

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Guidance for proprietors and drivers of Hackney Carriage and Private Hire Vehicles



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1. Introduction

This information is intended to provide guidance on the licensing requirements in Tandridge District Council under the Town Police Clauses Act 1847, as amended and the Local Government (Miscellaneous Provisions) Act 1976.

It is not intended to be an exhaustive or definitive statement of the law and all drivers, operators and proprietors should familiarise themselves with the provisions of the relevant Acts and any local byelaws.

Attention is also drawn to certain provisions of the Transport Acts, 1980, 1981 and 1985 and regulations made under the Road Traffic Acts.

Please allow around two to three months to complete the whole procedure.

2. Types of licence

The type of licence required will depend upon the work undertaken:

Hackney Carriages - Proprietor Vehicle Licence
 - Driver's Licence

Private Hire Vehicles - Proprietor Vehicle Licence
 - Driver's Licence
 - Operator's Licence

3. Duration of licences

Hackney Carriage Vehicle Licences	1 February	– 31 January annually
Hackney Carriage Driver's Licences	1 January	– 31 December annually
All Private Hire Licences	1 April	– 31 March annually

4. Licence Fees

The fees which are renewed annually, include administrative costs, enforcement and vehicle inspection tests. Applicants will be advised of fees and charges at the time of application or on request.

A reduction of fees of 25% will apply to a wheelchair accessible Hackney Carriage or Private Hire Vehicle.

5. Licence Application Policy

In summary, all applicants must:

- Complete a Disclosure and Barring Service application form every three years and pay the required fee. Other requirements are set out for vehicle, proprietorship and operators licences
- We do not proceed with applications until the Enhanced Disclosure is received back from the D&BS.
- Complete the DVLA driving licence record disclosure form and pay the required fee.
- Produce their passport for checking by the Border and Immigration Agency.
- Pass the Driving Standards Agency Taxi/Private Hire Assessment and produce the resulting certificate for inspection.
- Book the assessment on the Government website at www.businesslink.gov.uk/transport or by phoning the booking line on 0300 200 1122. The test is to be paid for by the applicant.
- Produce, on the form supplied by Tandridge District Council a medical certificate of fitness to drive a licensed vehicle completed by their General Practitioner.
- Pass the Council's own Knowledge Test and pay the required fee. The test will take place at Warren Lane Depot on the Council's computer system on the first Monday in each month (excluding Bank Holidays).
 - The computer will select at random 40 total questions concerning local area knowledge, Highway Code and Tandridge District Council procedures. You will need to answer 24 questions out of 32 for the knowledge test and 3 questions correctly out of 4 set for the Highway Code and procedures to obtain a pass certificate. You have 40 minutes to complete the test.
 - We suggest for your information, the following booklets which can be downloaded from the website or collected from the reception area in the Council Offices in Oxted:
 - Tandridge Official Guide
 - Guide to Tandridge

Enquiries

All applications or enquiries should be addressed to Tandridge Commercial Services, Tandridge District Council, Warren Lane Depot, Warren Lane, Hurst Green, Oxted, Surrey RH8 9DB. Telephone 01883 732735 / 732731.

www.tandridge.gov.uk or email plewis@tandridge.gov.uk
acharman@tandridge.gov.uk

Hackney Carriage vehicle information

6. Hackney Carriage vehicles

Hackney Carriage

Hackney Carriage is legally defined in the Town Police Clauses Act 1847, but in general terms may be described as a vehicle which can stand or ply for hire in a street which has been licensed by the Council and which displays a Hackney Carriage plate both internally and externally. A taxi may have no more than 8 passenger seats. Vehicles that carry more than 8 passengers are public service vehicles and are subject to separate licensing controls.

A Hackney Carriage vehicle licence is required under the Town Police Clauses Act 1847, Section 37 and is subject to standard conditions. In consideration of the transport Act 1985, section 16, the Council does not intend to restrict the number of vehicles licensed as Hackney Carriages.

It is an essential legal requirement that Hackney Carriages and Private Hire vehicles are readily distinguishable from each other. Section 47 of the 1976 Act enables the Council to require that any Hackney Carriage identifies as a Hackney Carriage. Section 48 clearly states that a Private Hire vehicle shall not be designed to lead any person to believe the vehicle is a Hackney Carriage.

With these requirements in mind the licensing system specifies:

- In addition to the requirements of Section 48, the Transport Act 1980, Section 64, strictly restricts the use of roof signs on vehicles other than taxis (Hackney Carriages). The Council considers roof signs should not be used on Private Hire vehicles.
- A licensed vehicle, once licensed remains a licensed vehicle for the duration of that licence or until the licence is revoked by the Council, surrendered by the proprietor or the licence expires, unauthorised removal of the roof sign or plate(s) does not cancel such a licence.
- A licensed private hire or hackney carriage vehicle may only be driven by a person who holds a private hire or hackney carriage drivers licence issued by the same council. No one else may drive a licensed vehicle, regardless of the insurance cover.

Change of address

You must let the Council know immediately of any change of address.

Roof sign

Hackney Carriages should be fitted with a pattern approved design of roof sign by Tandridge District Council with black lettering on white background. The sign should be affixed and maintained and be capable of illumination.

On the front the word "TAXI" to be displayed at all times in clear/large black letters. This word to be centrally placed on the taxi sign.

On the rear panel the company name and telephone number may be displayed.

Vehicle specification

The following general specifications are laid down by the Council for licensed vehicles:

- The vehicle shall have four doors of a size to permit easy access, unless otherwise specifically approved by the Council.
- The engine capacity shall not be less than **1290cc**.
- The vehicle should be designed to allow the specified number of passengers to be carried in comfort and safety.
- The vehicle should have adequate luggage space for the number of passengers for which the vehicle is licensed.
- Vehicles must be suitable for the conveyance of passengers – for more information see page 10.
- Particular requirements apply to 6, 7 and 8 seater vehicles.
- Spare tyre, tools for wheel changing.

Mechanical inspection

All vehicles will be subject to periodic testing during the licensing period to ensure vehicles are maintained in a fit and proper condition. The Council is authorised to conduct extra spot checks and inspections at any time.

Maintenance of vehicle

The vehicle and all its fittings and equipment shall at all times, when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition with all relevant statutory requirement.

An extra charge will be applied to any vehicle over 10 years old. The vehicle will also be subjected to an additional vehicle test within the licensing year.

Identification plates

Identification plates required to be displayed by the byelaws and vehicle licence conditions will be provided by the Council.

The exterior licence plate should be fitted in a conspicuous position on the rear of the vehicle and able to be removed by an authorised officer.

The interior licence plate must be visibly positioned.

Identification plates must be returned to the Council within seven days of the expiry, revocation or suspension of the licence.

Taxi-meter and fares

Hackney Carriage vehicles must be fitted with a meter set to the agreed charges. These meters must be tested and sealed. The fitting of meters in Private Hire vehicles is optional, but, if fitted they must comply with the regulations.

Maximum fares are fixed by the Council and Hackney Carriages must display a current fare chart.

Prolongation of journeys

It is an offence for the driver of a vehicle, without reasonable cause, to unnecessarily prolong in distance or in time the journey for which the vehicle has been hired.

Stands

Stands for Hackney Carriages have been appointed under the Local Government (Miscellaneous Provisions) Act 1976. Hackney Carriage drivers should be aware of the provisions of Byelaw 5 - 12, which regulates the conduct of drivers at stands.

Alteration of vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

Transfer of vehicle

If the proprietor of a vehicle transfers his interest in the vehicle to another person he must immediately give notice in writing to the Council, specifying the name and address of the person to whom the vehicle has been transferred.

Accidents

Any accident to a Hackney Carriage or Private Hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein must be reported to the Council within 72 hours.

Disposal of vehicle

In the event of the vehicle being sold, other than by transfer, the identification plates must be returned to the Council. Should a replacement vehicle be obtained the plates will be re-issued for use in connection with the new vehicle, once licensed. The plates remain the property of Tandridge District Council at all times.

Renewal of licence

This licence must be renewed annually and the Council must be notified of any transfer of interest immediately. The holder must also notify any change of address to the Council.

Suspension and revocation of licence

The Council may suspend, revoke or refuse to renew a vehicle licence if the vehicle is unfit, any offence has been committed by the operator or driver or for any other reasonable cause. Notice of the grounds shall be given to the proprietor within 14 days and an appeal may be made to a Magistrates' Court.

Safety equipment

All vehicles are required by byelaw or licence condition to carry a suitable and efficient fire extinguisher 600gms or more, with the expiry date clearly shown. This must be fixed in the drivers' area, available for immediate use in an emergency.

Carrying of assistance dogs

Assistance dogs accompanying disabled people shall be carried in accordance with The Disability Discrimination Act and will not be charged, unless an exemption certificate is displayed.

Insurance

A copy of the current Certificate of Insurance or Cover Note relating to the licensed vehicle must be kept available for inspection at all times.

Hackney Carriages are licensed to ply for hire within the Tandridge District Council area and may not ply for hire beyond the district boundary. A passenger boarding the vehicle within the licensed area may be transported into another area. A Hackney Carriage is permitted to be used for private hire purposes and a passenger may be collected from another area on a pre-booked basis, although plying for hire is strictly prohibited.

Cross boundary journeys

When travelling outside the licensing district, drivers of Hackney Carriage vehicles must extinguish the illumination to the roof sign. Failure to do so could be construed as 'plying for hire' outside the licensing area and result in prosecution.

Requirements for 6,7, and 8 seater Hackney Carriage vehicles

These vehicles must meet the following requirements:-

Doors

The vehicle shall be fitted with:

- One service door on the near side of the vehicle of a size to permit easy access
- One emergency door at the rear of the vehicle.

Emergency door

Every emergency door shall:

- Display instructions for opening, for example – “pull”, “turn clockwise”, etc.
- Open outwards and operate manually.

Locks

No vehicles will be fitted with any emergency door, which can be locked from the outside unless, it is also capable of being opened from inside the vehicle when stationary.

All doors must remain unlocked when carrying passengers.

All emergency doors must be able to be opened from both outside and inside.

Hackney Carriage Driver Information

7. Hackney Carriage Drivers

Every driver of a Hackney Carriage licensed to ply for hire in Tandridge must hold a current Hackney Carriage driver's licence issued by the Council. It is an offence to ply for hire, unless both the driver and the vehicle are licensed to do so.

Licences are issued subject to the requirements of the byelaws which together with the statutory provisions of the 1847 and 1976 Acts, lay down the code of conduct and matters relating to Hackney Carriage drivers.

All licence holders must inform the Council, in writing, of any conviction imposed on them during the period of their licence within seven days.

Unauthorised drivers and insurance liability

Drivers and proprietors are reminded of the requirements of Part VI of the Road Traffic Act, 1972, in relation to the provision of a third party insurance (see Section 40 of the 1847 Act and Section 48 of the 1976 Act). No person should act as a driver without the consent of the proprietor. Proprietors are generally liable for offences committed by the driver.

Eligibility

The requirement for both Hackney Carriage and Private Hire driver's licences are the same. An applicant must:

- Be 21 years of age or over and have held for at least 12 months a full driver's licence for motor cars.
- Be a fully competent driver.
- Be physically and mentally fit.
- Be a fit and proper person to drive a vehicle on public hire (any convictions, including motoring offences, will be taken into account).

Driving ability

If at any time, upon complaint or otherwise, there appears to be reason to doubt that the driving of any driver is not of a satisfactory standard, whether for medical or other reasons, the Council may require the licence holder to undertake a DSA test drive, paid for by the driver.

A Hackney Carriage Driver is allowed to drive a Hackney Carriage Vehicle and a Private Hire Vehicle.

Medical fitness

The first application for a licence must be accompanied by a medical certificate provided by your General Practitioner on the form supplied by the Council, and every five years up to the age of 60 years and every year after that.

On each renewal of a driver's licence, applicants are required to make a declaration as to physical and mental fitness. Any medical circumstances arising during the current licence period which might affect a driver's ability should be notified immediately to the Council and a further medical certificate be completed if required.

Good character

Applicants are required to submit information on the application form concerning their previous employment and history, together with references from professional persons.

If there is any doubt about the suitability of a person to act as a licensed driver the application may be referred to the appropriate committee of the Council for consideration.

In that event, an applicant will be given the opportunity to attend and support his application. The Council views with particular concern any conviction relating to a drinking and driving offence. Generally, such applications will be referred for individual committee consideration although any application may be refused under the Delegation Procedure where circumstances justify.

Similarly if, at any time, there is any reason to doubt a person is not a fit and proper person to continue to hold a driver's licence, the matter will be referred to the committee for consideration.

Dress code

The driver should be clean and respectable in his/her dress and person, not dressing in a manner likely to embarrass or offend passengers. Appropriate footwear must be worn during the period of hire and whilst the vehicle is in motion.

The driver should behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of passengers entering or getting out of the vehicle.

No smoking policy

A licensed taxi driver and any passengers, whether fare paying or not, may not smoke in a licensed vehicle. This applies to all licensed vehicles. You must display **no smoking** signs in each compartment of the licensed vehicle. These signs must be visible from the outside and be clearly visible by any passenger you are transporting.

Failure to comply with this will result in the Hackney Carriage or Private Hire driver being reported and prosecuted.

Suspension, revocation or refusal of licence

The Council may suspend, revoke or refuse to renew a licence on any of the following grounds:

That the licensee has, since the grant of the licence:-

- Been convicted of an offence involving dishonesty, indecency or violence.
- Been convicted of an offence under, or has failed to comply with, any relevant requirements of law.
- Any other reasonable cause.

If there are grounds for suspension, revocation or refusal, the licensee may be given the opportunity to attend the committee before any decision is taken.

If the licence is suspended, revoked or refused the Council will give written notice of the grounds within 14 days and there is right of appeal to the Magistrates' Court.

Conduct

A high standard of conduct is expected from licensed drivers who should in all their dealings with the public be prompt, polite and helpful. Instances of improper conduct will be taken seriously and a record maintained of complaints against individual driver's records. Consideration may be given to suspension, revocation or refusal to renew a licence in the light of a driver's record.

The driver's licence must be deposited with the proprietor of the vehicle being driven (Hackney Carriage or Private Hire), but shall be produced within 5 days on request by an authorised officer of the Council, or Police Constable (Section 53 of the 1976 Act).

Every driver must co-operate with any authorised officer of the Council or a police officer and in this regard must obey all reasonable requirements and provide all assistance and information requested of him/her (Section 73 of the 1976 Act).

Convictions

The driver must immediately disclose to the Council, in writing, details of any conviction imposed or, if the proprietor is a company or a partnership, on any of the directors or partners during the period of the licence.

Badges

Each person with a drivers licence will be issued with a badge provided by the Council and when acting as the driver of a licensed vehicle must wear the badge where it can be clearly seen.

Badges are prescribed by the Council and must have a photograph of the licensee. Upon suspension or revocation of a driver's licence the driver must return his badge to the Council.

Guideline relating to the relevance of convictions of applicants to drive Hackney Carriage and Private Hire vehicles

The Council has adopted guidelines based upon Home Office advice to ensure a consistent approach in determining driver applications. A summary of the main principles is set out below for your information.

General policy

Each application will be decided on its own merits.

A person with a current conviction for serious crime will not necessarily be permanently barred from obtaining a licence, but will be expected to remain free of conviction for five years, according to the circumstances, before an application will be considered. The overriding consideration will be the protection of the public.

Minor traffic offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding, etc, will not prevent a person from proceeding with an application.

Major traffic offences

Convictions for reckless driving without due care and attention, etc within the last three years will merit refusal and no further application will be considered until a period of three years free from convictions has elapsed after the restoration of the driving licence.

Drunkenness

With motor vehicle

Where there is a single conviction for this offence the application will be refused. At least three years should elapse after restoration of the driving licence before the applicant will be considered for a licence.

Not in Motor Vehicle

An isolated conviction for drunkenness may not debar an applicant from gaining a licence, but a number of convictions for drunkenness would.

Drugs

An applicant with a conviction for a drug related offence will be required to show a period of at least three years free of convictions before an application is considered or five years after detoxification treatment if they are an addict.

Indecency offences

As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused until they can show a substantial period (of five years) free of such offences.

More than one conviction of this kind will preclude consideration for at least five years. In either case if a licence is granted a strict warning as to future conduct will be issued.

Violence

As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, applicants who have current convictions for grievous bodily harm will be refused a licence.

Dishonesty

Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. In general, a period of five years free of any conviction, involving dishonesty will be required before an application is considered.

Private Hire vehicle information

Private Hire vehicles

Private Hire Vehicle is defined in the Local Government (Miscellaneous Provisions) Act, 1976, as meaning a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or Public Service Vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers

Every Private Hire vehicle shall be licensed under the 1976 Act, section 48, subject to conditions. A private hire vehicle may not ply for hire from a stand or in a street.

Exemptions from Private Hire Vehicle licensing requirements

No licensing or legal requirements shall:

- Apply to a vehicle used only for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than seven days.
- Apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals.
- Apply to a vehicle while it is being used in connection with a wedding.
- Require the display of any plate, disc or notice in or on any private hire vehicle licensed by the Council under this Part of the Act during such period the vehicle is used for carrying passengers for hire or reward.
- Under a contract for the hire of the vehicle for a period of not less than 24 hours.

The Council may, by written notice, grant an exemption to display plates.

It is an essential legal requirement Hackney Carriages and Private Hire vehicles are distinguishable from each other. Section 47 of the 1976 Act enables the Council to require that any Hackney Carriage to be identifiable as a Hackney Carriage. Section 48 states a Private Hire vehicle must not be of such design and appearance to lead any person to believe the vehicle is a Hackney Carriage.

With these requirements in mind the licensing system specifies that:

- Private Hire vehicles are to be identifiable by the coloured licence plate and may be additionally marked subject to the approval of the Council, on doors or window to indicate that the vehicle is a Private Hire vehicle.
- In addition to the requirements of Section 48, the Transport Act, 1980, Section 64, strictly restricts the use of roof signs on vehicles other than taxis (Hackney Carriages). The Council considers that roof signs should not be used on Private Hire vehicles.
- A licensed vehicle, once licensed remains a licensed vehicle for the duration of that licence or until the licence is revoked by the Council, surrendered by the proprietor or the licence expires, unauthorised removal of the door sign or plate(s) does not cancel such a licence.
- A licensed private hire or hackney carriage vehicle may only be driven by a person who holds a private hire or hackney carriage drivers licence issued by the same council. **No other person** may drive a licensed vehicle regardless of the insurance.

Private Hire vehicle licence

All licences must be held by the same authority in which the booking is made or taken for the use of Private Hire.

Vehicle specification

The following general specifications are laid down by the Council for licensed vehicles:-

- The vehicle shall have four doors of a size to permit easy access (unless otherwise specifically approved by the Council).
- The engine capacity shall not be less than **1290cc**.
- The vehicle shall be designed to permit the specified number of passengers to be carried in comfort and safety.
- The vehicle shall be provided with adequate luggage space for the number of passengers for which the vehicle is licensed.
- Vehicles must be suitable for the conveyance of passengers.

- Particular requirements apply to 6,7 and 8 seater vehicles, see page 22.
- Spare tyre, tools for wheel changing.

Mechanical inspection

All vehicles are subject to periodic testing during the licensing period to ensure that vehicles are maintained in a fit and proper condition. The Council is authorised to conduct extra spot checks and inspection at any time.

Identification plates

Identification plates required to be displayed by the byelaws and vehicle licence conditions will be provided by the Council.

The exterior licence plate will be fitted in a conspicuous position on the rear of the vehicle and able to be removed by an authorised officer.

The interior licence plate must be visibly positioned.

Identification plates must be returned to the Council within seven days of the expiry, revocation or suspension of the licence.

Prolongation of journeys

It is an offence for the driver of a vehicle, without reasonable cause, to unnecessarily prolong in distance or in time the journey for which the vehicle has been hired.

Transfer of vehicle

If the proprietor of a vehicle transfers his interest in the vehicle to another person he must immediately give notice in writing to the Council, specifying the name and address of the person to whom the vehicle has been transferred.

Accidents

Any accident to a Hackney Carriage or Private Hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers must be reported to the Council within 72 hours.

Disposal of vehicle

In the event of the vehicle being sold, other than by transfer, the identification plates must be returned to the Council. Should a replacement vehicle be obtained, the plates will be re-issued for use in connection with the new vehicle, once licensed. The plates remain the property of Tandridge District Council at all times.

Suspension and revocation of licence

The Council may suspend, revoke or refuse to renew a vehicle licence if the vehicle is unfit, any offence has been committed by the operator or driver, or for any other reasonable cause.

Notice of the grounds shall be given to the proprietor within 14 days and an appeal may be made to a Magistrates Court.

Safety equipment

All vehicles are required by the licence condition to carry a suitable and efficient fire extinguisher 600gms or more, with the expiry date clearly shown. This must be fixed and fitted in the driver's area.

Carrying of assistance dogs

Assistance Dogs accompanying disabled people must be carried in accordance with The Disability Discrimination Act and will not be charged, unless an exemption certificate is displayed.

Insurance

A copy of the current Certificate of Insurance or Cover Note relating to the licensed vehicle must be kept available for inspection at all times.

Requirements for 6,7, and 8 seater Private hire vehicles

These vehicles shall meet the following requirements:

Doors

The vehicle shall be fitted with:

- One service door on the near side of the vehicle of a size to permit easy access
- One emergency door at the rear of the vehicle.

Emergency Door

Every emergency door shall:

- Display instructions for opening for example – pull, turn clockwise, etc.
- Open outwards and operate manually.

Locks

No vehicles should be fitted with any emergency door which can be locked from the outside unless, it can be opened from inside the vehicle when stationary.

All doors must remain unlocked when carrying passengers.

All emergency doors should be able to be opened from both outside and inside.

Private Hire driver information

8. Private Hire drivers

Every driver of a Private Hire vehicle licensed by the Council must hold a current Private Hire Driver's Licence issued by the Council.

Licenses are issued subject to conditions of licence and certain provisions of the 1976 Act, which lay down the code of conduct and matters relating to Private Hire drivers.

A Private Hire Driver is not allowed to drive a Hackney Carriage Vehicle.

Unauthorised drivers and insurance liability

Drivers and proprietors are reminded of the requirements of Part VI of the Road Traffic Act 1972, in relation to the provision of a third party insurance (see Section 40 of the 1847 Act and Section 48 of the 1976 Act). No person should act as a driver without the consent of the proprietor. Proprietors are generally liable for offences committed by the driver.

Eligibility

The requirement for both Hackney Carriage and Private Hire driver's licences are the same. An applicant must:

- Be 21 years of age or over and have held for at least twelve months a full driver's licence for motor cars.
- Be a fully competent driver.
- Be physically and mentally fit.
- Be a fit and proper person to drive a vehicle on public hire (any convictions, including motoring offences, will be taken into account).

Driving ability

If at any time, upon complaint or otherwise, there appears to be reason to doubt the driving of any driver is not of a satisfactory standard, whether for medical or other reasons, the Council may require the licence holder to undertake a DSA test drive, paid for by the driver.

Medical fitness

The first application for a licence shall be accompanied by a medical certificate provided by your doctor on the form supplied by the Council and every five years up to the age of 60 years and every year thereafter.

On each renewal of a driver's licence, applicants are required to make a declaration as to physical and mental fitness. Any medical circumstances arising during the current licence period which might affect a driver's ability should be notified immediately to the Council and further medical certificate to be completed if required.

Good character

Applicants are required to submit information on the application form concerning their previous employment and history, together with business and personal references.

If there is any doubt about the suitability of a person to act as a licensed driver the application may be referred to the appropriate committee of the Council for consideration.

In that event, an applicant will be given the opportunity to attend and support his application. The Council view with particular concern any conviction relating to a drinking and driving offence.

Generally, such applications will be referred for individual committee consideration although any application may be refused under the Delegation Procedure where circumstances so justify.

Similarly if, at any time, there is any reason to doubt a person is not a fit and proper person to continue to hold a driver's licence, the matter will be referred to the committee for consideration.

Dress code

The driver must be clean and respectable in his/her dress and person, not dressing in a manner likely to embarrass or offend passengers. Appropriate footwear must be worn during the period of hire and while the vehicle is in motion.

The driver should behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, entering or getting out of the vehicle.

Suspension, revocation or refusal of licence

The Council may suspend, revoke or refuse to renew a licence on any of the following grounds:

That the licensee has, since the grant of the licence:

- Been convicted of an offence involving dishonesty, indecency or violence.
- Been convicted of an offence under, or has failed to comply with, any relevant requirements of law.
- Any other reasonable cause.

If there are considered to be grounds for suspension, revocation or refusal, the licensee may be given the opportunity to attend the committee before any decision is taken.

If the licence is suspended, revoked or refused the Council will give written notice of the grounds within 14 days and there is right of appeal to the Magistrates' Court.

No smoking policy

A Licensed Taxi Driver and any passengers (whether fare paying or not) may

no longer smoke in a licensed vehicle. This applies to all licensed vehicles. You must display **no smoking** signs in each compartment of the licensed vehicle. These signs must be visible from the outside and be clearly visible by any passenger you are transporting.

Failure to comply with this will result in the Hackney Carriage or Private Hire driver being reported and prosecuted.

Conduct

The attention of Private Hire Vehicle drivers is drawn to the conditions of the licence, which should be retained by them for reference.

A high standard of conduct is expected from licensed drivers who should in all their dealings with the public be prompt, polite and helpful. Instances of improper conduct will be viewed most seriously and a record is maintained of complaints against individual driver's records. Consideration may be given to suspension, revocation or refusal to renew a licence in the light of a driver's record.

The driver's licence must be deposited with the proprietor of the vehicle being driven (Hackney Carriage or Private Hire) but shall be produced within five days on request by an authorised officer of the Council, or police officer (Section 53 of the 1976 Act).

Every driver must co-operate with any authorised officer of the Council or a police officer and must obey all reasonable requirements and provide all assistance and information requested of him (Section 73 of the 1976 Act).

Convictions

The driver must immediately, disclose to the Council, in writing, details of any conviction imposed or, if the proprietor is a company or a partnership, on any of the directors or partners during the period of the licence.

Badges

Each person issued with a drivers licence will be issued with a badge provided by the Council and when acting as the driver of a licensed vehicle must wear the badge where it can be clearly seen.

Badges are prescribed by the Council and must have a photograph of the licensee. Upon suspension or revocation of a driver's licence the driver must return his badge to the Council.

Local Government (Miscellaneous Provisions) Act 1976

Private Hire Drivers' Licence

CONDITIONS OF LICENCE

Licence holder

The licence holder shall at all times, when acting as driver of a Private Hire vehicle conduct themselves in a civil and orderly manner and comply with the reasonable requests of passengers in the vehicle and take all reasonable precautions to ensure the safety of person conveyed in or entering or getting out of the vehicle.

Dress code

The driver must be clean and respectable in his/her dress and person, not dressing in a manner likely to embarrass or offend passengers. Appropriate footwear must be worn during the period of hire and while the vehicle is in motion.

The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed, entering or getting out of the vehicle.

Luggage

Convey a reasonable quantity of luggage if required by the person hiring the vehicle. Give reasonable assistance in loading and unloading the luggage and give assistance in removing luggage to or from the entrance of any place at which he may take or set down a passenger.

Standard of service

Not display signs, call out, stand with the vehicle at a Hackney Carriage rank or do anything which gives any person the impression the vehicle is available for hire. 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.

Passengers

Not carry in the vehicle more than the number of passengers specified in the vehicle licence. Not carry any person in the vehicle during a hiring without the express permission of the hirer.

Driver

The driver shall at all times comply with the instructions of the Council or of their authorised officer concerning any matter relating to his occupation as a private hire vehicle driver. The driver shall notify the Council in writing as soon as possible and, in any event, within fourteen days of any:

- Change of address
- Illness or injury affecting his fitness to drive in any way
- Convictions recorded against him.

Lost property

Any lost property left in a Private Hire vehicle should be taken to the nearest police station.

Written receipts

The driver will, if requested, provide a written receipt for the fares paid.

Prompt attendance

The driver of a private hire vehicle will be at the appointed place on time to meet their passenger, unless delayed or prevented by sufficient cause.

Taxi-meter

If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver will ensure it is clearly visible to the passenger.

Change of address

The driver shall notify the Council, in writing, immediately of any change of address during the period of the licence.

Return the badge

The driver will upon the expiry (without renewal), revocation or suspension of this licence return the driver's badge issued to him by the Council.

Guideline relating to the relevance of convictions of applicants to drive Hackney Carriage and Private Hire vehicles

The Council has adopted guidelines based upon Home Office advice to ensure a consistent approach in determining driver applications. A summary of the main principles is set out below for your information.

General policy

Each application will be decided on its own merits.

A person with a current conviction for serious crime will not necessarily be permanently barred from obtaining a licence, but will be expected to remain free of conviction for five years, according to the circumstances, before an application will be considered. The overriding consideration will be the protection of the public.

Minor traffic offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding, etc, will not prevent a person from proceeding with an application.

Major traffic offences

Convictions for reckless driving without due care and attention, etc within the last three years will merit refusal and no further application will be considered until a period of three years free from convictions has elapsed after the restoration of the driving licence.

Drunkenness

With motor vehicle

Where there is a single conviction for this offence the application will be refused. At least three years should elapse after restoration of the driving licence before the applicant will be considered for a licence.

Not in Motor Vehicle

An isolated conviction for drunkenness may not debar an applicant from gaining a licence, but a number of convictions for drunkenness would.

Drugs

An applicant with a conviction for a drug related offence will be required to show a period of at least three years free of convictions before an application is considered or five years after detoxification treatment if they are an addict.

Indecency offences

As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused until they can show a substantial period (of five years) free of such offences.

More than one conviction of this kind will preclude consideration for at least five years. In either case if a licence is granted a strict warning as to future conduct will be issued.

Violence

As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, applicants who have current convictions for grievous bodily harm will be refused a licence.

Dishonesty

Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. In general, a period of five years free of any conviction, involving dishonesty will be required before an application is considered.

Operators licences

Private Hire operators

Operator's Licence

No person shall operate any vehicle as a Private Hire vehicle in Tandridge without having a current Operator's Licence. This, in addition to any requirement for a vehicle or driver's licence.

Private Hire operators must live within the Tandridge District

'Operate' means to invite or accept bookings for a private hire vehicle.

Eligibility

The applicant must provide information concerning their previous business activities, history of any previous Operator's Licence or application and any convictions. Satisfactory character and references will be required.

Suspension and revocation of licence

Section 62 of the 1976 Act provides for the suspension, revocation or refusal to renew an Operators Licence on the grounds specified.

Local Government (Miscellaneous Provisions) Act 1976

Private Hire Operators' Licence

Conditions of licence

Records

The record required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively. The operator will enter before each journey, the following details about every booking of a licensed vehicle invited or accepted by him:

- The time and date of the booking.
- The name and address of the hirer.
- The method of booking.
- The time of pick-up.
- The point of pick-up.
- The destination.
- The time at which a driver was allocated to the booking.
- The registration number of the vehicle allocated for the booking.
- Remarks (including details of any sub-contract).

The operator must also keep records of the particulars of all vehicles operated by them, including details of the owners, registration numbers and drivers of vehicles, together with any radio call sign used.

All records kept by the operator must be kept for a period of not less than six months following the date of the last entry.

Standard of service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and in particular:

- Ensure vehicles arrive on time at the appointed place attend at that appointed time and place.
- Keep clean, adequately heated, ventilated and lit any premises which the operator provides for the public
- Ensure any telephone facilities and radio equipment are maintained in a sound condition and any defects are repaired promptly.

Complaints

The operator will immediately notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action which the operator has taken in response.

Change of address

The operator will notify the Council in writing of any change of address, including any business address, during the period of the licence.

Convictions

The operator shall within seven days disclose to the Council, in writing, details of any conviction or if the operator is a company or partnership, on any of the directors or partners, during the period of the licence.

Operators licences only

A person wishing to become an operator only will not be required to take the DSA driving test and will not need a medical.

Please contact our Taxi Licensing Office on 01883 732 775 for more information www.tandridge.gov.uk or email plewis@tandridge.gov.uk or acharman@tandridge.gov.uk



Hackney Carriage & Private Hire Licensing

Policy regarding the relevance of convictions and other related information

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1. Introduction

- 1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source
- 1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for a driver's, vehicle or private hire operator licence
 - Existing licensees whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/sub-committee
 - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of Tandridge District Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
- That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)

- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

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

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

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

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

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

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

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

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

1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

1.13 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course

of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

2 General Policy

2.1 Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.

2.2 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3 Powers

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

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

4 Consideration of disclosed criminal history

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

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

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

4.2 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.

4.3 Existing holders of driver's licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

- 4.4 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.5 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

5 Options when determining an application/licence

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

6. Offences involving violence

- 6.1 Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 6.2 A licence will not normally be granted until at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual bodily harm
 - Assault occasioning actual bodily harm

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

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

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

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

7. Offences involving a weapon (not a firearm)

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

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

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

8. Sexual and indecency offences

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

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

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

9. Dishonesty

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

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

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

which replace the above

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

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

10. Alcohol and Drugs

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

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

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

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

10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

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

11. Driving offences involving the loss of life

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

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

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs

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

12 **Other traffic offences**

- 12.1 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.
- 12.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.
- 12.3 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal.
- 12.4 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.
- 12.5 In this policy, the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
- 12.6 In "totting up" cases where disqualification is considered by the Court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

13 **Outstanding Charges or Summonses**

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

14 People banned from working with children and vulnerable adults

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

15 Non-conviction information

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

16 Licensing Offences

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

17 Insurance Offences

- 17.1 A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.
- 17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to

revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.

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

18 Applicants with periods of residency outside the UK

- 18.1 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.
- 18.2 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

19 Summary

- 19.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.

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

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Licensing Policy for Hackney Carriage and Private Hire

This policy was adopted by Mole Valley District Council at the meeting of the General Licensing Committee on 14th March 2023 and by Tandridge District Council at the meeting of the General Licensing Committee on xx xxxxx 2023 and comes into force on xx xxxxx 2023 and will be reviewed five years from that date or sooner in light of any significant changes to legislation or guidance and consult on any proposed amendments. If we make any changes, we will then re-publish the policy.

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1. Introduction

- 1.1 Taxi and PHV's are a vital form of public transport. They deliver a practical direct transport solution and provide an essential service to; people living in rural communities where other forms of public transport may be insufficient, the night-time economy, passengers with disabilities, and have an important role in facilitating social inclusion.
- 1.2 It is important that hackney carriage and private hire vehicles meet regulatory standards and are able to convey passengers safely and comfortably, ensuring that the customer experience is a positive one.
- 1.3 In the UK, taxis and private hire vehicles are generally vehicles adapted to carry fewer than nine passengers. The difference between taxis and private hire vehicles is that taxis are licensed for "standing or plying for hire" in any street within the prescribed district; i.e. they may take a booking in the street or other public place, whereas private hire vehicles may not.
- 1.4 However, in recent years the distinction between taxis and private hire vehicles (PHVs) has become blurred as taxis are frequently pre-booked, and PHVs are often booked immediately before hire, particularly with the aid of technology such as the 'Uber' application for smartphones.
- 1.5 This policy and related procedures will advise applicants of the standards and requirements that must be met and guide the Council in the way it carries out its licensing functions. **This policy will be reviewed every 5 years but may be subject to interim reviews should the need arise.**
- 1.6 This policy statement has four main purposes, which are:
 - **to confirm to members** of the Licensing Committees the boundaries and powers of the councils and the parameters within which to make decisions;
 - **to inform licence applicants** of the parameters within which the councils will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the council which licenses them;
 - **to inform local residents and businesses** of the parameters within which the councils will make licensing decisions and therefore how their needs will be addressed;
 - **to support a case in a court of law** where either council must show how it arrived at its licensing decisions.
- 1.7 In setting out this joint policy, the councils seek to promote the following objectives:
 - the protection of public health and safety;
 - the maintenance of a professional and respected hackney carriage and private hire trade;
 - access to an efficient and effective transport service;
 - the protection of the environment.

- 1.8 The aim of the licensing process is primarily to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the councils' hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.
- 1.9 This policy contains information about legal requirements, government guidance, council policy, procedures and standards. It has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on the councils the duty to carry out licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators.
- 1.10 In exercising their discretion in carrying out their regulatory functions, the councils will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for either of the councils to depart substantially from this policy, clear and compelling reasons must be given for doing so.

Application of the Policy:

- 1.9 Council is the Licensing Authority under the Local Government Miscellaneous Provisions Act 1976 (as amended) and the Town and Police Clauses Act 1847. It has the duty to carry out its licensing functions in respect of:
- Hackney Carriage Vehicle Licences
 - Hackney Carriage Drivers Licences
 - Private Hire Vehicle Licences
 - Private Hire Drivers Licences
 - Private Hire Operator Licences
- 1.10 This Policy will apply to the licence types listed above. Throughout this Policy any reference to the following general terms means:
- 'driver' - refers to a hackney carriage or private hire driver
 - 'vehicle' –refers to a hackney carriage or private hire vehicle
 - 'taxi' -refers to a hackney carriage
 - 'PHV' refers to a private hire vehicle
 - 'operator' –refers to a private hire operator
 - 'proprietor' –refers to owner of a hackney carriage or private hire vehicle
 - 'licence holder' refers to the holder of a hackney carriage/private hire drivers licence, a hackney carriage or private hire vehicle licence, or a private hire operator's licence.
 - 'the council' means Mole Valley or Tandridge District Council
 - 'Authorised Council Officer' means any officer of the Council authorised to administer and enforce the Town Police Clauses Acts of 1847 and 1889 and the Local Government (Miscellaneous Provisions) Act 1976 under the Council's Scheme of Delegation as contained in the Constitution

- 'Licence plate' or 'the 'plate' means the vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles, except if the vehicle is exempt
- The Committee' means the Licensing Committee of each Council

- 1.11 In undertaking its licensing function, the Licensing Authority will have regard to the following legislation:
- Town and Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976,
 - Transport Act 1985
 - Environmental Protection Act 1990
 - Health Act 2006
 - The Smoke-free (Premises and Enforcement) Regulations
 - The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
 - The Equality Act 2010
 - Crime and Disorder Act 1998
 - Data Protection Act 2018
 - Immigration Act 2016
 - Human Rights Act 1998
 - The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
- 1.12 Consideration has been given to other relevant legislation and guidance, including:
- Guidance on the Rehabilitation of Offenders Act 1974 (March 2014)
 - Disclosure and Barring Service (DBS)
 - Guidance on Eligibility Regulators Code 2014
 - The Department for Transport "Taxi and Private Hire Vehicle Licensing Best Practice Guidance" (March 2010)
 - The Department for Transport "Statutory Taxi and Private Hire Standards" July 2020

Shared Service

- 1.13 From 1st April 2017, Mole Valley District Council entered into a shared Environmental Health and Licensing service with Tandridge District Council. This arrangement has created an integrated team that works collaboratively and shares expertise and knowledge, making them more effective and efficient, providing an improved and more resilient service for the benefit of the residents and businesses in the two Districts.
- 1.14 Applications made for hackney carriage or private hire licences in Mole Valley and Tandridge Districts may be processed by Licensing Officers located in either district who are dual authorised by both Licensing Authorities. Decision-making will be retained at a local level by individual Committees, or any officer of the Council authorised under the Council's Scheme of Delegation as contained within the Council's Constitution, with each having considered this Hackney Carriage and Private Hire licensing policy.
- 1.15 This policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The relevant Executive Heads of Service in consultation with the Chairs of the Licensing Committees is authorised

to make minor administrative amendments to the policy where necessary, and to amend the policy to reflect any changes in legislation, statutory guidance or similar.

- 1.16 The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their business. This guidance, application forms and current fees are also available on the relevant council website. In order to ensure that the most up to date version is used, applicants and licence holders should not store these forms on their own system but should download the latest version of a form when it is required.

2 Legislation and best practice guidance

- 2.1 All licence holders must comply with the provisions relating to hackney carriage and private hire drivers and vehicles contained in legislation, including but not limited to the following:
- Town Police Clauses Act 1847
 - Part II Local Government (Miscellaneous Provisions) Act 1976
 - Equality Act 2010
- 2.2 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states local authorities will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”.
- 2.3 The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. The councils have taken account of the DfT guidance to shape this policy. In addition, the councils have taken account of the Statutory Taxi and Private Hire Vehicle Standards published by the DfT in July 2020.
- 2.4 In adopting this policy the councils have had regard to the likely costs of implementation and have endeavoured to strike a balance between the financial interests of the trade and the protection of the travelling public.
- 2.5 This policy also takes account of the legislative basis of the councils’ taxi licensing powers, contained in the Town Police Clauses Act 1847 and 1889, the Public Health Act 1875, the Local Government Act 1972 and the Local Government (Miscellaneous Provisions) Act 1976 as amended, which the councils have both adopted.
- 2.6 It is recognised that this Policy is not legislation, it is however, the Authority’s baseline for acceptability. As such, it will only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.

3 Applications for licences

- 3.1 The councils require that applications for hackney carriage/private hire licences must be made on the prescribed application form which is available on the relevant council’s website or using the relevant council’s electronic application procedure. The councils’ websites will provide guidance to assist in the completion of the

application.

- 3.2 The licence fees payable to the relevant council are subject to annual review and will be published together with other council licensing fees on the relevant council's website. This may include charges for applicants who fail to attend appointments, knowledge tests, training sessions, etc.
- 3.3 The councils will consider all applications on their own merits once they are satisfied that the application is complete. Incomplete or missing documentation or evidence will result in the application being delayed or rejected. Any application that is not completed within 4 months of the initial date of application may be treated as withdrawn.
- 3.4 Where an applicant is unable to demonstrate that they fulfil the requirements of this policy, applications will normally be refused. It may be that, having regard to the particular circumstances, it would be right to depart from the policy. Applications will be determined in accordance with the current scheme of delegation. In some cases, the Executive Head of Service may refer applications or existing licence holders to a Licensing Panel for consideration.
- 3.5 The applicant will be given an opportunity to make representations and these will be taken into account by the decision maker/s.
- 3.6 If a matter is referred to a panel for consideration, the applicant or licence holder will be advised of the date, time and venue of the panel. The proceedings and terms of reference of the licensing panel are set out on the councils' websites.
- 3.7 Where a decision is made to refuse to grant or renew, or to suspend or revoke a licence, the applicant or licence holder will be advised in the decision notice of their rights of appeal.
- 3.8 The councils will aim to send a reminder to licence holders before their licence expires in order to assist them in prompt submission of renewal applications. Please note, the councils are not obliged to do this and the responsibility of ensuring licences do not expire remains with the licence holder. Applicants must therefore allow adequate time for the processing of their renewal applications. The council is not responsible for delays due to the actions of external bodies such as the **Disclosure and Barring Service (DBS)**.
- 3.9 If an application to renew a licence is received late, the licence may expire before a new one can be issued. For operators, this will mean they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licensed by the relevant council until a new licence has been granted.
- 3.10 The councils may share information with other public bodies such as other councils, the police, Home Office Immigration Compliance Enforcement, Driver and Vehicle Licensing Agency (DVLA) and HM Revenue and Customs (HMRC). Information will only be released in response to a properly made formal request and where there is a valid reason to do so, for example investigation of a criminal offence. The privacy

notice relating to applicants for licences and licence holders can be found on the councils' websites.

- 3.11 Where drivers have been licensed with other authorities, we will carry out checks with those authorities for any information that may be relevant to the application being considered. In addition, the councils will use the National Anti-Fraud Network's national register of taxi and private hire vehicle driver licence refusals and revocations (known as 'NR3'), to share information and mitigate the risk of non-disclosure of relevant information by applicants.

4 Guidance on suitability to hold a licence

- 4.1 When considering whether a person is fit and proper to hold a licence (which includes both new and renewal applicants, and existing licence holders), the councils shall take into account the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades ('the Guidance'), an extract of which can be found at **Appendix F**. The document applies to all vehicle, driver and operator licence holders and applicants. The full document is available on the councils' websites.

- 4.2 The DfT Statutory Taxi and Private Hire Vehicle Standards states as follows:

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

Licensing authorities have to make difficult decisions but ... the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

- 4.3 Applicants who have had a licence revoked or an application refused by the councils or any other local authority will not be licensed for a minimum of 5 years after the date of the revocation or refusal.
- 4.4 All licence holders must report to the relevant council all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any

disqualifications from driving in writing within 48 hours from the date of formal notification.

- 4.5 All licence holders are required to inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police or other enforcement body. This is to allow the council to be aware of any public safety concerns and to take appropriate action. Failing to notify the council may result in additional enforcement action against the licence.
- 4.6 A licence may be revoked with immediate effect pending the outcome of any investigation or trial where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:
- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
 - A drug related offence
 - An offence of a sexual nature
 - An offence involving violence
 - An offence involving dishonesty

A licence may also be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought. In all cases the licence holder will be given an opportunity to make representations and these will be taken into account by the decision maker/s.

5 Change of details

- 5.1 All licence holders must notify the relevant council in writing of any change of name (with proof e.g. marriage certificate), postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
- 5.2 It is recommended that all licence holders notify the council if they are likely to be unable to be contacted for more than four weeks. This may help to prevent unnecessary suspension or revocation of licences.

6 Enforcement

- 6.1 Enforcement is part of the overall licensing control process exercised by the councils and is taken to:
- ensure public safety
 - maintain standards within the trade
 - support the policies of the council
 - respond to complaints
 - support partnerships with neighbouring local authorities, and other agencies such as the police and Driver and Vehicle Standards Agency (DVSA)
- 6.2 All enforcement will be proportionate, transparent and in accordance with our enforcement policy. While the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers overseen by the Licensing

Committees and their associated panels. The councils will ensure that the policy and its enforcement system meet the objectives set out in the policy whilst avoiding undue burden and costs upon licence holders.

6.3 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly criminal, behaviour. There are grades of sanctions from informal advice and warnings, through to the suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers through a points-based enforcement scheme as detailed in **Appendix G**. Authorised officers are empowered to give and recommend any of the following disciplinary measures:

- verbal warning
- written warning
- penalty points
- final written warning
- suspension of licences
- appearance before panel
- revocation by the panel
- revocation with immediate effect (by the Executive Head of Service only)
- prosecution

6.4 Licence holders have a clear legal duty to offer assistance and information to any authorised officer. Any person who wilfully obstructs an officer, fails to comply with any reasonable requirement of an officer, fails to provide assistance or information reasonably required by an officer, or makes a false statement, may be prosecuted under the relevant sections of the Local Government (Miscellaneous Provisions) Act 1976. Licence holders may be requested to attend the council offices, for example to produce current insurance documents or their vehicle for inspection, upon reasonable request by an officer. Where a driver fails to comply with a reasonable request from an authorised officer in another Surrey licensing authority area, action will be taken as if the driver has failed to comply with the same request from an officer of these licensing authorities.

6.5 All licensed vehicles are required to display information for passengers on how to make complaints directly to the licensing authority. For renewals, this requirement will take effect from the next licence renewal after the date of publication of this policy. The licensing authority will provide the information card to be displayed.

7 Hackney carriages and private hire vehicles

Age and Standard of Vehicles

7.1 New Vehicles – All vehicles which are being presented for first licensing by the Authority must be no older than 6 years old from the date of first registration at the point of the licence being granted. Applications made for vehicles older than this will be required to go to the Licensing Committee for consideration – there is no guarantee that the licence will be granted.

All vehicles will be required to undergo a MOT test within the 28 days prior to the application for a licence being submitted.

- 7.2 Existing Licensed Vehicles - All licensed vehicles up to the eighth anniversary of their date of registration will require an MOT every six months following the initial grant of the vehicle licence. The test will be due on the 6 month anniversary of the grant of the licence, but must be conducted within the 28 days prior to the 6 month anniversary.

Vehicles older than the eighth anniversary of their date of registration will require an MOT compliance check every four months. The test will be due on the 4 month anniversary of the grant of the licence and every 4 months thereafter. But must be conducted within the 28 days prior to the 4 month anniversary.

- 7.3 Hackney Carriage and Private Hire Vehicle Licences will cease in respect of all licensed vehicles when they reach the twelfth (12th) anniversary of the date of their first registration with the exception of Wheelchair Accessible vehicles which will cease to be licensed when they reach the fifteenth (15th) anniversary of the date of their first registration.

Applications for vehicle licences

- 7.4 A hackney carriage or private hire vehicle proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a hackney carriage or private hire vehicle licence from the council before they are legally entitled to use the vehicle to carry passengers for hire and reward. Hackney carriages are permitted to ply for hire and carry out pre-booked work, and private hire vehicles may only carry out work pre-booked through a licensed private hire vehicle operator.
- 7.5 This policy outlines the minimum requirements for vehicles licensed by the councils. These have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, to licensing officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by a panel. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.
- 7.6 Legislation limits hackney carriage or private hire vehicle licences to a maximum period of 12 months. A licence may be granted for a shorter period, should this be justified in a specific case.
- 7.7 Vehicles will only be considered for licensing if they are not already licensed by another licensing authority.

Criminal record checks

- 7.8 All applicants must also provide a current (dated within the last year) Basic DBS disclosure (although if the vehicle proprietor is also a licensed driver or operator with the council the requirement for the DBS disclosure is waived as the driver will have

been subject to an Enhanced Disclosure and the operator will already have provided a Basic DBS disclosure - should the individual cease to hold a driver or operator licence, a basic DBS will be required to be provided within a month of that licence expiring). The council will then decide whether the applicant is a 'fit and proper person' to hold such a licence. Where the proprietor is trading as a limited company (or partnership) the council will also require the directors and company secretary (or partners) to provide Basic DBS disclosures, and the company (or partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence.

- 7.9 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these at any point beyond the age of criminal responsibility, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator.
- 7.10 Where the councils have reasonable cause for concern relating to a particular vehicle proprietor, a random DBS check may be carried out. If a proprietor is given notice to undertake a random DBS check by the council, they must do so within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

Limitation of numbers

- 7.11 No powers exist for the councils to limit the number of private hire vehicles that they license. In respect of hackney carriages, the councils take the view that the market will determine the number of hackney carriage vehicles to meet demand. If the councils were to take the view that a quantity restriction on the number of hackney carriage vehicles could be justified in principle, the DfT guidance advises that the level at which the limit should be set is addressed by means of a survey, including details on associated costs.

Specifications and conditions

- 7.12 The councils have adopted minimum standards that they will apply to all licensed vehicles. These are set out in **Appendix A** for hackney carriages and **Appendix B** for private hire vehicles.
- 7.13 The councils are empowered to impose such conditions as they consider reasonably necessary, in relation to the grant of hackney carriage or private hire vehicle licences. Hackney carriages and private hire vehicles provide a service to the public; the councils will only license vehicles suitable for this purpose. It is important to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous, to maintain high standards within the trade.
- 7.14 The councils will not license purpose built hackney carriage vehicles as private hire vehicles as this would be likely to confuse members of the public.

- 7.15 Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts. 'Q' plates may be used to disguise stolen or accident damaged vehicles.
- 7.16 The councils will not license vehicles that have been classified as Category 'A' (whole vehicle to be crushed), 'B' (body shell to be crushed) or 'S' write offs (structural damage). This is to ensure all vehicles are of a high quality and meet the original, statutory safety standards.

Vehicle emissions

- 7.17 The councils encourage drivers and operators to adopt more efficient licensed vehicles, which reduce the levels of CO₂ and NO_x emitted. The use of alternative fuels and different technologies, such as fully electric vehicles, will further reduce emissions.
- 7.18 The councils may offer reduced licence fees for vehicles that produce lower carbon dioxide or nitrous oxide emissions, or that are solely electric/hydrogen powered (i.e. zero- emissions). Such fees are reviewed on an annual basis and may vary.
- 7.19 The councils have both declared a Climate Emergency and aspire to work towards carbon neutral districts. In light of this, the aim is for all vehicles licensed by the councils to be zero carbon by 2030 at the latest. Over the life of this policy we will work in partnership with neighbouring authorities and other partners to improve the infrastructure for electric vehicle charging on the councils' property and land and will investigate the options for installing additional infrastructure on other sites.
- 7.20 In view of the above, from 1 April 2027 proprietors will be required to have vehicles of at least Euro 4 standard to renew their licence; and Euro 4 (Petrol), Euro 6 (Diesel) or zero-emission capable to receive a new licence.

Accessible vehicles

- 7.21 The councils are committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life. For this reason, the councils consider it important that disabled residents have access to all forms of public transportation.
- 7.22 Due to the limited number of disabled access vehicles available, any wheelchair accessible hackney carriage meeting the European Whole Vehicle Type Approval or the UK Low Volume Type Approval and has suitable tracking, seatbelt and wheelchair anchorages will be given a reduced licence fee. The councils will give careful consideration to other incentives to increase the number of disabled access vehicles within the districts.
- 7.23 Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the councils. The specification can be found in **Appendix A** for hackney

carriages and **Appendix B** for private hire vehicles.

- 7.24 The councils are aware of the different demands for private hire vehicles, particularly those involved in providing transport through school contracts for disabled children. Operators also need to be aware of their liabilities under health and safety legislation in respect of staff that they employ to ensure that they provide a safe system of work for the driver.

Vehicle testing

- 7.25 The DfT guidance recognises that at least an annual inspection for licensed vehicles of whatever age is necessary. More frequent tests are recommended for older vehicles. The DfT guidance also suggests that it is good practice for councils to consider having more than one testing station and argues that there could be advantages in contracting out the testing work to different garages. The councils will not license vehicles unless they have a current certificate of compliance from one of the DVSA approved compliance testing centres.
- 7.26 Any complaints about the mechanical part of the test may be referred to DVSA if appropriate.
- 7.27 The test must take place in accordance with the council's testing procedures. A compliance test covers all the elements of the MOT.
- 7.28 All hackney carriage vehicles must have their meter checked for consistency with the displayed tariff card annually and the operation of the roof sign.

All licensed vehicles up to the eighth anniversary of their date of registration will require an MOT every six months following the initial grant of the vehicle licence. The test will be due on the 6 month anniversary of the grant of the licence.

Vehicles older than the eighth anniversary of their date of registration will require an MOT compliance check every four months. The test will be due on the 4 month anniversary of the grant of the licence and every 4 months thereafter.

Tariff

- 7.29 The tariff is a maximum figure that hackney carriage drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. The tariff does not apply to private hire vehicles. For journeys outside the district, unless there is a fare agreed before the hiring, the fare should not exceed the tariff. If a hackney carriage is used for a private hire booking, the fare shall be calculated from the point in the district at which the hirer commences his journey. Hackney carriage vehicles must clearly display the tariff card within sight of passengers in the vehicle.

Signage and advertising

- 7.30 Members of the public sometimes confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public can

easily distinguish each type of vehicle.

- 7.31 For this reason private hire vehicles must not display any roof signs and hackney carriage vehicles must display roof signs as specified in **Appendix C**. Private hire vehicles must also not display any wording that includes the words 'taxi' or 'cab'.
- 7.32 Both hackney carriages and private hire vehicles must display a licence plate on the rear of the vehicle. The plates are different colours for hackney carriages and private hire vehicles. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. No temporary fixing such as magnets, double sided tape, cable ties or Velcro® are allowed.
- 7.33 Advertising will be permitted on licensed vehicles, subject to approval in accordance with the process set out in **Appendix J**. Complaints about unsuitable or offensive advertisements may be referred to the relevant council's licensing panel. The councils may introduce a fee to cover the cost of considering any such applications. This does not include advertising for the taxi or private hire firm that the vehicle works for.

Livery

- 7.34 The councils do not require that licensed vehicles are finished in a special livery or appearance.

Plate exemption for private hire vehicles

- 7.35 Private hire vehicles which are used for contract work for at least 75 percent of the time may be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out and the relevant council will require written evidence as to why plate exemption is required. Where an exemption is granted the vehicle must display the internal licence card/disc issued by the council which must be clearly visible from the inside and outside of the vehicle. This must not be placed in a position that obstructs the view of the driver. The rear licence plate must be carried in the vehicle at all times.
- 7.36 Vehicles given this exemption will normally be executive type cars. The relevant council will determine applications for exemption on a case by case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence, with up to date evidence of the requirement for the exemption. Proprietors should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue. The fee for this process is subject to annual review and will be published together with other council licensing fees.

CCTV and security measures

- 7.37 The DfT recommends councils to look sympathetically on the installation of security features, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. The councils fully support such measures.

- 7.38 The councils do not require enhanced security or CCTV measures in vehicles. Where a proprietor installs a CCTV system, signage must be clearly displayed in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with any relevant data protection legislation or regulations. It is the responsibility of the driver/operator to ensure compliance.
- 7.39 No audio, video or recording systems shall be installed or operated in the vehicle without a prior written request being supplied to the council. The request will then be determined by the Licensing Committee.

Stretched limousines and special vehicles

- 7.40 Stretched limousines are elongated saloon cars or multi-purpose vehicles (MPVs). They are generally used for private hire work and special occasions.
- 7.41 Councils are sometimes asked to license stretched limousines as private hire vehicles. The councils will assess licence applications for these vehicles in accordance with the '**special vehicles policy**' set out in **Appendix B**.
- 7.42 Where a vehicle has been imported from another country, the councils may require DVSA approved certification prior to licensing approval. The council will take into consideration any relevant guidance from the DfT, DVSA or similar when determining whether to include special conditions on any licence.

Funeral and wedding vehicles

- 7.43 There is currently no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.
- 7.44 A vehicle does not need to be licensed to be used in connection with a wedding. Written certification from the council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement. However, if a licensed hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed; for licensed private hire vehicles the licence plate must be displayed unless a valid exemption notice is held.

Transfers

- 7.45 A 'transfer' is the sale of a licensed vehicle from one person to another rather than when a proprietor wishes to license a vehicle as a hackney carriage or private hire vehicle which is not currently licensed as such. The councils must be notified of any such transfer within 14 days of it taking place.
- 7.46 Applications to transfer the licence must be made on the prescribed application form. The licence fee payable for a transfer is subject to annual review and will be published together with other council licensing fees.

Accidents

- 7.47 Whenever a vehicle has been involved in any form of accident, it must be reported to the Licensing Authority within 72 hours of the accident occurring. Failure to do so is an offence and further action may be taken against the vehicle proprietor. The vehicle's licence holder or driver is required to use the Accident Report Form at **Appendix N** to report the accident within 72 hours. The details on the form must be accurate and complete. The completed form can be emailed to Licensing@molevalley.gov.uk or taxilicensing@tandridge.gov.uk
- 7.48 Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days. The proprietor may be required to produce the vehicle at the council offices, or to undertake a compliance test. The councils' primary concern is to ensure that the vehicle is in a safe and suitable condition to be used as a licensed vehicle.
- 7.49 A licensing officer or a DVSA approved testing station may examine the extent of the damage and determine whether the vehicle must be repaired to allow it to continue as a licensed vehicle. Officers will advise drivers and operators of the outcome of the inspection within three days.

8 Hackney carriage and private hire drivers

Grant and renewal of licences

- 8.1 The licensing of hackney carriage and private hire drivers is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for up to three years or for such lesser period as may be determined. The councils offer a three-year driver's licence only.

Age and experience

- 8.2 The DfT guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory requirement of holding a full driver's licence for 12 months are unnecessary, advising that applicants should be assessed on their merits.

Right to work in the UK

- 8.3 All driver licence applicants must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The councils will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.
- 8.4 If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant the licence. Should a driver's right to remain in the UK lapse, the licence automatically lapses with no right of appeal.

- 8.5 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended up to the legal maximum of 3 years if the period of right to work is extended, and a separate fee is payable for this process.

Medical examination

- 8.6 The DfT recognises that it is good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and for each renewal. Use of the 'Group 2' medical standards (as applied by DVLA to the licensing of lorry and bus drivers) to hackney carriage and private hire drivers is best practice and shall be applied by the councils. Please see below for requirements for drivers with diabetes managed by insulin, a sulphonylurea or a glinide.
- 8.7 A request form for a medical examination, which must be presented to a GP at the applicant's registered GP surgery, must be downloaded from the council's website. The applicant will be responsible for paying the fee for the examination to their GP surgery. On completion of the examination, a medical report will be provided to the applicant. To avoid any delays in the application process applicants should check through the report before submitting this to the council, to ensure all questions have been answered and they are satisfied that the information is accurate. The GP completing the medical examination will be required to certify that they have checked the applicant's personal medical records before completing the medical examination. If the applicant's GP surgery does not carry out such medical examinations, the applicant should contact the Licensing Team for further advice. During the application process, applicants must advise the Licensing Team in writing within seven days of any change in their medical condition that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, the councils may refer the medical form to the Council's Medical Advisor, who may require the applicant to produce a medical certificate, letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the applicant. Where there remains any doubt about the fitness of any applicant, the Executive Head of Service will review the medical evidence and make the final decision.
- 8.8 The DVLA Group 2 medical standard stipulates that over the age of 45 drivers will require a medical every five years. Drivers aged 65 and over, or those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary.
- 8.9 For drivers with diabetes managed by insulin or a sulphonylurea or a glinide, a full medical is required at the usual intervals determined by the driver's age and/or any other medical conditions. In addition to the above requirement (Para 8.8) an annual specialist medical will be required.
- 8.10 Licence holders must advise the Licensing Team in writing within seven days of any change in their medical condition that may affect their driving capabilities or that has required them to speak to their GP or another medical practitioner. If there is any doubt as to the medical fitness of the licence holder, the councils may require the licence holder to produce a medical certificate, letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the

licence holder. Where there remains any doubt about the fitness of any licence holder, the Executive Head of Service will review the medical evidence and make the final decision. The licence may be suspended with immediate effect on the grounds of public safety if there is any doubt as to their medical fitness.

Criminal record checks

- 8.11 A criminal record check on a driver is an important safety measure. The DfT considers that such checks should be at the level of enhanced disclosure through the Disclosure and Barring Service as these disclosures include details of spent convictions and police cautions. The councils will manage information arising from disclosures in accordance with the [DBS code of practice](#).
- 8.12 The Rehabilitation of Offenders Act 1974 ("1974 Act") and associated amendments sets out the period after which a conviction/caution/warning would be regarded as 'spent' and not normally require details of that conviction to be provided on any relevant application form. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended to exclude hackney carriage and private hire drivers from the 1974 Act. This was because the driving of hackney carriages and private hire vehicles was listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- 8.13 Applicants for such licences must therefore provide details of all convictions, warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders, traffic offences, driver education courses, disqualifications and fixed penalty notices, including any that would previously have been regarded as spent under the 1974 Act or may not currently show on any replacement DVLA driver's licence. In addition, any pending court cases or hearings must be declared, and details of any licences previously held, suspended or revoked. Failure to disclose any information and the making of false declarations will be considered to be an act of dishonesty and may result in the application being refused or the licence revoked. Applicants must seek the advice of an officer if they cannot remember full details that they are required to declare or have any uncertainty about what details they are required to provide.
- 8.14 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these for three or more continuous months at any point from the age of eighteen, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator. This includes any licence holder who has lived in other countries for three months or more since the licence was granted.
- 8.15 No driver's licences will be issued or renewed without a current enhanced DBS disclosure or one checked through the Update service.
- 8.16 Applicants must obtain their DBS disclosure through the relevant council, or approved service provider.

- 8.17 All drivers must sign up for the DBS Update service and maintain their annual subscription at their own cost. Applicants whose Update check reveals new information will have to complete a new, full DBS application that may take several weeks to be returned. Where a driver fails to maintain their subscription to the DBS Update service, their licence may be suspended with immediate effect on the grounds of public safety pending the return of a new DBS disclosure.
- 8.18 In accordance with the national standards the licensing authority will conduct six-monthly DBS status checks for all licensed drivers after the grant of their Hackney Carriage and/or Private Hire Drivers licence. Where this check is unable to be completed due to the driver failing to ensure their subscription to the update service is maintained, they will be required to submit a full application for a new enhanced DBS disclosure and pay the relevant fee for this.
- 8.19 Where the councils have reasonable cause for concern relating to a particular driver, random enhanced DBS checks may be carried out. If a driver is given notice to undertake a random DBS check by the council, they must provide all relevant documentation for this to the council within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

DVLA Licence and Checks

- 8.20 All applicants must have held a full DVLA/EU/EEA driving licence for at least 12 months prior to application. Before the grant or renewal of a driver's licence, all applicants will be required to submit a DVLA licence check code in order for a check to be carried out to confirm the current status of the DVLA licence. Any photocard must be current and valid. The authority may undertake random checks of licensed driver's DVLA licences to identify undisclosed offences. If a driver is given notice to undertake a random DVLA check by the council they must provide a DVLA check code within 7 days of the request.
- 8.21 Applicants who have held a full driving licence issued by a European Economic Area (EEA) country for at least 12 months can apply for a hackney carriage or private hire vehicle driver's licence.
- 8.22 Applicants from EEA Accession States are eligible to acquire a hackney carriage/private hire driver's licence if they have held an ordinary driving licence for 12 months, which was issued by an Accession State.
- 8.23 Those applicants whose driving licences were not issued by an EEA state, an Accession State or Northern Ireland will be required to hold a full DVLA licence for 12 months prior to being issued with a hackney carriage/private hire vehicle driver's licence.
- 8.24 New applicants who have been disqualified from driving due to motoring offences must have held a full clean licence for at least 12 months before they can apply to become a licensed driver.

Practical Driving Assessment

- 8.25 All new applicants (including any drivers whose licences have lapsed) must take and pass the appropriate practical driving assessment(s) from the council's list of approved providers which can be found on the councils' websites. The assessment certificate will only be valid for the application process for a period of 12 months from its date of issue.
- 8.26 Existing drivers may also be required to pass a practical driving assessment if there are concerns about their standard of driving, and the licence may be suspended until the assessment is passed.

English language proficiency

- 8.27 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies, guidance and licence conditions. This could have a direct impact on the protection of children and vulnerable adults and being able to identify and act on signs of exploitation. Sitting the knowledge test which includes a basic English test is a reasonable test of English language proficiency and the Senior Licensing Officer may also decide to refer an applicant to an independent organisation who will undertake testing of the applicant's spoken English. Applicants who are referred will be required to demonstrate their ability to converse in English in an independently administered test. Candidates will be responsible for all the costs associated with this additional testing.

Knowledge test

- 8.28 Hackney carriage and private hire drivers need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. Hackney carriages can be hired immediately, directly with the driver, at hackney carriage stands or hailed on the street, whereas private hire vehicle drivers will normally have time to check the shortest or quickest route on a map and discuss the options with the hirer prior to the hire commencing. The ability to find destinations and read maps is seen as a fundamental skill in providing a quality service for passengers.
- 8.29 In order to maintain the high standards expected of drivers, the councils will not grant a licence to drive a hackney carriage or private hire vehicle until the applicant has passed their knowledge test. This includes drivers who have held a licence previously which has lapsed. The knowledge test will be in a form and structure determined by the council and may be administered by a third party. Applicants will be given their result as soon as possible and the aim is to provide the result within one week.
- 8.30 In order to determine their fitness, applicants will be required to undertake a test as to their knowledge of:
- local geography (e.g. location of public buildings and recreation destinations, and the shortest route between locations in the area or primary destinations such as airports)
 - the Highway Code
 - hackney carriage and private hire licensing law, the conditions attached to any

hackney carriage and/or private hire licence and the councils' policy.

- 8.31 There is a fee to sit the test and this is published together with the other council licensing fees. No applicant may sit the test more than three times in any 12-month period commencing on the date of their first test. Any cancellations must be made at least 2 working days before the test date and time. The fee for tests cancelled with less than 2 working days' notice will not be refunded.
- 8.32 Candidates with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional, the applicant will be given appropriate support such as additional time or a spoken test. Applicants must contact the licensing team prior to booking the knowledge test if they require additional support.

Disability Awareness Training

- 8.33 All applicants for a hackney carriage/private hire driver's licence will be required to pass disability awareness training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.
- 8.34 Once passed, the training must be retaken by all licensed drivers every three years. Failure to re-take the training will result in the driver's licence being suspended until such time as they have attended and passed the training.

Safeguarding Training

- 8.35 All applicants for a hackney carriage/private hire driver's licence will be required to pass approved safeguarding training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.
- 8.36 Once passed, the training must be retaken by all licensed drivers every three years. Failure to re-take the training will result in the driver's licence being suspended until such time as they have attended and passed the training.

Behaviour and conduct of drivers

- 8.37 The councils consider that to assist drivers and the public it would be useful to set down the standards that must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public. It is considered that drivers must be aware of the law and minimum standards of behaviour, should adopt safe and non-aggressive driving techniques and set a good example to other road users. The Code of Good Conduct at **Appendix L** forms part of the conditions attached to a private hire driver's licence.
- 8.38 Failure to comply with any aspect of the Code of Good Conduct will result in enforcement action dependent upon the breach. This may result in warnings or

penalty points being given by licensing officers or if necessary, by the relevant panel. Repeated breaches following such education or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licences.

- 8.39 A driver's licence will cease to be valid on the suspension, revocation, surrender or expiry of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked, surrendered or expired. If a driver is given notice to return their licence and badge, they must do so within seven days.

9 Private hire operators

Requirements and obligations

- 9.1 A private hire vehicle may only be dispatched to a booking by a licensed private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle with a driver. Private hire operators must ensure that every private hire vehicle that they operate is licensed by the same council who issued them with the operator's licence and that it is driven by a person who holds a private hire driver's licence issued by the same council.

Grant and renewal of licences

- 9.2 All private hire operator licences will be issued for five years. Licences of a shorter duration may be issued in exceptional circumstances.

Criminal record checks

- 9.3 Applicants must also provide a current (less than one month old) Basic DBS disclosure (although if the operator is also a licensed driver with the council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure, should the individual cease to hold a driver licence, a Basic DBS will be required to be provided within a month of that licence expiring and annually thereafter). The council will then decide whether the applicant is a 'fit and proper person' to hold such a licence. Where the private hire operator is trading as a limited company (or partnership) the council will also require the directors and company secretary (or partners) to provide a Basic DBS disclosure every year, and the company (or partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence.
- 9.4 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these for three months or more at any point from the age of ten, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator. This includes any licence holder who has lived in other countries for three months or more since the licence was granted.

- 9.5 Where the councils have reasonable cause for concern relating to a particular operator, a random DBS check may be carried out. If an operator is given notice to undertake a random DBS check by the council, they must do so within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.
- 9.6 Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain basic DBS checks for all such staff prior to them commencing work for the operator, and annually thereafter. Evidence of the most recent check must be retained while the staff member works for the firm and for a period of 6 months after they leave the firm and provided on request. The staff member must be required as part of their contract to advise the operator of any cautions or convictions while they are employed in this role.

Operators must keep a written policy on employing ex-offenders in roles that would be on the register as above, and this must be provided to any person on request.

Right to work in the UK

- 9.7 All applicants for a Private Hire Operators Licence must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The councils will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.
- 9.8 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended if the period of right to work is extended. There is no discounted fee for licences of less than five years.

Knowledge Test

- 9.9 Private hire operators need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. In addition, they must have a clear knowledge of the laws and legislation relating to the work of licensed drivers, vehicle proprietors and operators. In view of this, the councils will not grant an operator's licence until the applicant has passed the knowledge test. The knowledge test will be in a form and structure determined by the council and may be administered by a third party. Applicants will be given their result as soon as possible and always within one week.
- 9.10 This requirement will be waived for drivers licensed by the relevant council who have already taken the knowledge test.
- 9.11 Where the applicant is a limited company or partnership, the applicant shall nominate one of the directors/partners or the company secretary who shall undertake the knowledge test. Where there are changes to the directors or partners throughout the period of the licence, the council may require another representative from the firm to be nominated to undertake the knowledge test within a set period of time.

9.12 Applicants will be required to undertake and pass a test as to their knowledge of:

- local geography (e.g. location of public buildings and recreation destinations, and the shortest route between locations in the area or primary destinations such as airports)
- the Highway Code
- hackney carriage and private hire licensing law and the councils' policy.

9.13 There is a fee to sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than three times in any six month period commencing on the date of their first test. Any cancellations must be made at least 2 working days before the test date and time. Tests cancelled with less than 2 working days' notice will not be refunded.

9.14 Candidates with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional, the applicant will be given appropriate support such as additional time or a spoken test.

Applicants must contact the licensing team prior to booking the knowledge test if they require additional support.

Disability Awareness Training

9.15 All applicants for an operator's licence will be required to pass disability awareness training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.

9.16 Once passed, the training must be retaken by all licensed operators every five years. Failure to re-take the training will result in the operator's licence being suspended until such time as they have attended and passed the training.

9.17 In addition, all staff involved in bookings and dispatching work must take and pass the disability awareness training prior to commencing work for the operator. The training must be retaken every three years. Should it be found that any staff member is breaching this requirement, this may result in the suspension of the operator's licence until such time as the staff member has attended and passed the training.

Safeguarding Training

9.18 All applicants for an operator's licence will be required to pass approved safeguarding training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.

- 9.19 Once passed, the training must be retaken by all licensed operators every five years. Failure to re-take the training will result in the operator's licence being suspended until such time as they have attended and passed the training.
- 9.20 In addition, all staff involved in bookings and dispatching work must take and pass the approved safeguarding training prior to commencing work for the operator. The training must be retaken every three years. Should it be found that any staff member is breaching this requirement, this may result in the suspension of the operator's licence until such time as the staff member has attended and passed the training.

Conditions

- 9.21 The relevant council has the power to impose such conditions on an operator's licence as it considers reasonably necessary. These conditions can be found at **Appendix D**.

Operator Base

- 9.22 The address used on the operator's application must be the one where the invitation and acceptance of bookings take place. This will be the premises where the records referred to below are kept and at which they may be inspected by licensing officers without notice.
- 9.23 It will be the responsibility of the operator to ensure that necessary planning consent exists for the operational address to be used for that purpose before any licence is granted.
- 9.24 If premises are open to the public, applicants must produce evidence that they have taken out a minimum of £5 million of public liability insurance for the premises to be licensed, before the relevant council will approve an application for a private hire operator's licence.
- 9.25 The councils will not grant a private hire operator's licence for an operator with an operating base that is outside the councils' areas. This is to ensure that proper regulation and enforcement measures may be taken by the relevant council.
- 9.26 Operators who propose to change their operating base must obtain a licence to operate from the new address prior to commencement of operating from the new base.

Sub-contracting

- 9.27 A private hire operator may sub-contract a booking to another licensed operator or hackney carriage driver. A record of whom the booking was sub-contracted to and when must be kept. Operators are required to evidence that comparable safeguarding protections are applied by the company to which they sub-contract any bookings.
- 9.28 Passenger Carrying Vehicle (PCV) licensed drivers are subject to different checks from hackney carriage and private hire vehicle licensed drivers as the work normally undertaken, e.g. driving a bus, does not present the same risk to passengers.

Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking must not be permitted without the informed consent of the hirer. The hirer must be informed that a PSV will be used, with a PCV driver who is subject to different checks and not required to have an enhanced DBS check.

Trading names

9.29 An operator shall only use trading or company name(s) that are included on the operator licence, or other trading name(s) approved by the council in writing.

Data protection

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

Record keeping

9.31 The conditions at **Appendix D** outline the requirements in respect of records to be kept by operators, including booking records, and records in respect of the drivers and vehicles operated. All records kept by the operator shall be kept at the operator base for a minimum of 12 months following the date of the booking (for booking records) or the date the vehicle or driver ceases to take bookings from the operator (for driver and vehicle records).

Appendix A - Hackney Carriage Specification and Licence Conditions

Specification

1. The vehicle must comply with the following requirements:
 - (a) **Passengers** – the vehicle must be capable of carrying no fewer than four passengers and no more than eight
 - (b) **Construction** - The vehicle must be constructed and maintained so as to be safe and comfortable and have doors of such width and which open sufficiently to allow easy access into and out of the vehicle. All vehicles shall be fitted with a right hand drive and four doors with the exception of the minibus type of vehicle, which should have a minimum of two doors provided for the exclusive use of passengers. Minibus type vehicles with one door for the exclusive use of passengers must have the door on the nearside of the vehicle. All doors will have an interior release handle.
 - (c) **Access and Egress** – Access and egress to and from the rear most seats in multi person vehicles should be clear and unobstructed where possible. In those vehicles where seats must be moved to allow passengers to vacate the rear most seats, the seats must be maintained to the highest standard to ensure the easy and immediate egress of passengers in an emergency.
 - (d) **Height (inside)** - The height above the front and rear seats of the vehicle measured from the top of the seat cushions to the roof must be of a suitable distance to the satisfaction of the Licensing Authority.
 - (e) **Knee space** - The distance between the rear of the front seats and the front edge must be to the satisfaction of the Licensing Authority. Front seats must have a suitable amount of knee space which must be to the satisfaction of the Licensing Authority.
 - (f) **Seats** – Must not be sideways facing to the direction of travel and all will comply with seatbelt regulations.
 - (g) **Front Seat** – The length of the front seat measured along the centre of the seat must be to the satisfaction of the Licensing Authority. The width of the front seat from the back to the front edge must be to the satisfaction of the Licensing Authority.
 - (h) **Seats (width)** - The width of the rear seat from the back to the front edge must be to the satisfaction of the Licensing Authority.
 - (i) **Rear seat (length)** - The length of the rear seat measured along the centre of the seat must be to the satisfaction of the Licensing Authority.
 - (j) **Body shell/structure** - Including doors, panels, wings bumpers to be in good condition, free from rust, holes, broken metal or any other visible damage to the satisfaction of the Licensing Authority.
 - (k) **Seat coverings** - To be in good condition, clean and free from any tears, damage, grease or any other contamination to the satisfaction of the Licensing Authority.
 - (l) **Floor coverings** - To be in good condition, clean and free from any contamination to the satisfaction of the Licensing Authority.
 - (m) **Interior trim** - To be in good condition, clean and free from any tears, damage, grease or any other contamination to the satisfaction of the Licensing Authority.
 - (n) **Door hinges and locks** - To be in good order all working, and doors to be seated correctly when closed.
 - (o) **Windscreen and windows** - To be in good clean condition to the satisfaction of the Licensing Authority.
 - (p) **Oil leaks** - Engine to be free from oil leaks.

(q) **Under seal** - Shall not extend beyond the upper limit of the sill on any vehicle unless applied as part of the original manufacturing process.

2. All vehicles must meet the following requirements:

- (a) Light transmitted through the windscreen must be at least 75 percent
- (b) All other windows (both front and rear) must allow at least 70 percent of light to be transmitted

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside, which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

Where currently licensed vehicles have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed for as long as required assuming they meet the rest of this policy. Where currently licensed vehicles have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next compliance test. Failure to do so will result in the vehicle failing the compliance test.

All glazing must at all times comply with the Road Vehicles (Construction and Use) Regulations 1986, Regulation 32 with regards the level of tint.

Vehicle emissions and testing requirements

- 3. From 1 April 2027 proprietors will be required to have vehicles of at least Euro 4 standard to renew their licence; and Euro 4 (Petrol), Euro 6 (Diesel) or zero-emission capable to receive a new licence.
- 4. All hackney carriage vehicles must have their meter checked for consistency with the displayed tariff card annually and the operation of the roof sign.
- 5. All licensed vehicles up to the eighth anniversary of their date of registration will require an MOT every six months following the initial grant of the vehicle licence. The test will be due on the 6 month anniversary of the grant of the licence.
- 6. Vehicles older than the eighth anniversary of their date of registration will require an MOT compliance check every four months. The test will be due on the 4 month anniversary of the grant of the licence and every 4 months thereafter.

7. The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MOT compliance standard for and the council's standards as laid out in this appendix. In addition, the accuracy of the meter will be checked over a measured mile for two of the displayed tariffs and for waiting time.
8. When a vehicle has passed its six or four monthly MOT and produced the pass certificate to the Licensing Authority, if the certificate has 'Advisories' detailed on it, which will be assessed on a case-by-case basis, but primarily the licence holder must have these rectified within 28 days of producing the MOT certificate to the Licensing Authority. Documentary evidence will be required by the authority as proof to the work being carried out. Failure to comply will result in the vehicle licence being suspended until such time as the authority is provided with the relevant documentation.

Equipment

9. The vehicle must carry the following equipment, clearly marked with the plate number of the vehicle:
 - a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change became necessary. Tyre inflation kits will only be acceptable if they are of the original manufacturer fit and unused.
 - a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle.
 - a warning triangle.
 - a working torch.
 - a high viz jacket or waistcoat.

All drivers/proprietors must check their Insurance Policies in relation to carrying of any further equipment such as a Fire Extinguisher and First Aid Kit.

Condition of the vehicle

10. The interior and exterior of the vehicle shall always be kept clean. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall always have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the current Motor Vehicle (Construction and Use) Regulations.

Insurance and other documentation

11. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle for hackney carriage use or public hire. The proprietor must produce when

requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate (paper or electronic) must be provided to the council. The councils will only accept insurance from bodies that are registered with the Motor Insurance Bureau.

12. When requested, the proprietor must produce the vehicle registration document, insurance or evidence that the vehicle has a valid compliance certificate. Only original documents are acceptable.

Licence plates

13. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet. or on a secure bracket. No temporary fixing such as magnets, double-sided tape, cable ties or Velcro® are allowed. The licence plate remains the property of the council at all times. If required to do so at any time, the licence holder must return the plate to the council within seven days.

Taxi signs, livery and advertising

14. Hackney carriages must display a roof sign in accordance with **Appendix C**.
15. Hackney carriages must display the complaints information card provided by the council inside the vehicle so that it may be clearly read by passengers.
16. Advertisements are permitted on the interior of purpose-built hackney carriages on the underside of the tip up seats and across the bulkhead above the dividing glass partition only. No advertisement may be placed on the dividing glass partition other than notices approved by the council. Advertisements are not permitted on the interior of non-purpose-built hackney carriage vehicles.
17. Advertisements are permitted on the exterior of hackney carriages, including a full livery and/or vehicle 'body-wrap', subject to approval under the process detailed in **Appendix J**.
18. Proprietors are also permitted to display the following on the vehicle:
 - a sign indicating membership of the AA, RAC or similar motoring organisation
 - a first aid kit sticker
 - any other material supplied by government or a government organisation or corporation with the permission of the council.

Audio, CCTV, video or surveillance systems

19. No audio, CCTV, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Smoke free vehicles

20. No smoking is permitted in the vehicle by either the driver or passengers. The use of electronic cigarettes and other vapour inhaling equipment by drivers and passengers is also prohibited. At least one legible no-smoking sign must be displayed in the vehicle.

Meters and tariff card

21. All hackney carriage vehicles shall be fitted with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304) or UKCA (UK Conformity Assessed) marked. The taximeter shall be maintained in a sound working condition at all times. All meters must be of the 'calendar' type to automatically adjust for bank holidays. The taximeter shall be set for the current maximum tariff set by the council and shall be sealed with a tamper evident seal to prevent unauthorised adjustment of that meter. Hackney carriage proprietors and drivers shall ensure the 'For Hire' sign or other illuminated sign is extinguished when the fare commences, and the taximeter is brought into operation.
22. The taximeter must:
- be of the clock calendar type and change according to the wording of the council's agreed current maximum fare tariff
 - not be altered or tampered with except with the approval of the council and must be retested by one of the council's approved testing stations if it is altered. All openings shall be sealed with a 'tamper evident' seal supplied by the council.
 - show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures
 - be securely fixed in such a position so 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.
23. The tariff card must be fixed in such a position that it is visible to all passengers within the vehicle at all times.

Trailers

24. Trailers may only be used with the prior written approval of the relevant council. The trailer can only be used in connection with pre-booked journeys and cannot be used for plying for hire on a rank or the street.
- the trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078)
 - the vehicle insurance must include cover for towing a trailer
 - a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Accessible Vehicles - Specification

25. Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a standard hackney carriage with seating for the number of passengers the vehicle is licensed to carry.
26. Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval standard. A licensing officer may require the vehicle to be referred to one of the council's designated vehicle testing centres. This inspection will be carried out at the owner's cost. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.
27. All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.
28. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.
29. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

Accessible Vehicles - Equipment and Anchorage

30. A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

Ramps

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250kg and certified to the relevant British Standards.

Wheelchair lift

A purpose designed wheelchair lift shall conform to the relevant British Standards and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum. Any such equipment must always be maintained in good working order and be available for use.

31. The wheelchair access equipment shall be fitted such that it terminates at the interior floor level to allow smooth entry/exit of the wheelchair.
32. The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose built vehicles e.g. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations shall be followed. Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.
33. A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.
34. All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.
35. Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).
36. If the vehicle is designed or adapted to carry a wheelchair, the proprietor must ensure that any driver of the vehicle has received sufficient training to load and convey wheelchair bound passengers.

Lost property

37. The proprietor or driver of a hackney carriage must report any lost property found in the vehicle to Surrey Police in accordance with their current procedures, if they are unable to contact the passenger directly.

Licence Holder Self-Reporting to the council

38. All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all licence holders are required to inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
39. All licence holders must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.

40. All licence holders must notify the relevant council in writing of any transfer of ownership of a licensed vehicle within 14 days of the transfer taking place.
41. Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days.
42. Failure to comply could result in enforcement action being taken which includes warnings, penalty points, suspension or revocation of a licence

Hackney carriages and pre-booked journeys

43. Hackney carriage proprietors must keep records of any pre-booked work in a suitable book or on a computer or any other recordable device. If using a book, the pages must be numbered consecutively and the proprietor shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
 - time and date of the booking
 - name of the hirer
 - fare quoted
 - how the booking was made (e.g. app, telephone, email, in person) and the time
 - time of the proposed pick up
 - point of pick up and drop off
 - notes about any sub-contracting of the booking
44. Proprietors will be required to give access to their records and adequate instruction to licensing officers upon request so that the licensing officers can interrogate the records to carry out their enforcement duties and to ensure the hackney carriage is operating in compliance with policy. Such records shall be maintained and held for a period not exceeding 12 months.

Appendix B - Private Hire Vehicle Specification and Licence Conditions

Specification

1. The vehicle must comply with the following requirements:
 - a. **Passengers** – the vehicle must be capable of carrying no fewer than four passengers and no more than eight
 - b. **Construction** - The vehicle must be constructed and maintained so as to be safe and comfortable and have doors of such width and which open sufficiently to allow easy access into and out of the vehicle. All vehicles shall be fitted with a right hand drive and four doors with the exception of the minibus type of vehicle, which should have a minimum of two doors provided for the exclusive use of passengers. Minibus type vehicles with one door for the exclusive use of passengers must have the door on the nearside of the vehicle. All doors will have an interior release handle.
 - c. **Access and Egress** – Access and egress to and from the rear most seats in multi person vehicles should be clear and unobstructed where possible. In those vehicles where seats must be moved to allow passengers to vacate the rear most seats, the seats must be maintained to the highest standard to ensure the easy and immediate egress of passengers in an emergency.
 - d. **Height (inside)** - The height above the front and rear seats of the vehicle measured from the top of the seat cushions to the roof must be of a suitable distance to the satisfaction of the Licensing Authority.
 - e. **Knee space** - The distance between the rear of the front seats and the front edge must be to the satisfaction of the Licensing Authority. Front seats must have a suitable amount of knee space which must be to the satisfaction of the Licensing Authority.
 - f. **Seats** – Must not be sideways facing to the direction of travel and all will comply with seatbelt regulations.
 - g. **Front Seat** – The length of the front seat measured along the centre of the seat must be to the satisfaction of the Licensing Authority. The width of the front seat from the back to the front edge must be to the satisfaction of the Licensing Authority.
 - h. **Seats (width)** - The width of the rear seat from the back to the front edge must be to the satisfaction of the Licensing Authority.
 - i. **Rear seat (length)** - The length of the rear seat measured along the centre of the seat must be to the satisfaction of the Licensing Authority.
 - j. **Body shell/structure** - Including doors, panels, wings bumpers to be in good condition, free from rust, holes, broken metal or any other visible damage to the satisfaction of the Licensing Authority.
 - k. **Seat coverings** - To be in good condition, clean and free from any tears, damage, grease or any other contamination to the satisfaction of the Licensing Authority.
 - l. **Floor coverings** - To be in good condition, clean and free from any contamination to the satisfaction of the Licensing Authority.
 - m. **Interior trim** - To be in good condition, clean and free from any tears, damage, grease or any other contamination to the satisfaction of the Licensing Authority.
 - n. **Door hinges and locks** - To be in good order all working, and doors to be seated correctly when closed.
 - o. **Windscreen and windows** - To be in good clean condition to the satisfaction of the Licensing Authority.
 - p. **Oil leaks** - Engine to be free from oil leaks.

- q. **Under seal** - Shall not extend beyond the upper limit of the sill on any vehicle unless applied as part of the original manufacturing process.

2. All vehicles must meet the following requirements:

- a. Light transmitted through the windscreen must be at least 75 percent
- b. All other windows (both front and rear) must allow at least 70 percent of light to be transmitted

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside, which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

Where currently licensed vehicles have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed for as long as required assuming they meet the rest of this policy. Where currently licensed vehicles have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next compliance test. Failure to do so will result in the vehicle failing the compliance test.

All glazing must at all times comply with the Road Vehicles (Construction and Use) Regulations 1986, Regulation 32 with regards the level of tint.

Vehicle emissions and testing requirements

- 3. From 1 April 2027 proprietors will be required to have vehicles of at least Euro 4 standard to renew their licence; and Euro 4 (Petrol), Euro 6 (Diesel) or zero-emission capable to receive a new licence.
- 4. All private hire vehicles must have their meter checked for consistency with the displayed tariff card annually and the operation of the roof sign.
- 5. All licensed vehicles up to the eighth anniversary of their date of registration will require an MOT every six months following the initial grant of the vehicle licence. The test will be due on the 6 month anniversary of the grant of the licence.
- 6. Vehicles older than the eighth anniversary of their date of registration will require an MOT compliance check every four months. The test will be due on the 4 month anniversary of the grant of the licence and every 4 months thereafter.

7. The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MOT compliance standard for and the council's standards as laid out in this appendix. In addition, the accuracy of the meter will be checked over a measured mile for two of the displayed tariffs and for waiting time.
8. When a vehicle has passed its six or four monthly MOT and produced the pass certificate to the Licensing Authority, if the certificate has 'Advisories' detailed on it, which will be assessed on a case-by-case basis, but primarily the licence holder must have these rectified within 28 days of producing the MOT certificate to the Licensing Authority. Documentary evidence will be required by the authority as proof to the work being carried out. Failure to comply will result in the vehicle licence being suspended until such time as the authority is provided with the relevant documentation.

Equipment

9. The vehicle must carry the following equipment, clearly marked with the plate number of the vehicle:
 - a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change became necessary. Tyre inflation kits will only be acceptable if they are of the original manufacturer fit and unused.
 - a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle.
 - a warning triangle
 - a working torch
 - a high viz jacket or waistcoat

All drivers/proprietors must check their Insurance Policies in relation to carrying of any further equipment such as a Fire Extinguisher and First Aid Kit.

Condition of the vehicle

10. The interior and exterior of the vehicle shall always be kept clean. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall always have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the current Motor Vehicle (Construction and Use) Regulations.

Insurance and other documentation

11. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle for hackney carriage use or public hire. The proprietor must produce when

requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate (paper or electronic) must be provided to the council. The councils will only accept insurance from bodies that are registered with the Motor Insurance Bureau.

12. When requested, the proprietor must produce the vehicle registration document, insurance or evidence that the vehicle has a valid compliance certificate. Only original documents are acceptable.

Licence plates

13. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet. or on a secure bracket. No temporary fixing such as magnets, double-sided tape, cable ties or Velcro® are allowed. The licence plate remains the property of the council at all times. If required to do so at any time, the licence holder must return the plate to the council within seven days.
14. Where a vehicle is granted an exemption from display of the plate, the vehicle must display the internal licence issued by the council which must be clearly visible from the inside and outside of the vehicle. This must not be placed in a position that obstructs the view of the driver. The rear licence plate must also be carried in the vehicle at all times.

Private hire signs and advertising

15. Advertisements are permitted on the exterior of private hire vehicles, including a full livery and/or vehicle 'body-wrap', subject to approval under the process detailed in Appendix J. Advertisements for other taxi or private hire companies are not permitted.
16. Private hire vehicles are not permitted to display the words 'Taxi' or 'Cab' which may indicate the vehicle is a hackney carriage and they must not display a roof sign.
17. Private hire vehicles must display the complaints information card provided by the council inside the vehicle so that it may be clearly read by passengers.
18. Private hire vehicles may also display:
 - a sign indicating membership of the AA, RAC or similar motoring organisation
 - a first aid kit sticker
 - any other material supplied by government or a government organisation or corporation with the permission of the council.

Audio, CCTV, video or surveillance systems

19. No audio/video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Smoke free vehicles

20. No smoking is permitted in the vehicle by either the driver or passengers. The use of electronic cigarettes and other vapour inhaling equipment by drivers and passengers is also prohibited. At least one legible no-smoking sign must be displayed in the vehicle.

Meters

21. A private hire vehicle may be fitted with a taximeter. All taximeters must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304) or UKCA (UK Conformity Assessed) marked. The taximeter shall be maintained in a sound working condition at all times. All meters must be of the 'calendar' type to automatically adjust for bank holidays. All meters must be sealed with a tamper evident seal. The taximeter shall be set at the tariff displayed in the vehicle which must be visible to passengers.
22. The taximeter must:
- be of the clock calendar type and change according to the wording of the displayed fare tariff
 - show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures
 - be kept securely fixed in such a position so 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.

Trailers

23. Trailers may only be used with the prior written approval of the council and subject to the following requirements:
- trailers can only be used in connection with private hire bookings
 - the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078).
 - the vehicle insurance must include cover for towing a trailer
 - a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Accessible Vehicles - Specification

24. Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a standard private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

25. Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval standard. A licensing officer may require the vehicle to be referred to one of the council's designated vehicle testing centres. This inspection will be carried out at the owner's cost. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.
26. All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.
27. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.
28. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

Accessible Vehicles - Equipment and Anchorage

29. A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

Ramps

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250kg and certified to the relevant British Standards.

Wheelchair lift

A purpose designed wheelchair lift shall conform to the relevant British Standards and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum. Any such equipment must always be maintained in good working order and be available for use.

30. The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.
31. The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose built vehicles e.g. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the

purpose of conveying wheelchairs, the converter's recommendations shall be followed. Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.

32. A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.
33. All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.
34. Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).
35. If the vehicle is designed or adapted to carry a wheelchair, the proprietor must ensure that any driver of the vehicle has received sufficient training to load and convey wheelchair bound passengers.

Specification for special vehicles

36. For the purpose of this policy, a special vehicle shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature and is not a conventional vehicle used for standard private hire work. Examples of vehicles that may fall within the 'special' category are stretch limousines, classic cars or a vehicle that has fewer than four seats.
37. This element of the policy only applies to private hire vehicles and sets out the general considerations the council will take into account when considering an application for the licensing of a special vehicle. This policy does not apply in relation to vehicles used solely in connection with weddings and funerals, as these are exempt from private hire licensing.
38. The general licence conditions for private hire vehicles would not normally allow for special vehicles to be licensed for a number of reasons including the style and design of the vehicle.
39. A proprietor may apply for a licence for any special vehicle which would not meet the standard private hire vehicle conditions by seeking variation or exemption from some of the standard conditions. All other requirements in respect of standard private hire vehicles shall apply to any special vehicles unless the vehicle is exempted from said requirement in writing by the council.
40. Each vehicle will be considered and assessed on merit taking account of:
 - the overall condition of the vehicle
 - the number of passengers for which it is required to be licensed (vehicles may

- only be licensed for up to and including 8 passengers)
 - the specific criteria for which exemption is sought.
41. The individual nature of a special vehicle will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider whether additional conditions should be included on any licence. The primary consideration will always be the safety and comfort of the travelling public.
42. Vehicles may be right or left hand drive provided that left hand drive vehicles have the relevant vehicle type approval from DVSA (written proof to be submitted with the application). In addition, the following applies:
- the vehicle must not have fewer than four road wheels
 - the number of doors must be sufficient to allow safe access and egress for the number of passengers for which approval is sought
 - the vehicle must comply with Construction and Use Regulations.

Lost property

43. The proprietor or driver of a private hire vehicle must report any lost property found in the vehicle to Surrey Police in accordance with current procedures, if they are unable to contact the passenger directly.

Licence Holder Self-Reporting to the council

44. All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all licence holders are required to inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
45. All licence holders must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
46. All licence holders must notify the relevant council in writing of any transfer of ownership of a licensed vehicle within 14 days of the transfer taking place.
47. Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days.
48. Failure to comply could result in enforcement action being taken which includes warnings, penalty points, suspension or revocation of a licence.

Appendix C - Hackney Carriage Roof Signs

1. All hackney carriages must display a fully illuminated roof-mounted sign to the specifications below.
2. The roof sign must be affixed to the vehicle at all times. The only exceptions to this are:
 - when the vehicle is parked at a proprietor's home or in a private taxi office carpark for security reasons
 - when the vehicle is undergoing maintenance work or is being cleaned.

In both cases the roof sign must be put back on the vehicle before the vehicle is used on the highway.

There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle that has a built in taxi roof sign.

Appendix D - Operator Licence Conditions

1. The records required to be kept by the operator under sections 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. Any information recorded must remain accurate for future reference. If using a book, the pages must be numbered consecutively. The operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
 - time and date of the booking
 - name of the hirer/passenger
 - fare quoted
 - how the booking was made (e.g. app, telephone, email, in person) and the time
 - time of the proposed pick up
 - point of pick up and drop off
 - registration or plate number of the vehicle allocated for the booking and the name and licence number of the driver
 - name of the individual who dispatched the vehicle.
2. A private hire operator may sub-contract a booking to another licensed operator or hackney carriage driver. A record of whom the booking was sub-contracted to and when must be kept. Operators are required to evidence that comparable safeguarding protections are applied by the company to which they sub-contract any bookings. If a PSV with PCV driver is used, the hirer must be informed of this and notified that the driver is not required to have an enhanced DBS check.
3. If the operator uses a computerised booking system, the council will require access to the system so that the council is able to establish that records are entered sequentially and that it is able to establish the date and time at which the record was created.
4. The operator shall also keep records of the particulars of all private hire vehicles, which shall include details of the owner, registration numbers and drivers of such vehicles, together with any radio call signals used.
5. All records kept by the operator shall be kept for a minimum of 12 months following the booking (for booking records) or the date the vehicle or driver ceases to take bookings from the operator (for vehicle and driver records) and shall be made available upon request to an authorised officer of the council, police officer or any other relevant enforcement agency.
6. Operators will be required to give access to their records and adequate instruction to licensing officers upon request so that the licensing officers can interrogate the records to carry out their enforcement duties. Records shall be maintained at the operator base for that purpose.
7. Operators are required to report any complaints regarding a driver's behaviour, driving standards or the condition of the vehicle to the council within 72 hours of receipt of the complaint. This does not remove responsibility from the operator to conduct a proper investigation of the complaint.

8. It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for the vehicle if the reason for the failure or refusal is because the hirer or a person accompanying the hirer is disabled person who will be accompanied by an assistance dog. It is also an offence to make any additional charge for the carrying of an assistance dog.

Licence Holder Self-Reporting to the council

9. Operators must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all operators must inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
10. Operators must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
11. Failure to comply could result in enforcement action being taken which includes warnings, penalty points, suspension or revocation of a licence.
12. Where the private hire operator is trading as a limited company or partnership, the company must advise the licensing authority within seven days of any change in directors or partners throughout the period of the licence.
13. If an operator is given notice to undertake a random DBS check by the council, they must do so within 14 days of the request.
14. The operator shall only use trading or company name(s) that are included on the operator licence, or other trading name(s) approved by the council in writing.
15. Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain basic DBS checks for all such staff prior to them commencing work for the operator and annually thereafter. Evidence of the most recent check must be retained while the staff member works for the firm and for a period of 6 months after they leave the firm, and this must be provided on request to any authorised officer. The staff member must be required as part of their contract to advise the operator of any cautions or convictions while they are employed in this role.
16. Operators must keep a written policy on employing ex-offenders in roles that would be on the register as above, and this must be provided to any person on request.

Appendix E - Driver Licence Conditions and Code of Conduct

1. Drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence. Any driver who contravenes policy or any of these conditions may be deemed not fit and proper to hold a licence.
2. Drivers shall wear their driver's licence badge in a clearly visible position at all times when in control of a licensed vehicle. The second badge that is issued to drivers must be displayed in a prominent position within the view of any passenger sat in the front passenger of the vehicle.
3. Whilst in control of a licensed vehicle, a driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the vehicle proprietor, the vehicle plate number and registration number.
4. Drivers must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all drivers must inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
5. Drivers must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
6. Drivers must notify the relevant council in writing within seven days of any change in their medical condition that may affect their driving capabilities or that has required them to speak to their GP or another medical practitioner. A new medical may be requested by the council to determine if the driver is fit to continue to drive licensed vehicles.
7. Drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. If a driver is given notice to undertake a random enhanced DBS or DVLA check they must provide all relevant documentation for this to the council within 14 days of the request.
8. Drivers shall behave in a civil and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or leaving the vehicle.
9. Drivers must not drink or eat whilst driving, nor should they use any hand-held mobile phone, PDA, or any other device which may cause their attention to be distracted.
10. Drivers must not smoke or use electronic cigarettes/vaping equipment whilst in control of a licensed vehicle.
11. Drivers shall ensure their appearance is smart, clean and professional when working.

12. Drivers must not initiate or take part in any dialogue of a sexual nature with a passenger, including by telephone contact, social media, email or any other form of communication. Drivers are not permitted to have sexual contact, even with consent, with a passenger whilst working or in a licensed vehicle.
13. Drivers shall convey a reasonable quantity of luggage for passengers and offer reasonable assistance in loading and unloading.
14. Drivers shall ensure that they comply with all traffic signs, signals and regulations and the Highway Code at all times. Drivers must not cause an obstruction or nuisance to other traffic or pedestrians when parked or collecting passengers and must not park in breach of any parking restrictions.
15. To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:
 - not sound the vehicle's horn
 - keep the volume of audio and communications equipment to a reasonable level
 - take all reasonable actions to avoid disturbance to persons in the vicinity
16. Drivers shall switch off the vehicle engine if waiting for more than one minute when picking up or dropping off passengers or waiting on a rank.
17. Drivers shall carry an assistance dog accompanying a disabled person without any additional charge, unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons. Any drivers with an exemption must display the exemption notice in line with the guidance issued with the notice.
18. Drivers shall carry a wheelchair using person and their wheelchair and provide reasonable assistance without any additional charge, unless the driver has a medical exemption certificate that allows him/her not to carry or assist wheelchair users for medical reasons. Any drivers with an exemption must display the exemption notice in line with the guidance issued with their notice.

Appendix F - Guidance on Suitability of Applicants

[extracted from Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' published in April 2018]

Overview

3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.

3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.

3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8 which states: "The aim of local authority licensing of the taxi and PHV trades is to protect the public."

3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.

3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.

3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.

3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.

3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

Taxi Drivers

3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted and many authorities grant "dual" or "combined" licences to cover driving both types of vehicle.

3.11 An applicant must hold a full DVLA or equivalent driver's licence, have the right to work in the UK, and be a "fit and proper" person¹.

3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.

3.13 An applicant must also have the right to remain, and work in the UK².

3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.³

3.15 It is the whole issue of "fit and proper" that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*⁴. Silber J said: "... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers."

3.16 This is reflected in a test widely used by local authorities: 'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'⁵

3.17 It is suggested that the expression "safe and suitable" person to hold a driver's licence is a good interpretation which neither adds nor removes anything from the original term of "fit and proper" but brings the concept up to date.

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide: "such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any

¹ Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

² Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

³ "Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales" - Home Office, 1st December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

⁴ [2002] EWHC 1145 (Admin), [2003] RTR 199

⁵ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

such licence.”⁶ This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments.⁷ Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service
- Knowledge tests
- Driving tests
- Disability Awareness
- Signed Declarations
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared⁸) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.⁹

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks¹⁰ and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

3.24 If any applicant has, from the age of 10 years, spent 6 continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/ countries covering the relevant period should be required.

3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person’s safety and suitability.¹¹

⁶Local Government (Miscellaneous Provisions) Act 1976 s57(1)

⁷ See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

⁸“Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

⁹ See *Adamson v Waveney District Council* [1997] 2 All ER 898

¹⁰“For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

¹¹ As recommended by the DfT “Taxi and Private Hire Licensing – Best Practice Guide” para 59

3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.

3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.

3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account.¹² This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.

3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.

3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.

3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.

3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

¹² *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

Private Hire Operators

3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All 3 licences (PHO, PHV and PHD) must have been granted by the same authority¹³. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person¹⁴.

3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?

3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.

3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.

¹³ See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD

¹⁴ Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used: “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”¹⁵

3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation¹⁶. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

Vehicle Proprietors

3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.

3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence¹⁷ and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.

¹⁵ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

¹⁶ See s57(1)(c) of the 1976 Act.

¹⁷ S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.

3.47 A suitable test would be: “Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”¹⁸

Guidance on Determination

4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.

4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks
- Specifications e.g. minimum number of doors, seat size, headroom, boot space etc

¹⁸ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc
- Emission limits/vehicle age limits
- Wheelchair accessibility requirements.

Drivers:

- Enhanced DBS checks with update service
- Checks made to the National Anti-Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available)
- Medical checks
- Knowledge of the geographic area
- Spoken and written English tests
- Disability awareness training
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks
- Details of their vetting procedures for their staff
- Knowledge of the licensing area.

4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.

4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.

4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership¹⁹) is “safe and suitable” to hold the licence.

4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

¹⁹ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction²⁰. Fixed penalties and community resolutions will also be considered in the same way as a conviction.²¹

4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

²⁰ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

²¹ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

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

Exploitation

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

Offences involving violence

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

Possession of a weapon

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

Sex and indecency offences

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

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

Dishonesty

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

Drugs

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

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

Discrimination

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

Motoring convictions

4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

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

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

Other motoring offences

4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle Proprietors

4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.51 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.52 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Appendix G - Penalty Points Scheme

The councils will operate a penalty points scheme, under which points can be issued to licence holders for breaches of licensing conditions or non-compliance with the law as an alternative to prosecution. This is in accordance with the councils' Environmental Health and Licensing enforcement policy, which is available on the councils' websites. There is no financial penalty associated with this scheme. The existence of this scheme does not bind officers or members to act in accordance with it, and if the circumstances of a particular case support doing so it shall be open to officers or members to select a different course of action in respect of that case, such as prosecution for a single breach, or issuing an informal warning.

The main features of the scheme are as follows:

- points are issued to licence holders for breaches of licensing conditions or legislation
- a total of 12 points issued to an individual licence holder in any 12 month period will result in consideration of suspension or revocation of the licence
- points issued to a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued; and
- licence holders have a written right of appeal within seven days of points being issued.

In conducting a review of a licence where the holder reaches 12 points within any 12 month period, the Executive Head of Service or Panel will take account of all of the pertinent facts, and of any representation made by the driver, operator or proprietor before considering what action, if any, would be appropriate and proportionate to take. Each case will be considered on its own merits. The decision maker may also have regard to any previous warnings or panel referrals in reaching a decision, including those involving other licensing authorities. The options available to the decision maker, depending upon the severity of the breaches and any previous record of misconduct, will typically be:

- to take no further action
- to warn the licensee as to their future conduct
- to suspend the licence for a specified period, or until such time as certain conditions have been satisfied; or
- to revoke the licence.

In general, the recommended starting point for any period of suspension would be two weeks. This may be reduced if there is sufficient mitigation, or extended in more serious cases.

Any licence holder subject to suspension or revocation has a right to appeal to the magistrates' court within 21 days of the decision. Suspensions and revocations will not be implemented until the 21 day appeals period has elapsed, however, driver suspensions on public safety grounds will take immediate effect. Once a suspension has been served, all points will be removed for 'totting up' purposes.

A list of breaches covered by the scheme, together with the points that can be issued for each breach is shown below. Similar breaches may be regarded in the same way, even if not explicitly listed below.

No	Offence/Breach	Maximum Points	Driver	Vehicle Owner or Operator
1	Use of hand held phone whilst in control of a vehicle	12	✓	
2	Driver smoking in the vehicle	12	✓	
3	Obstruction or failure to comply with requirement of authorised officer or constable	12	✓	✓
4	Unlicensed vehicle (including use of a suspended vehicle)	12	✓	✓
5	Unlicensed driver (including use of a suspended driver)	12	✓	✓
6	Using vehicle with no valid insurance or compliance certificate	12	✓	✓
7	Using vehicle which would not pass a compliance test	12	✓	✓
8	Failure to carry an assistance dog	12	✓	
9	Failure to carry or to provide reasonable assistance to disabled persons	12	✓	
10	Private hire driver plying for hire	12	✓	
11	Hackney carriage plying for hire outside the relevant council area.	12	✓	
12	Carrying an offensive weapon in the vehicle	12	✓	
13	Unsatisfactory behavior or conduct of a licensed driver	12	✓	
14	Failure by driver or operator to keep records of bookings or vehicles	10	✓	✓
15	Abusive or improper behaviour	8	✓	✓
16	Private hire vehicle parked on a rank	8	✓	✓
17	Hackney carriage parked in a rank outside of licensing district	8	✓	
18	Display of roof sign on a private hire vehicle	8	✓	
19	Illegal tyres / construction and use offences / vehicle defect	8	✓	✓
20	Making false statement or withholding information in connection with an application	6-12	✓	✓
21	Charging more than metered/agreed fare, use incorrect tariff or tampering with meter	6-12	✓	
22	Poor driving standards	6-12	✓	
23	Failure to produce licences or documentation on request	6	✓	✓
24	Failure to notify any matter required by licence condition within prescribed time limit	6	✓	✓
25	Unsatisfactory condition of vehicle, interior and/or exterior	6	✓	✓
26	Failure to produce the 6 or 4 monthly MOT Certificate when required	6	✓	✓
27	Failure to produce Hackney Carriage or Private Hire Vehicle for inspection when required	6	✓	✓
28	Failure by hackney carriage proprietor to keep records of pre-booked journeys	6	✓	✓
29	Hackney carriage driver refusing fare from rank without good reason	6	✓	

30	Leaving a hackney carriage unattended on a designated rank	6	✓	
31	Carrying person other than hirer without consent	6	✓	
32	Failure to report in writing, and provide the Accident Report Form, within 72 hours any accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	6	✓	✓
33	Carrying more passengers than stated on the vehicle licence	6	✓	✓
34	Failing to comply with vehicle licence conditions e.g. not carrying equipment	6	✓	✓
35	Vehicle not displaying licence plate as prescribed, failure to display internal licence or displaying unauthorised markings or advertising	6	✓	✓
36	Hackney carriage not displaying prescribed roof sign, roof sign not connected or not functioning properly	6	✓	✓
37	Failure to wear driver licence badge so it is clearly visible	6	✓	
38	Failure to notify the Council, in writing, of any motoring or criminal conviction within 21 days of conviction or cautions during period of licence	6	✓	✓
39	Using a permitted rank without the appropriate permit to do so – eg Leatherhead Station Rank	6	✓	✓
40	Unnecessarily prolonging a journey	4	✓	
41	Vehicle engine idling for more than one minute	4	✓	
42	Failing to display tariff card in vehicle with a meter	4	✓	✓
43	Parking in contravention of parking restrictions or Highway Code	4	✓	
44	Failure to comply with traffic sign or signal or similar traffic offence	4	✓	
45	Illegal use of bus lane	4	✓	
46	Poor driving standards - minor	4	✓	
47	Failure to display smoke free signage in vehicle	4	✓	✓
48	Misuse of vehicle horn	4	✓	
49	Failure to notify transfer of Hackney Carriage or Private Hire vehicle licence	4	✓	✓
50	Failure to use authorized roof light	4	✓	✓
51	Displaying any feature on private hire vehicle that may suggest it is a taxi	4	✓	✓
52	Failure to notify, in writing, of a change in medical circumstances	4	✓	
53	Unsatisfactory appearance of driver	3	✓	
54	Failure to observe rank discipline (HC Only)	3	✓	
55	Misleading use of the words 'Taxi' or 'Cab' on advertising materials including websites	3	✓	✓

56	Failure to issue receipt on request	3	✓	
57	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence	3	✓	✓

Ticks indicate potential recipients of penalty points for infringements.

N.B. Certain infringements may result in either drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement, however, each case must be determined on its own merits.

Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

Appendix H - Safeguarding vulnerable adults and children

We recognise that all licensed drivers who transport children, young people and vulnerable adults play a very important role in safeguarding, and this is why mandatory training is provided. **The key message is that safeguarding is everyone's responsibility.**

Please read these questions and answers to help you understand more about who we are trying to protect:

Q. What do we mean by children?

A. Under the law 'child' means anyone under the age of 18.

Q. What do we mean by 'vulnerable young people and adults'?

A. Vulnerable young people or adults are those who have needs because of their mental health, disability, age, illness or other reasons that may mean they are unable to take care of him/herself or unable to protect him/herself against significant harm or serious exploitation. Some people may be more likely to be abused by others because they need help to speak, move or understand or they may have mental health problems; this makes them vulnerable.

Q. Perhaps you are already transporting vulnerable passengers; how would you know this?

A. They may find it hard to understand, behave in unexpected ways or have difficulty finding their way; all of which can make them vulnerable to others treating them badly. Other passengers may suffer from dementia, so they can't remember things.

Q. Who would you report to if you were a concerned about a passenger you transport?

A. Speak to your manager
Contact the Supported Transport Hub at Surrey County Council
Contact the Transport Quality Monitoring Team at Surrey County Council.
Contact Multi Agency Safeguarding Hub (MASH)
Speak to the Surrey County Council Local Authority Designated Officer

Please see end of this section for contact details

Abuse

- An abuser can come from any background
- Women can commit abuse (including sexual abuse) and so can other children
- Anyone can be abused; both children or adults
- Over 80% people that are abused are abused by someone they know
- Children with disabilities are 3 times more likely to be abused
- Adults with disabilities are 1.5 times more likely to be abused

Q. What is abuse?

A. There are many types of abuse:

- Physical abuse
- Sexual abuse
- Neglect
- Self-neglect
- Emotional abuse
- Psychological abuse
- Modern slavery
- Domestic abuse
- Financial abuse
- Discriminatory abuse

Q. What do you think are examples of physical abuse?

A. Hitting, shaking, throwing, poisoning, burning, drowning, suffocating.

Q. What do you think are examples of emotional abuse?

A. Telling someone they are worthless, unloved, inadequate, not valued for themselves, not worth listening to, deserve to be laughed at. Calling people names, prejudice and bullying.

Q. What do you think are examples of sexual abuse?

A. Encouraging a child or vulnerable adult to take part in or watch sexual activities. This includes any unwanted physical contact whether inside or outside of clothing.

Neglect

Q. What is neglect?

A. Failure to meet a child or vulnerable adult's needs, such as:

- not providing food, clothing, medical treatment and shelter
- not protecting them from harm from others
- not responding to emotional needs

Q. What do you think are examples of self-neglect?

A.

- Poor personal hygiene
- Malnutrition/ weight loss
- Unsuitable clothing
- Unsafe living condition

There are other ways people you transport could suffer abuse:

- **Forced marriage** – where someone is forced to marry against their will. They can happen in secret and can also be planned by parents, family or religious leaders. (This is illegal, unlike arranged marriage which is legal).
- **Domestic abuse** – treating a partner badly. This includes humiliation, violence and intimidation to punish or frighten them.
- **Modern slavery** – when people are taken from one place to another to be exploited.
- **Radicalisation** – when people are encouraged to adopt radical positions on political and social issues and when people are recruited for terrorism.
- **Female genital mutilation (FGM)** – the practice of removing some or all of a girl's sexual parts. It is illegal in the UK and in many other countries.
- **Child sexual exploitation (CSE)** – a type of sexual abuse in which children are used for sex, money, power or status. Children or young people may be tricked and think they are being loved and that they have agreed to it. They might be invited to parties and given drugs and alcohol.
- **Grooming** – when someone pretends to make friends to get someone's trust, so they can eventually have sex with them. Children and young people can be groomed online or face to face. Many children and young people don't understand that they have been groomed, or that what is happening to them is abuse.
- **County lines** – is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs. They use dedicated mobile phone lines or the 'deal line'. County Lines is a serious issue nationwide. It not only involves drugs but also violence, criminal and sexual exploitation, modern slavery and missing persons.
- **Human trafficking** - is a crime relating to the moving of a vulnerable person from one place to another against their will.

What should I look out for?

There are various signs to look for. One sign on its own may not be significant, but several signs together should give you cause for concern:

- unaccompanied children
- unusual drop off points
- adults paying fares for young people
- passenger allowing others to speak for them when addressed directly
- inappropriate conversations
- passenger not knowing their home or work address
- passengers travelling with a group of persons who do not speak the same language
- passengers collected very early and/or returned late at night on a regular basis
- inappropriate clothing for the season/weather
- they may look thin, ill or depressed
- they may have no cash of their own
- a decline in a vulnerable person's well-being (e.g. noticeably more forgetful or tired)
- other warning signs such as bruising, drugs, self-harm

How to keep yourself safe

If a passenger becomes violent or aggressive, remain calm and avoid shouting. Give them space and report to your office and the transport quality monitoring team (if applicable). It is important that you behave in ways that protect you and your passengers from risk.

You should not:

- take an unplanned detour to take a passenger home
- give a vulnerable passenger your personal mobile number for any reason
- give gifts
- befriend passengers on Facebook or other social media

You should:

- read any guidelines provided by the district council or county council drivers
- be professional
- avoid swearing and aggression
- always wear your ID badge
- sit lone passengers in the back seat (unless their passport says you should not)

Reporting concerns

Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have. The ability to spot the signs and having the knowledge of how to report concerns can be a major help in preventing this crime. If you hear or see anything which makes you think someone might be at risk you need to tell your office or one of the contact numbers below. Please remember it is your job to report information, **not to investigate**.

Useful numbers

If there is an urgent risk call	999
To report specific concerns about the abuse or neglect of an adult, call Social and Health Care	0300 470 9100
If you are worried that your manager or any other professional in a position of trust (e.g. teacher) may be abusing a child, call the Local Authority Designated Officer for Child Protection (LADO)	0300 123 1650
If you are concerned that a child may be being abused by someone other than your manager or another professional (e.g. parent), call The Surrey Children's Single Point of Access (C-SPA)	0300 470 9100 cspa@surrey.gov.uk

Appendix I - Disability awareness

Taxis are an important, and sometimes the only, means of transportation for many people with disabilities. It may be that you drive a vehicle designed to make travelling easier for disabled people, but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by people with disabilities is very important.

Under the Equality Act 2010, you're disabled if you have a physical or mental impairment that has a substantial and long-term negative affect on your ability to do normal daily activities. Disability comes in many forms - not always visible.

You should never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask how you can assist.

The mandatory training will give you an awareness and better understanding of people with disabilities whilst also enabling you to ensure that your passengers always receive the very highest standard of safety. On the day of the training session, a practical demonstration will be given on manoeuvring and securing wheelchairs. Also, the following advice aims to assist you in giving the best quality of service to your passengers.

Communicating with passengers

- Speak directly to the person and not their helper or carer
- Treat people with respect and do not speak about them as if they are not there
- Be aware of personal space and physical contact

Please follow any additional information, advice or instructions that you are given by a parent, carer or establishment. For example, a carer might inform you that a child or vulnerable adult had a very difficult evening and might be quite unsettled. Don't let anyone persuade you to drop them off at an unplanned venue - someone with dementia could get lost or get into difficulties and they might no longer be safe. You may be advised not to talk with some passengers because they are too unwell to understand clearly.

Wheelchair users

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Always ask the customer to make sure that the brakes of the wheelchair are on.
- Secure the wheelchair and suggest that the passenger uses the seat belt provided.
- Avoid sudden braking or acceleration.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are

collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Passengers with walking difficulties

If the passenger appears to have walking difficulties, or is frail or elderly, always offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.

Some other tips:

- Let people use their walking aids if they have one
- Don't hurry people as they may get flustered
- Be aware of floor surfaces/hazards they will be walking on
- If a passenger falls, do NOT try to catch them

Visually impaired passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the "TAXI" sign which may be held out by some visually impaired people in order to hail a cab
- If you are knowingly collecting a visually impaired passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and sound your horn
- If your customer would like to be accompanied to or from a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily)
- Tell your passenger whether they are entering a saloon car or purpose-built cab
- Demonstrate which way the doors open where appropriate
- If possible, place a visually impaired person's hand on the open door and indicate the position of the roof
- Make sure the passenger(s) know which way the vehicle is facing
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion
- Tell passenger(s) the fare and count out the change
- Set the passenger(s) down in a safe place and ensure they know where they are going

Hearing impaired passengers

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going

Assistance dogs

Assistance dogs can be for:

- Sight loss
- Hearing loss
- Therapy dogs
- Specially trained seizure or stroke awareness dogs

Assistance dogs are trained to remain on the floor of a vehicle. Refusal to carry an assistance dog without a medical exemption is an offence under the Equality Act 2010 and is in contravention of the conditions of your licence.

Passengers with learning disabilities

A learning disability is NOT the same as a learning difficulty or mental illness. Some people with a learning disability can talk clearly and look after themselves whilst others may not be able to communicate at all.

There are different ways of communicating with passengers who have learning disabilities:

- Communication systems e.g. Makaton
- Easy read symbols e.g. emojis
- Be patient
- Use plain speech but do not use baby talk
- Say what you mean and mean what you say to avoid confusion
- Speak with feeling
- Body language is also important when communicating with passengers

Autism

People with autism have different ways of understanding the world. Some people with autism find it difficult to understand what we mean when we are talking, and some are confused by rules and boundaries. Each person with autism is different with their own preferences and needs and they can behave in unexpected ways. They may feel very anxious moving from one place to another and when very upset they may not be able to hear what is being said.

Common examples of behaviours associated with autism:

- Avoiding social interaction
- Avoiding eye contact
- Taking people's speech literally
- Being unable to understand sarcasm
- Liking familiar routine

Epilepsy

People with epilepsy can have seizures. It is important that you have read any information supplied and know what to do. If a passenger has a seizure you need to note how long this lasts and pass this message on to the relevant people.

Mental health and physical disabilities

You may also transport vulnerable adults who have a mental health condition such as dementia or anxiety or someone with physical problems such as hearing or sight loss. You will be advised on the best way to meet the passenger's needs by their family or care professional.

Dementia

One suggestion is for you to have a checklist when you are picking up or dropping off someone who is forgetful, so you can be sure they have important items such as their bag, keys, glasses, purse/wallet, any medication, etc.

Vehicle maintenance and seatbelts

Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

Best practice is for the driver to wear their seatbelt as this sets a good example for their passengers. Also make sure all your passengers are wearing a seatbelt.

Appendix J - Approval of advertising on licensed vehicles

1. All advertisements must comply with the British Code of Advertising Practice, Sales Promotion and Direct Marketing and it is the responsibility of the agency or individual seeking the council's approval to ensure that they do so.
2. Each application will be considered on its merits, but advertisements containing the following will not be approved:
 - a) Those with political, religious, sexual or controversial texts
 - b) Those for escort agencies or massage parlours
 - c) Those displaying nude or semi-nude figures
 - d) Those which seek to involve the driver as an agent of the advertisers
 - e) Those likely to offend public taste (including material depicting bodily functions and the use of obscene or distasteful language)
 - f) Those which seek to advertise more than one company.
3. All advertisement liveries must be approved by the council and proposals must be accompanied by full colour, three-view art work.
4. The licensed vehicle will be required to attend the council offices for inspection of the finished livery.
5. The bodywork of the licensed vehicle must be maintained in good condition. If any panels on the vehicle are damaged, they must be repaired or replaced within 7 days.
6. No secondary advertising of any kind will be permitted, whether in the form of the logo of the company preparing the vehicle or the name of the advertising agency.
7. No logos or words will be allowed on the boot lid area or directly adjacent to the licence plate or registration number.
8. If approved, the livery may remain on the vehicle for a period of one year. At the end of that year, the vehicle owner may apply for an extension for a further 12 months which may be granted subject to an inspection of the quality of the livery and bodywork. This would be subject to a renewal application process and fee.

Appendix K - Licensed Dual Hackney Carriage and Private Hire Dress Code

1. The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Mole Valley and Tandridge to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.
2. Acceptable Standard of Dress
 - All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.
 - As a minimum standard, males should wear trousers / jeans and a shirt which has a full body and short sleeves and be capable of covering to below the waistline.
 - Knee length, tailored shorts may be worn, for example during periods of hot weather.
 - As a minimum standard, females should wear long legged trousers, knee length skirt or dress and a shirt / blouse which has a full body and short sleeves.
3. Footwear
Footwear for all drivers shall fit around the heel of the foot.
4. Headwear
Hats may not be worn as they may obscure the driver's identity or the driver's ability to see passengers. Any driver wearing a hooded top shall ensure that the hood is removed from their head when a passenger has entered the vehicle. It shall not be replaced until such time as any passenger has vacated the vehicle.
5. Unacceptable Standard of Dress
The following are deemed to be unacceptable:
 - Clothing that is not kept in a clean condition, free from holes and rips.
 - Words or graphics on any clothing that are of an offensive or suggestive nature or which might offend.
 - Sportswear (e.g. football / rugby kits, track suits, beach wear etc).
 - Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
 - Drivers not having either the top or bottom half of their bodies suitably clothed.
 - The wearing of hoods or other clothing that obscures the driver's vision or their identity when carrying passengers in their vehicles.

Appendix L - Licensed Dual Hackney Carriage and Private Hire Code of Conduct

The Joint Mole Valley and Tandridge District Council code of conduct applies to all licensed drivers when working with all passengers, with particular attention required when working with vulnerable passengers.

A vulnerable passenger is a passenger whose age, disability or other impairment means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person, or somebody with learning difficulties. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with all passengers including those who are vulnerable, in the taxi or private hire trade.

The following principles should be embedded into driver working practice, in addition to compliance with Policy requirements and licence conditions:

1. Drivers must carry photo ID at all times and wear it in accordance with the conditions of licence.
2. A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
3. When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
4. If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
5. Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions.
6. Drivers must remain professional at all times and should not make offensive or inappropriate comments or gestures (such as the use of swearing or sexualised or discriminatory language) or behave in a way that may make a passenger feel intimidated, threatened, harassed, bullied, or act in a confrontational or aggressive manner to any person at any time.
7. The driver shall not drive a vehicle in such a manner so as to cause distress to a passenger or so as to be dangerous or potentially dangerous to passengers, pedestrians, other road users or the general public.
8. Drivers must not use or attempt to misuse personal details obtained via the business about a person
9. The driver shall not engage in any sexual or inappropriate activity with customers or make any advances, touching, inappropriate comment or action that could be construed, or perceived to be an attempt to procure any special relationship, sexual or otherwise, with the customer

10. A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.
11. Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
12. If a driver/operator is concerned about someone else's conduct, they should report their concerns to the council's licensing department, police (101) or Crimestoppers (0800 555111).
13. The driver shall dress in accordance with Mole Valley and Tandridge District Council's licensed driver Dress Code and the driver shall at all times be clean and respectable in his/her dress and person.
14. The driver of a private hire vehicle shall not park on, drop off or pick up at any taxi rank for any reason during the operational times of such rank.
15. The driver of a private hire vehicle shall not ply for hire on any public or private road, or tout or solicit any person to hire or to be carried in his/her private hire vehicle. The driver shall not accept any offer of immediate hire whilst the driver or vehicle is on the road or in any other public place.
16. The driver of a private hire vehicle shall not await bookings when out of the respective Council's Borough.
17. A driver who has agreed, or whose vehicle has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place, ensuring the place is in accordance with the operator and Council instructions as to where pick-ups can occur.

Drivers should not:

1. Make discriminatory remarks relating to age, gender, sexuality, disability, race, religion or belief.
2. Use offensive or inappropriate language in public.
3. Smoke, vape/use e-cigarettes, eat or drink in the vehicle
4. Give or take details of any blogs or personal websites or use any form of electronic communication to send messages to a passenger that do not relate to matters around the hiring of the vehicle. This includes social networking sites such as Facebook, Twitter or any other form of electronic communication for the purpose of social messages.
5. Use their position to force or indoctrinate passengers into following a political, spiritual or religious belief.
6. Take photographs (other than images captured on and approved vehicle CCTV system) of passengers even if it is at their request.
7. Behave in a manner that may be considered intrusive, intimate, over-personal or unprofessional with any passenger and should at no time provide any form of gift or gratuity, no matter how small or invaluable.
8. Allow any audio equipment to become a nuisance to passengers
9. Make improper use of the vehicle's horn by sounding it as a means of alerting hirers of his/her presence, other than in an emergency.

Conduct of hackney carriage drivers at taxi ranks (official or unofficial ranks), Drivers should

10. Rank in an orderly manner and proceed along the rank promptly and in order
11. Remain in attendance with the vehicle.
12. Not allow the vehicle to be on the rank unless it is available for immediate hire.
13. Not wait for pre-booked fares on the rank.

Appendix M - Glossary of Terms

Term	Description
Authorised officer	An officer authorised by the council under the relevant legislation governing the licensing of hackney carriage and private hire vehicles, operators and drivers
Compliance certificate	Test of mechanical fitness for a licensed vehicle and its compliance with the standards as set out in this policy
Convictions and cautions	Applicants should note that any reference in this document to ‘conviction’ includes all convictions, warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders and fixed penalties (including traffic offences), including those that are regarded as spent under the 1974 Rehabilitation of Offenders Act (see Regulated Occupation below).
Council	The Mole Valley District Council in its capacity as licensing authority for the area of Mole Valley, and/or Tandridge District Council in its capacity as licensing authority for the area of Tandridge.
DBS	Disclosure and Barring Service. Formerly Criminal Records Bureau (CRB)
DfT	The Department for Transport
DfT guidance	The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010 and Private Hire Vehicle Licensing: Guidance Note, published in August 2011
DfT guidance on stretched limousines	The Department for Transport Guidance for Operators of Stretched Limousines, published March 2013
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency
EEA	European Economic Area
Licensing Committee	The committee of councillors of Mole Valley District Council that is responsible for the council’s hackney carriage and private hire licensing functions in the area of Mole Valley, and the committee of councillors of Tandridge District Council that is responsible for the council’s hackney carriage and private hire licensing functions in the area of Tandridge.
Group 2 Medical	The DVLA Group 2 standard of medical fitness for professional drivers.

Guidance on suitability etc	The Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' published in April 2018
Hackney carriage	A vehicle licensed to ply for hire throughout the respective district.
HGV	Heavy Goods Vehicle
Low emission vehicle (LEV)	One with CO ₂ emissions of 120 g/km or lower
Licensing panel	A Taxi Licensing Panel of Mole Valley District Council or Tandridge District Council.
Passenger	A traveller in a vehicle other than the driver.
Plying for Hire	Not defined in statute. However, a general description is: 'A Hackney Carriage that should be on view, that the owner or driver should expressly or impliedly invite the public to use it, and that the member of the public should be able to use that vehicle if he wanted to'.
Private hire vehicle	A motor vehicle constructed or adapted to seat fewer than 9 passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers
Private hire operator	A person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake. 'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle
PSV	Passenger Service Vehicle
Regulated occupation	The principles of the Rehabilitation of Offenders Act 1974 do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence. See also Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
Taxi	This word has no meaning in law but is routinely used in government documents to describe hackney carriages. To avoid confusion, the use is limited to instances where reference is made to other documents which have used it.
Ultra-low emission vehicle	An ultra-low emission vehicle is a vehicle that produces less than 75g/km of CO ₂ .
Vehicle or licensed vehicle	Both a hackney carriage and private hire vehicle.

APPENDIX N – ACCIDENT REPORT FORM

Hackney Carriage and Private Hire Vehicle Accident Report Form

Under section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the vehicle conditions for both Hackney Carriage and Private Hire Vehicle, the holder of the licence is required to inform the Council's licensing team within 72 hours of any accident involving the licensed vehicle, and failure to do so is an offence.

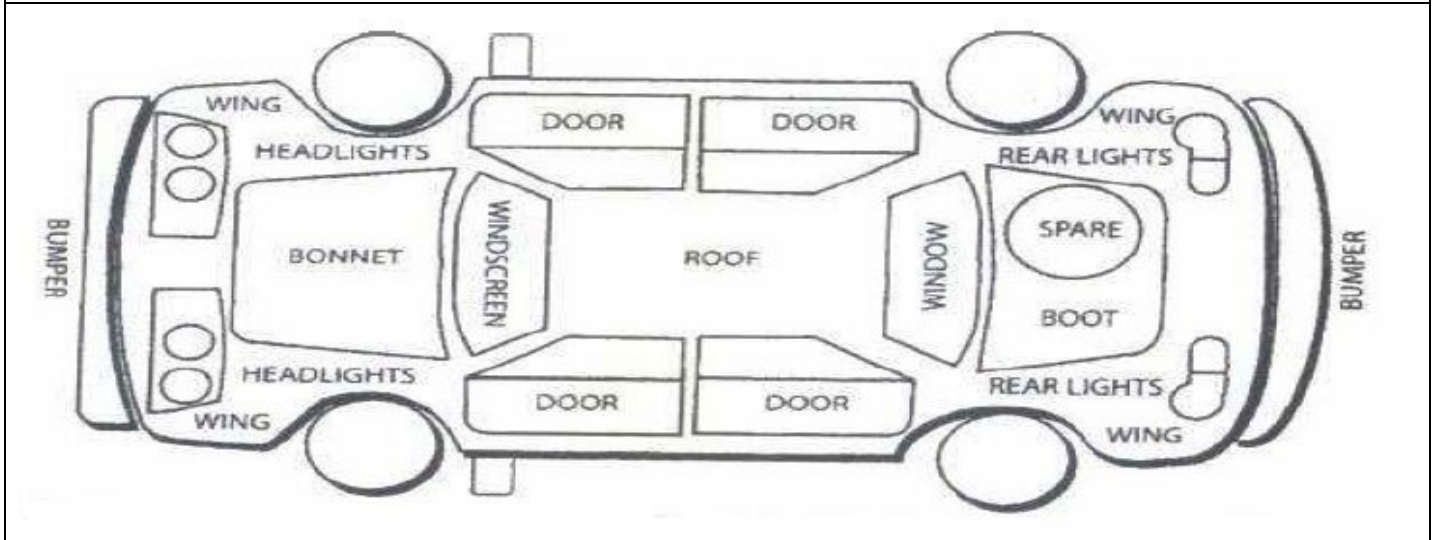
The vehicle's licence holder or driver is required to use [this form](#) to report the accident within 72 hours. Details must be accurate and complete. The completed form can be emailed to licensing@molevalley.gov.uk

Details of Accident:			
Time (24H)	Date	Road/Place	Town/City
Brief Description of Incident			

Vehicle details:									
Hackney Carriage or Private Hire:	Hackney	Private Hire	Registration number (BLOCK CAPITALS)						
Licence number:			Licence expiry date						
Name of Driver at time of accident:				Driver's Badge number:					
Driver's email				Driver's contact telephone number					

Primary Vehicle Licence Holder (details of one vehicle licence holder must be completed):			
Full Name:			
Home Address:			
Email Address			
Telephone number:		Mobile Number:	

Indicate the damaged area(s) of your vehicle using the key below



PLEASE MARK ONLY THE DAMAGE THE VEHICLE HAS SUFFERED AS A RESULT OF THE ACCIDENT
(Key: S= Scratch D= Dent M= Missing)

Describe damage to licensed vehicle: i.e. severe damage, superficial etc			
Front:		Driver's side:	
Rear:		Passenger side:	
Injuries to self? (Yes/No)		Other vehicles involved? (Yes/No)	
Injuries to passengers? (Yes/No)			
Name, address and telephone number of passengers (continue on separate sheet if required):			
Passenger 1 Name & Address Telephone Number		Passenger 2 Name & Address Telephone Number	

Third Party Vehicle (If more than one vehicle involved please use additional sheets to supply this information for each vehicle)			
Describe damage to third party vehicle: i.e. severe damage, superficial etc			
Front:		Driver's side:	
Rear:		Passenger side:	
Third Party Vehicle Details			
Registration		Driver	
Address of Driver Telephone Number			
Injuries to driver? (Yes/No)		Injuries to passengers? (Yes/No)	
Name, address and telephone number of passengers (continue on separate sheet if required):			
Passenger 1 Name & Address Telephone Number		Passenger 2 Name & Address Telephone Number	

Was the accident reported to the Police?	If yes, what is the reference number?	
Was the accident reported to your insurance company?	If yes, when was it reported?	

Is your vehicle off the road?
If yes, will the vehicle be repaired?
Give full address where the vehicle is being kept:
Telephone:

If No, is the vehicle still being driven for hire and reward?	
If No, will you be replacing the vehicle on this licence?	
If the vehicle is off the road, and will not be repaired, you will need to return the internal and rear plates, and prove that you have removed the livery (hackney carriages) or return the door signs (private hire).	

Warning:

Failing to provide the required information or providing false or incorrect information may result in prosecution.

Declaration:

I (name)..... am the and declare that the above information is true. I understand that it is a criminal offence to make a false statement or omit any material particular from this document.

Signed: _____ **Dated:** _____

When completed, deliver this form to: Mole Valley District Council, Licensing Team, Pippbrook, Dorking, RH4 1SJ or email a scanned (with signature) version to licensing@molevalley.gov.uk or Tandridge District Council, Licensing Team, Council Offices, 8 Station Road East, Oxted - taxilicensing@tandridge.gov.uk

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Review of Dog Walking Policy

Community Services Committee Thursday, 15th June 2023

Report of: Deputy Chief Executive

Purpose: For decision

Publication status: Open

Wards affected: All

Executive summary:

In response to the tragic death of Natasha Johnston, a dog walker who died at Caterham Viewpoint, Gravelly Hill on 12th January, a multi-disciplinary Officer Working Group was created to consider the steps that could be taken to reduce the risk of this happening again.

The Anti-Social Behaviour, Crime and Policing Act 2014 gave powers to Local Authorities to introduce Public Space Protection Orders (PSPOs) for the control a range of issues linked to anti-social behaviour, including the control of dogs. Although the vast majority of dog owners behave in a responsible manner, the control of dogs remains a significant issue of concern for members of the public and even more so following the recent events described above and in other parts of the UK. Officers have considered various options and are seeking Committee approval to introduce a PSPO. This will require a full public consultation on the proposals. Officers will report back on the findings of the consultation prior to the Order being drafted.

This report supports the Council's priority of: Building a better Council

Contact officer: Jason Thomas Asset Management Specialist
jthomas2@tandridge.gov.uk

Recommendation to Committee:

That:

- a) A six-week period of public consultation on the Draft Public Spaces Protection Order be undertaken.
- b) The proposals for Dog Control (as outlined in the report) be approved for inclusion in the consultation.
- c) A further report be presented to a future meeting of the Community Services Committee detailing the results of the consultation exercise and recommending the introduction of a PSPO at the earliest possible date.

Reason for recommendation:

The recommendation will support the Council's objective of minimising risk to dog walkers, dog owners and the general public.

1. Introduction and background

- 1.1. The Head of Operational Services and Contracts read a brief statement to Committee on 9th March 2023 in response to the statement and subsequent Resolution made at the previous Committee.
- 1.2. Officers resolved to prepare a paper to this Committee setting out the consultation process and options that could be pursued if the Council were to proceed with the introduction of a PSPO controlling dog walking and fouling on the Council's open Spaces.
- 1.3. Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities with the powers to create a PSPO where they are satisfied that activities conducted in a public place:
 - Have had, or likely to have, a detrimental effect on the quality of life of those in the locality.
 - Is, or is likely to be persistent or continuing in nature.
 - Is, or is likely to be unreasonable.
 - Justify the restrictions to be imposed.
- 1.4. The Order can last for a maximum of three years.
- 1.5. Research suggests that there are an estimated 12.5 million dogs in the UK and that a third of all households in the UK own a dog. In further research conducted by the Dogs Trust in 2020, a quarter of owners reported that their dog developed a new behavioural problem during the pandemic lockdown.

- 1.6. It is estimated that dogs produce more than 1,000 tonnes of waste each day, with up to 31% of owners admitting to not always cleaning up after their dogs. Dog mess is the most unacceptable and offensive type of litter in our public spaces and contact with dog faeces can lead to a number of serious infections such as toxocarasis which can lead to dizziness, nausea, asthma, blindness and seizures.

2. Public Space Protection Orders

- 2.1. The Council is keen to take measures to combat dog-related nuisance and is proposing to introduce a PSPO to give its enforcement officers the power to deal with dog owners who fail to properly control their dogs in public open spaces. This will help to ensure that residents and visitors can use and enjoy public spaces without experiencing anti-social behaviour and suffering a detrimental impact to their quality of life.
- 2.2. PSPOs may impose legally enforceable restrictions on certain activities or conduct of any person in the area to be covered. They may also impose lawfully enforceable specific restrictions on persons engaged in certain activities or conduct in the same area. Care must, however, be taken to ensure that any introduction of a PSPO does not knowingly cause displacement of the behaviour.
- 2.3. Any PSPO that is introduced must be legally robust and stand up to potential legal challenge.
- 2.4. The local authority must have evidence showing that what is happening in the relevant area has had or will have a detrimental effect on the quality of life of those in the locality and that it has been persistent or is likely to continue. The proposed PSPO must be a proportionate and appropriate response to this.
- 2.5. Consultation and Publication are legally required before an Order can be made. Local authorities are obliged to consult with the local Chief Officer of the Police, the Police and Crime Commissioner, owners or occupiers of land within the affected area and appropriate community representatives.
- 2.6. Signage would be installed in the areas affected, advising people that they are in a PSPO area and warning of the possible consequences of displaying any anti-social behaviour that is restricted by the Order. It is anticipated that the signage scheme would be supplemented by notices and public information to enhance public understanding of the requirements of the PSPO.
- 2.7. Any breaches of the PSPO by an individual would be enforced by the issuance of a £100 Fixed Penalty Notice at the time of the offence, which can be issued by a Police Officer, Police Community Support Officer (PCSO) and Council Officers (who have had the relevant enforcement training).

3. Licenced Businesses

- 3.1. Businesses that hold a licence for boarding dogs or providing day care facilities (which may include walking one or more dogs outside that property), are regulated by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 3.2. The number of businesses that are licensed under the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 in Tandridge as of 23rd May 2023 is as follows:
- Boarding Kennels/Catteries 12
 - Day Care 6
 - Home Boarding 24
- 3.3. Licences are issued by the Environmental Health team. A licenced business is permitted to walk up to six dogs in a public area. However, if there is PSPO in place that limits the number of dogs to below this number, an offence would still be committed, regardless of whether the person is licenced under Animal Welfare Regulations.
- 3.4. Thirteen percent of dog owners in the UK now use professional dog walking services. However there is currently no national regulation or licencing regime covering this activity. Professional dog walkers are required to hold a licence (which includes a code of conduct) under our Parks and Open Spaces Charging Policy if they are using Tandridge parks and open spaces. There are currently only three dog walking operators licenced by this council. Enforcement is challenging, given the number of open spaces in our district and limited resources in this area, but officers are reviewing this policy following the recent tragic incident.

4. Options Implemented by other Authorities

- 4.1. Many local authorities are now reviewing their policies and PSPO restrictions following recent incidents which have been covered in the national press. Officers have researched the PSPOs that have been introduced or are being considered by other local authorities, including through a request via the Mallard regulatory support network. The results are below.

Local Authority	Restriction on number of dogs walked	Dogs on leads	Dogs on leads by direction	Exclusion(s) from certain areas (e.g. public playgrounds)
Derbyshire Dales	No	Y	Y	Y
Test Valley	No	Y	Y	Y

Chichester	No	Y	Y	Y
West Northants	4	Y	Y	Y
Adur & Worthing	6	Y	Y	Y
Croydon	4	Y	Y	Y
Reigate and Banstead	6 (considering reduction to 4)	Y	Y	Y
Surrey Heath	No	Y	Y	Y
Bromley	4	Y	Y	Y
Ipswich	4	Y	Y	Y

5. Issues for Consideration

- 5.1. When considering a PSPO and the recommendations, Members are reminded that the introduction of a PSPO should be based on evidence and not people's opinion or preferences.
- 5.2. The Order must stand up to potential legal challenge and it needs to be reasonable and proportionate to address specific ASB issues which are taking place. The evidence must show that there is a detrimental effect on the area in question and changes are needed to address this.
- 5.3. Council Officers will enforce breaches of the Order as far as is practicable within the available resources and will consider the options in conjunction with other agencies.
- 5.4. The Police have the ability to enforce breaches. However, the Police would be likely to only address breaches of the PSPO during their day-to-day activities if anti-social behaviour was demonstrated as a result.
- 5.5. Choosing not to take forward the consultation and consideration of a PSPO designed to encourage responsible dog ownership is not recommended. This is because of the potentially serious impact that the behaviour of a small number of irresponsible or inconsiderate dog owners and persons in control of dogs can have on the wider community. Without such measures, education and management regarding responsible dog ownership and control would be made be more difficult.

6. Consultation

6.1. Officers recommend that the Council enters into a formal consultation period in relation to the dog control restrictions that Officers are proposing be included within the Order. The consultation will be in the form of a detailed questionnaire that will be available to the general public via our website and social media platforms. The consultation will also be sent to other bodies such as Parish Councils, Surrey County Council and known relevant professional organisations.

6.2. The options considered are as follows:

Maximum number of dogs

It is proposed that no one person is allowed to walk more than four dogs in a public space at any time. Any person who is witnessed walking more than four dogs would be guilty of an offence. Officers view four dogs as the average number that is being enforced or considered by other local authorities.

Fouling of land by dogs

It is proposed that if a dog defecates at any time in a public space, and if the person who is in charge of the dog at the time, fails to remove the faeces forthwith, shall be guilty of an offence.

Dogs on Leads (not more than 1.5 metres in length) and Dogs on lead by direction (not more than 1.5 metres in length)

It is proposed that a person in charge of a dog shall be guilty of an offence if the person is not holding a dog on a lead in a public space and also if the person does not comply with a direction by an authorised officer to put and keep the dog on a lead of not more than 1.5 metres in length.

Dog exclusion

It is proposed that all dogs (with the exception of Guide Dogs or Special Assistance Dogs) would be excluded from certain areas, such as children's' play areas. It is proposed that a person in charge of a dog shall be guilty of an offence if the person does not comply with a direction given by an authorised officer to remove a dog from prohibited areas.

Key implications

Comments of the Chief Finance Officer

Although the consultation itself has no material financial implications, if adopted, the proposals may do. The report notes that the Council will enforce breaches as far as is practicable within the available resources and will consider the options in conjunction with other agencies. Activity in this area would need to be considered alongside other priorities, with resources deployed accordingly. The Council's budget position continues to be constrained and is likely to remain so across the medium-term.

Comments of the Head of Legal Services

The relevant legislation relating to PSPOs is the Anti-social Behaviour, Crime and Policing Act 2014 and Regulations made pursuant to it. These statutory provisions stipulate that before introducing, extending, varying or discharging a PSPO, there are certain requirements which the Council has to observe regarding consultation, publicity and notification.

Local authorities are required to consult with the local chief officer of police, the police and crime commissioner, owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. There are no strict rules governing the length of the consultation period but 4-6 weeks would appear to be a reasonable period. There are a set of well-established common law rules which set out the requirements of a lawful public consultation which are known as the Gunning principles. They were endorsed by the Supreme Court in the Moseley case.

The principles can be summarised as follows:

- Consultation should occur when proposals are at a formative stage;
- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response;
- The product of consultation should conscientiously be taken into account by the decision maker.

There are a very significant number of judicial review cases which involve successful challenges to the lawfulness of a consultation undertaken by a public authority so it is imperative that the Gunning principles should be closely followed. There will be risks associated with those who will be tasked with enforcing the PSPO and appropriate training will need to be given. Risk assessments will need to be completed for the enforcement activity and all reasonable precautions taken to minimise any risk. There are also reputational risks in terms of the Council being perceived as enforcing against vulnerable persons and seeking to criminalise certain behaviours which would not normally attract fixed penalty notices or prosecution for non-payment.

The PSPO will raise expectations that prohibited behaviours will be eliminated entirely; however due to difficulties in identifying some of the contraventions and taking a proportionate approach to enforcement there will not always be immediate results which will be noticeable to the public.

Equality

There are no significant equality implications associated with this report. However, the Public Space Protection Order continues to have a positive impact on the community by addressing antisocial dog ownership by a minority of people. Dogs that aid those with disabilities will be excluded from the requirements of the Order.

The authority must also consider its proposed restrictions against the rights of freedom of expression (Article 10) and assembly (Article 11) under the European Convention on Human Rights. The proposed restrictions may be deemed to be against the rights in Article 10 and 11 but it is not considered that there will be any infringement on these rights. If there is any infringement it is considered that it is proportionate for the prevention of disorder and crime.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

None

Background papers

None

----- end of report -----

UK Shared Prosperity Fund Update

Community Services Committee - 15 June 2023

Report of: Chief Finance Officer (Section 151)

Publication status: No restriction

Wards affected: All

Executive summary:

Members have previously agreed to allocate the Tandridge award from the Government's UK Shared Prosperity Fund ('UKSPF') towards helping to deliver the Council's Open Space Strategy. This will provide welcome levels of investment in parks and open spaces across the District and the Committee is now asked to approve the programme and project funding allocation from the grant.

The Council has previously submitted its indicative project and programme allocations to gain Government approval for the grant award.

This report sets out the process which has been undertaken to cost, assess and prioritise the projects. A first tranche of projects has been identified to begin immediately to ensure sufficient drawdown of the grant within 2023/24.

The Committee is invited to approve this first tranche of projects which are detailed at Annex A.

The Committee is also invited to form a Member Working Group to meet in the coming weeks to assess expenditure on future projects within this programme.

This report supports the Council's priorities of:

Creating the homes, infrastructure and environment we need.

Becoming a greener, more sustainable District.

Contact officer Jason Thomas Asset Management Specialist
jthomas2@tandridge.gov.uk –

Recommendation to Committee:

- A) To approve the programme of projects for expenditure under the Tandridge UKSPF programme at Annex A.
 - B) To agree to form a Member Working Group to discuss and approve the further programme of projects to commit full expenditure of the Council's UKSPF Allocation.
 - C) To note next steps and further reporting to this Committee.
-

Reason for recommendation:

The award of UKSPF funding to the Council followed an initial application process, where it had to set out its intentions in meeting the Government's levelling up missions.

To obtain the funding award, the Council had to specify 'resonant' programmes and projects to the levelling up priorities. The Tandridge Open Space Strategy was used as the document for this process and indicative costings and project groupings were submitted to secure the grant award. The overall award received from Government is £1m.

The first tranche of projects is now brought to the Committee for approval (Annex A), based upon a robust and detailed prioritisation and costing process undertaken by Coast to Capital, under commission from the Council.

1. Introduction and background

- 1.1. The Council has secured a UK Shared Prosperity Fund ('UKSPF') allocation from Government of £1m. To obtain the allocation the Council had to submit an application that aligned with the Government's levelling up missions and objectives. The Council chose to make this submission based on funding required to help to deliver the Tandridge Open Space Strategy. This strategy is a mix of high-level aspirations and more detailed Parish based projects to improve parks and open spaces. The UKSPF allocation will provide welcome levels of investment in the District's parks and open spaces, with a focus on the environment, biodiversity, health, recreation and play.
- 1.2. The Open Space Strategy details 249 projects and programmes. The cost of delivering all projects would be £4.7m. Therefore, the challenge was to prioritise all projects objectively on the basis of widest impact.
- 1.3. The Council employed Coast to Capital (our Local Enterprise Partnership) to undertake this work as they have extensive experience of funding allocation and project analysis, prioritisation and costing. This experience extends across their own grant programmes, that have passed multiple Government audit and governance tests and their wide experience of managing UKSPF monitoring for other authorities.

2. Project Prioritisation Methodology

- 2.1. Coast to Capital initially costed all projects within the Open Space Strategy and then then assessed each project / programme against a range of individual criteria. Each project was scored against these individual criteria and the score moderated and tested by an independent Coast to Capital officer.
- 2.2. The assessment criteria were also agreed with Council Officers and the categories are set out below:

Community Impact

This criteria scores the degree of impact that the project has on the local community, with those projects that touch more people scoring higher than those who touch fewer numbers of people. (Score 0 to 5).

Project Impact (geography)

What is the scale of geographic impact of the project across the District. Projects having a wider geographic impact score highest. (Score 0 to 5).

Project Implementation Timescale

The shorter the implementation timescale the higher the score. This recognises quick wins and achievement of Government expenditure profiles, as a requirement of the UKSPF award. (Score 0 to 5).

Deliverability

What is the complexity of the project regarding delivery, with those projects that are less complex scoring more highly as these will be most able to meet the funding draw down profile required by Government. (Score 0 to 5).

Project Cost

Projects that are of a lower cost score higher, as prioritising these projects will allow a greater number of overall projects to be pursued within the financial envelope. (Score 0 to 5).

Other Sources of Funding

Are any other sources of funding available to deliver this project? If there are other sources of funding available, the project is scored lower. If there are not, the project is scored higher as UKSPF funding is the only chance that the project has of getting delivered. (Score 0 to 5).

- 2.3. Project scores were then totalled and a ranked list from highest to lowest score, of projects was drawn up. Those projects, from highest score downward, that then fell within the overall Tandridge UKSPF funding envelope, formed the short list to be considered in more detail. This shortlist was further pared back to the projects that officers recommend are funded now, to meet the tight timescales for UKSPF funding. The final list

favoured projects that were District-wide or laid the groundwork for further consideration. Some lower-value location specific items were retained to ensure that tangible benefits were delivered in the first tranche. Items not included in Annex A will be discussed in more detail with Members, through a proposed working group. They will then return to Committee for approval. The indicative allocation for the projects in Annex A is £272k, leaving £608k to be allocated. This means that the majority of funding would be prioritised with the Committee but provides a practical starting point for meeting the grant timescales.

- 2.4. The full project list in order of highest to lowest scores forms one of the background papers to this report.

3. Project Costing & Development

- 3.1. Each prioritised programme / project that fell within the overall funding envelope was then further developed. Projects and programmes have been grouped under the following programme groupings:
 - a) Anti-Social Behaviour
 - b) Wildlife & Biodiversity
 - c) Community & Wellbeing
 - d) Facilities Improvements
 - e) Wayfinding & Signage
 - f) Open Space Reviews & Considerations
- 3.2. The overall funding envelope to spend on project delivery is £880,000 with £120,000 being allocated to project resourcing, management, administration and monitoring. The short-listed projects have been grouped under the above listed themes and are presented in Annex A.
- 3.3. The majority of the project sites were visited by Coast to Capital and individual project detailed pro-formas have been prepared. Also the shortlisted projects have been subject to detailed costing and a suite of project cost workbooks have been prepared to allow benchmarking and checking of contractors quotations, to ensure value for money. The workbooks will also serve as a future costing tool to aid the Council in estimating open space schemes.
- 3.4. A number of the projects have zero cost allocated to them. This is because these activities are funded from elsewhere within the Council's budgets and therefore did not need a specific UKSPF allocation. However, they have still been left in the long-list to highlight their importance and high scores.
- 3.5. Several the projects are aimed at improving the performance of Council assets and, where appropriate, driving fair and reasonable commercial income from these following specific reviews.
- 3.6. Also, several projects renew and / or refurbish assets such as play equipment or public conveniences. Many projects will also enhance the

environmental performance and biodiversity of our parks and open space assets.

- 3.7. During the delivery phase of projects, work will be undertaken in parks and open spaces, where children are often present. Appropriate safeguarding procedures for the vetting of contractors and organisations employed by the Council will be undertaken prior to them being commissioned.
- 3.8. Parks and open spaces will remain open during the works phase of projects, but local isolation of work areas will be undertaken to ensure high standards of health and safety as works are carried out. Full risk assessments and methods statements will be obtained and vetted prior to works being commenced including detailed health and safety planning.
- 3.9. Anything funded by the project will come with a plan for ongoing financial sustainability.

4. Funding Allocation to each Project

- 4.1. The funding allocation for each project is either based upon a direct costing, where the project forms a unique scheme, or on a unit rate basis, where it forms a programme, e.g. community orchard planting across the district. The detailed costing for each project and programme correlates well to the original UKSPF funding submission to Government, although that was not at the level of detail that is now available. There are also a few instances where there is some degree of crossover between existing budgets and identified project activities.
- 4.2. Therefore, we recommended that delegated authority is given to the Chief Finance Officer in consultation with the working group to sign off the ultimate project and programme allocations, subject to them being within the overall UKSPF envelope and supporting and enhancing existing budgets. Allowing this flexibility will allow further refinement and scoping of individual projects.

5. Risk Assessment

- 5.1. Each project has a risk assessment included within the pro-forma itself.

6. Next Steps

- 6.1. The next step will be to commence any surveys required prior to the start of projects and then to move to the procurement and delivery phases. Further progress reports will be brought back to this Committee.

7. Consultation

- 7.1. The Tandridge Open Space Strategy was extensively consulted upon with residents and stakeholders across the District, prior to its adoption.
- 7.2. Relevant additional consultation will be undertaken during the delivery phase of individual projects as necessary.

Key implications

Comments of the Chief Finance Officer

The Tandridge UKSPF programme budget is a 'ring fenced' grant from Government, with the draw down profile detailed below. The grant is ring fenced to delivery of prioritised elements of the Tandridge Open Space Strategy.

- £1million of UKSPF awarded
- For Y1, 10% capital, 90% revenue
- 12% allowance for Management / Admin costs
- The original allocation to Tandridge was:

22-23	23-24	24-25
£69,267	£138,534	£792,198

- Amended allocation is now :

	22-23	23-24 (including carry forward from 22-23)	24-25
Capital Project Costs		£20,780	£79,219
Revenue Project Costs		£131,696	£648,304
Management / Admin allowance at 12%	£10,325	£45,000	£64,675

The main risk associated with this grant is not being able to demonstrate that the original outputs and outcomes promised within the submission have been delivered. This risk will be mitigated by further detailed project risk analysis prior to commencement of the delivery phase.

Costs will be managed to ensure that they do not exceed available grant funding. This may require scope changes or reprioritisation towards the end of the project to ensure that funding is used in full but not exceeded.

Comments of the Head of Legal Services

The Council is the accountable body responsible for overseeing delivery of projects and distribution of funding in accordance with corporate policies. There is a percentage of the funding allocation (4%) that may be utilised by the Council to manage and administer the programme. Monitoring and administering the grant may need a larger administration budget in the first year than in later years. This is acceptable so long as the percentage is not exceeded overall. Legal Services will need to be formally instructed for support to safeguard the Council's interests in terms of any agreements and contracts.

Corporate Implications:

Equality

At programme level, the projects within the proposed programme promote equality of access to our parks and open spaces by making them more attractive.

At the next stage of project scoping, where relevant, an equalities impact assessment will be undertaken on a per project basis, with mitigation measures forming a key part of the procurement and delivery phases.

Climate change

Many of the projects detailed within the programme improve the environmental performance of our parks and open spaces. In particular, the biodiversity improvements and wild-flower meadow planting will have significant positive impacts. Equally tree and shrub planting will have carbon sequestration benefits.

Appendices

Annex A – Proposed Tandridge UKSPF Programme – First Tranche

Background papers

Tandridge Open Space Strategy 2021 – 2025

[List of all Tandridge Open Space Strategy Projects - Scored Priority Order](#)

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Theme / Project	Budget	Allocation	Remainder to Allocate
Total Programme	£880,000	£272,134	£607,866
PROGRAMME 1: ANTISOCIAL BEHAVIOUR	£100,000	£61,206	£38,795
7. Dog and Litter Bins: Review and implement consistent dog and litter bins.		£10,000	
19. Vandalism and Damage to Equipment: Enhance approach to addressing safety concerns such as vandalism and damage to play equipment.		£51,206	
PROGRAMME 2: WILDLIFE & BIODIVERSITY	£290,000	£53,405	£236,595
2. Biodiversity: Explore opportunities to encourage biodiversity within the district's parks and open spaces.		£50,000	
67. Tylers Close: Plant more trees/shrubs to improve biodiversity value and visual amenity.		£2,010	
106b Wapses Lodge: Consideration of wild meadow.		£1,395	
PROGRAMME 3: COMMUNITY & WELLBEING	£142,000	£100,167	£41,833
13. Promoting and publicising Open Spaces: Consider promoting and publicising the use of our open space more. Consider improving communications on website which could include interactive map.		£24,000	
20. Arts Projects and Statues: Explore opportunities to encourage art projects including tree art, graffiti and statues.		£66,667	
23. Review Allotment Provision: Review allotment provision to ensure it meets demand.		£8,500	
45b Timber Hill: Potential for future community events.		£1,000	
PROGRAMME 4: FACILITIES IMPROVEMENTS	£230,000	£5,443	£224,557
62a. Caterham Viewpoint and Fosterdown Wood: Improve quality.		£4,167	
79b. Beacon Field: Consider more bins.		£1,276	
PROGRAMME 5: WAYFINDING & SIGNAGE	£18,000	£16,450	£1,550
34c. Westway Common: Improve signage		£2,350	
38. St Lawrence Way: Improve signage.		£2,350	
39c. Town End: Improve signage.		£4,700	
83a. Bushey Croft Playing Field (Field in Trust): Explore improvements to signage.		£2,350	
105c. Manor Park: Improve signage at car park entrance with a possible map included.		£4,700	
PROGRAMME 6: OPEN SPACE REVIEWS & CONSIDERATIONS	£100,000	£35,464	£64,536
26. Housing Land: Review large grass areas on housing land for suitability of land for inclusion.		£16,000	
33n. Queens Park: Improve community noticeboard.		£4,500	
74d. Godstone Road Playing Field: Consider more bins.		£2,136	
77b. Jenner's Field Recreation Ground: Consider more bins.		£2,552	
78. Bloomers Field: Consider more bins.		£1,276	
89c. Coldshott Playing Field (Field in Trust): Potential for football goals and install new, varied equipment.		£4,000	
105d. Manor Park: Review sustainability of tennis club in this location. Road entrance to tennis court.		£5,000	

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2022/23 Budget Outturn - Community Services

Community Services Committee Thursday, 15 June 2023

Report of: Mark Hak-Sanders - Chief Finance Officer (Section 151)

Purpose: To note the 2022/23 Outturn / Quarter 4 / Month 12 (March) financial position of the Committee.

Publication status: Unrestricted

Wards affected: All

Executive summary:

This report presents to note the 2022/23 Outturn / Quarter 4 financial position of both the revenue and capital budgets for this Committee.

This report supports the Council's priority of: Building a better Council

Contact officer Mark Hak-Sanders, Chief Finance Officer (S151),
mhaksanders@tandridge.gov.uk

Recommendation to Committee:

That the Committee's Revenue and Capital Outturn positions as at Quarter 4 / M12 (March) 2023 be noted.

Reason for recommendation:

The Council has a duty to ensure that its expenditure does not exceed resources available. The medium-term financial outlook remains uncertain, particularly in respect of Government funding, and so the Council must continue to take steps towards growing its financial resilience, including building reserves to a sustainable level.

It is essential, as a matter of prudence that the financial position continues to be closely monitored. In particular, Members must satisfy themselves that sufficient mechanisms are in place to ensure both that savings are delivered, and that any new expenditure is contained within the available resources. Finance have committed to bringing quarterly financial monitoring updates to each committee to ensure that all members are aware of the financial position of the services within their remit, as context for decisions needed to mitigate any variance to budget and in terms of the effect on the budget for 2023/24.

The consolidated position will be reported to Strategy & Resources Committee on the 29th June 2023.

Introduction and background

- 1 The 2022/23 Community Services Revenue budget was approved at £4,051k on 17th March 2022, including the distribution of staffing increments and vacancy factor (known as the Tranche 2 budget).
- 2 The 2022/23 Community Services Capital budget was approved at £672k by Council on 10th February 2022 having been considered by Community Services Committee on the 18th March 2022.
- 3 This was increased to £1,839k by carry-forwards from 2021/22 approved by S&R committee on 30th June 2022.

Summary

- 4 The full-year revenue outturn is a net spend of £4,156k against the budget of £4,051k. This is a full-year overspend of £105k and improvement of £189k against Quarter 3 / Month 9 forecast outturn. Of this variance, a favourable variance of £154k is one-off for 2022/23, with a £258k net overspend relating to ongoing pressures. These ongoing pressures; predominantly reduced income and the impact of inflation on contract costs, were anticipated in the 2023/24 budget.
- 5 The key area of revenue variance is in the Waste service, which is overspent by £243k, the majority of which is ongoing. This relates to the impact of inflation on the contract, which outstripped expectations and was driven by national factors, particularly fuel cost increases and consumer price inflation.
- 6 The increased impact of inflation was anticipated in the 2021/22 financial outturn report to Strategy & Resources Committee on the 30th June 2022, along with other budgetary risks, and amounts were set aside as a corporate contingency to mitigate the risk.
- 7 As noted in previous committee Budget Monitoring reports for 2022/23 the full contingency was being held back as it was anticipated that the Committee forecast would improve, and the full contingency not be necessary. As the overall Community Services overspend was £105k the

whole contingency will no longer be required. The full impact of this improvement will be set out to Strategy & Resources Committee.

- 8 In addition to the variance in Waste, shortfalls in expected income of £167k make up part of the remaining variance, in particular:
 - £57k in car parking income
 - £100k in cesspool emptying income
 - £10k in parks and open spaces income
 - £2k in environmental income

- 9 There were also offsetting underspends of £238k in expenditure notably in:
 - £103k salaries savings due to unfilled vacancies in Waste and Streets
 - £50k over and above fee and charges from Cemetery
 - £30k in parks and open spaces Trees budget
 - £55k in parks and open space GM contracts

- 10 Full details of the variances are set in Appendix A.

- 11 Savings of £157k were delivered, against a target of £177k. This equates to 89% delivery. £20k of savings in Ops and Localities were not achieved, relating to a reduction in the number of mechanical sweepers. Whilst the number of active sweepers will be reduced, the service is awaiting quotes for a scheduled replacement, likely to be next financial year. It is expected that the majority of the saving can ultimately be delivered.

- 12 The Capital Outturn spend across the Committee's scheme was £579k for the year 2022/23. The total underspend was £1,260k, this is an increase from quarter 3 of £149k. The change from quarter3 was across most of the capital schemes. The underspends are due to some of the schemes being put on hold until the service reviews for relevant service have been concluded and ensure that the schemes and the programmes are aligned. Strategy & Resources Committee will be asked to approve the carry-forward of these unspent capital budgets to future financial years.

Key implications

Comments of the Chief Finance Officer

The Section 151 Officer confirms the financial information presented in this report has been based on reasonable working assumptions taking into account all material, financial and business issues and risks. The key financial implications at this stage are captured in the body of the report.

Comments of the Head of Legal Services

It is essential, as a matter of prudence, that the financial position of services continues to be closely monitored. In particular, Members must satisfy

themselves that sufficient mechanisms are in place to ensure both that savings are delivered and that new expenditure is contained within the available resources. Accordingly, any proposals put forward must identify the realistic measures and mechanisms to produce those savings.

Under S28 of the Local Government Act 2003, a local authority must review its budget calculations from time to time during the financial year and take appropriate action if there is any deterioration in its budget. This report satisfies this statutory requirement.

Equality

There are no equality implications associated with this report.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix A - Committees M12 (March) 2023 Financial Report and supporting data.

Background papers

- Community Services Committee 22/23 Draft Budget and Medium-Term Financial Strategy – Community Services Committee – 18th January 2022
- 2022/23 final budget and 2023/24 MTFS - Strategy and Resources Committee 1st February 2022
- Community Services Committee - 2022/23 Budget – Tranche 2 Pressure and Savings Distribution – Community Services Committee - 17th March 2022
- 2021/22 Budget – Outturn Report – Strategy and Resources Committee 30th June 2022
- Quarter 2 2022/23 Budget Monitoring - Community Services Committee 18th October 2022
- Quarter 3 2022/23 Budget Monitoring – Community Services Committee 9th March 2023

----- end of report -----

Appendix A

Quarter 4 / Month 12 (March 23) Financial Report – Community Services Committee

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Mark Hak-Sanders
Chief Finance Officer (S151)

June 2023

Contents

- Revenue Budget
- Saving Plans Update
- Capital Position

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Revenue Budget - Community Services

Communities Services overspend £105k (Change: £189k improvement from M9) mainly due to:

- **(£103k) Salaries** : savings due to unfilled vacancies in Waste and Streets **(£61k) improvement from M9).**
- **(£17k) Car Parking on-Street:** improved PCN revenue in last quarter **((£17k) improvement from M9)**
- **£48k Car parking off-street:** £57k reduced revenue for Off Street Car Parking, due to reduced reliability in car parking machinery and also some of the car parks reduced volume of cars parking. Offset by £9k other small expenses variances. **(£6k) deterioration from M9).**

2021/22	Final	Annual	Outturn	Change	One-off	Ongoing
Outturn	Outturn	Budget	Variance	from Q3	events	Pressures
£k	£k	£k	£k	£k	£k	£k
1,255 Salaries CS	1,206	1,309	(103)	(61)	(103)	
(34) Car Parking-On Street	(31)	(14)	(17)	(17)	(17)	
28 Car Parking-Off Street	30	(18)	48	6		48
(15) Hackney Carriage/Private Hire	(19)	(19)	(0)	(0)		
208 Leisure & Community Grants	201	209	(8)	(8)	(8)	
248 Environmental Services	290	273	17	5		17
1,960 Waste Services	2,245	2,002	243	9	15	228
(69) Cesspool Services	(36)	(109)	72	22		72
(266) All Operational Services	(199)	(153)	(46)	(47)	(22)	(24)
405 Parks and Open Spaces	400	537	(137)	(141)	(69)	(68)
42 Streets & Public Conveniences	69	34	35	42	50	(15)
3,762 Community Services	4,156	4,051	105	(189)	(154)	258

- **£17k Environmental Services** : £9k salary costs, £10k database maintenance less (£2k) minor variances **(£5k deterioration from M9).**
- **£243k Waste Services** : £226k additional waste costs (contract inflation offset by variable gate income from SCC), £17k less income as demand for Bulky Waste Collections has slowed, (£8k) increase price/tonne additional income from clothes and textiles collections, (£7k) less expenses for recycling palm banks collections and new in quarter £15k consultants cost **(£9k deterioration from M9).**
- **£72k Cesspool Services** : £100k reduced income (vehicle was out of use for maintenance in March) and £28k less costs for cesspool emptying. Variance continues from last year as clients lost to aggressive undercutting by other providers. **(£22k deterioration from M9).**
- **(£46k) Operational Services** : multitude of offsetting variances. In quarter a further £20k increase in cemetery fees taking the total annual increase to (£50k). A large proportion of the increase is due to the sale of the reclaimed area for double plots. Once all sold, this revenue will return to the normal rate. Also in quarter (£12k) sale proceeds from old and surplus vehicles. Additional £10k costs incurred to ensure the Depot is O licence compliant. £16k depot store changes. (£10k) minor other improvements **((£47k) improvement from M9).**
- **(£137k) Parks and Open space:** In quarter there have been reductions in trees budget usage by (£30k) due to difficulties in getting road orders agreed with SCC and lack of capacity of the contractor, (£57k) underspend on GM work partly due to less out of scope work being incurred, (£28k) reduced budget needed for unauthorised encampments and (£12k) land drainage unspent budget (£10k) minor other variances. **((£142k) improvement from M9).**
- **£35k Streets & Public Conveniences:** new in quarter £20k demolition cost of A25 toilets and additional £30k costs for repairs of sweepers. Plus £20k costs for asbestos fly tipping, offset by £6k budget not required for business rates as now exempt and £5k reduced equipment costs. £24k of unspent various budgets **(£42k deterioration from M9).**

Savings Tracker - Community Services

Committee	Target	Blue Achieved	Black - BAU Full Year Forecast
	£k	£k	£k
Community Services	177	157	20

Key:
Black – Under target
Blue – Delivered / Achieved

- The Community Services Committee budget includes a savings target of £177k.
- Of this:
 - £157k has been achieved
 - £20k has not been achieved
- The £20k which has not been achieved relates to savings in Operations and Localities from a reduction in the number of mechanical sweepers. Whilst the number of active sweepers is reduced, the service is awaiting quotes for a scheduled replacement, likely to be next financial year. It is expected that the majority of the saving can be ultimately delivered.
- Detail of the 2022/23 savings plan for this committee is set out below:

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MTFP Savings Title	Savings Achieved £	Black - BAU Full Year Forecast £	Total Savings Forecast in 2022/23 £
Mechanical Sweeper Utilisation		20,000	20,000
Efficiency and income improvement on various Reg services	16,000		16,000
Tandridge Commercial Services works to Housing - Full cost recovery	9,000		9,000
Charge for contaminated Bin Clearances	2,000		2,000
Increase Garden Waste charges	64,000		64,000
Charge schools for recycling collections	25,000		25,000
Introduce a Vacancy Factor in staff budgets	41,000		41,000
	157,000	20,000	177,000

Capital Budget - Community Services

Scheme Name	Original Budget 2022/23	Carry Forward from 2021/22	Budget incl. Carry Forwards 2022/23	2022-23 Outturn	Outturn Variance	M9 Forecast Variance	Change from Qtr3
	£k	£k	£k	£k	£k	£k	£k
Vehicle Fleet Renewals	204	172	376	68	(308)	(376)	68
Car Parking	35	0	35	6	(29)	0	(29)
Children's Playground Equipment	27	399	426	22	(404)	(385)	(19)
Purchase of Waste Collection Vehicle	0	0	0	0	0	0	0
Land Drainage Capital Works	10	0	10	0	(10)	(10)	0
Park, Pavilions & Open Spaces	114	164	278	187	(91)	0	(91)
Grange Meadow Access Works	0	250	250	239	(11)	0	(11)
Playground Improvements Match Fun	0	50	50	8	(42)	(50)	8
Waste & Recycling Contract Equipme	0	0	0	0	0	0	0
Litter Bins	8	0	8	8	(0)	0	(0)
Garden Waste Bins	25	13	38	26	(11)	0	(11)
Public Conveniences Capital Works	150	100	250	0	(250)	(211)	(39)
Roads & Paths St Marys Church	0	0	0	0	0	0	0
Plant, Furniture & Equipment (GF)	8	0	8	3	(5)	0	(5)
Refuse, Recycling and Food Waste b	90	20	110	11	(99)	(78)	(21)
Total Community Services	672	1,167	1,839	579	(1,260)	(1,110)	(149)

20201

- The Capital Budget was approved by Full Council on 2nd February 2022 at £672k.
- This was supplemented by £1,167k of carry forwards from 2021/22
- The total budget for 2022/23 is therefore £1,839k
- The Capital Outturn spend across the Committee's schemes was £579k. The total underspend for the year of £1,260k and a change in quarter of £149k. The change in quarter was further underspends in the majority of the capital schemes. Some of the schemes have been put on hold until service reviews have been concluded to ensure that schemes and the overall programme are aligned.
- **Carry forward requests for the unspent budget will be put to Strategy & Resources Committee for approval.**

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Consideration of motion presented to Council by Councillor O'Driscoll

Community Services Committee Thursday, 15 June 2023

Report of: Head of Communities and Partnerships

Purpose: To note

Publication status: Open

Wards affected: All

Executive summary:

- This report follows the Standing Order 7 motion brought by Councillor O'Driscoll for support to local sports clubs to Full Council on 9th February 2023. An amendment to the motion was agreed that the matter would be discussed at the next Community Services Committee.
- The Council is committed to continue to support community organisations and provide the tools to encourage residents to adopt new behaviours and become more active.
- It supports community organisations that lease assets including sports associations through the rental grant subsidy policy which was adopted in 2015.
- The Council's Strategic plan acknowledges the importance of local voluntary and community organisations in supporting strong and healthy communities. This can be demonstrated through the allocations of the Council's small grant scheme which are allocated from the Tandridge Together Community Fund, (part of the Tandridge Lottery).
- The Council supports Tandridge Voluntary Action through partnership funding. They are able to provide community and sports organisations with governance and funding guidance.
- This report acknowledges the support that is currently available to local sports clubs across the District and the importance of promoting grants available to organisations, signposting to where they can seek advice on how to apply for grants.

This report supports the Council's priority of: Building a better Council

Contact officer Julie Porter, Head of Communities and Partnerships
jporter@tandridge.gov.uk

Recommendation to Committee:

That all local sports clubs across the District are signposted to the Tandridge Community Lottery and Tandridge Voluntary Action who can provide advice on how to apply for grants.

Reason for recommendation:

This report is being brought to Committee following the Motion under Standing Order 7 brought by Councillor O Driscoll to Full Council on 9th February 2023.

The Council has a process and criteria for the allocation of small grants. Officers believe the Tandridge Health and Wellbeing board is well positioned to carry out an objective and thorough review of applications and promote the Tandridge Lottery to sports and community organisations.

The Health and Wellbeing board is represented by multi-agency partners including local leisure providers and Active Surrey who work collaboratively to help remove barriers and create opportunities to get people moving more.

The Motion has highlighted that a greater promotion of the services of these organisations is required and which Officers will investigate through the Health and Wellbeing board objectives.

This recommendation supports the priorities in the strategic plan 'Building a better council - providing residents with the best possible services'

Introduction and background

- 1 Cllr O'Driscoll raised the issue of support for local sports clubs across Tandridge at Full Council on 9th February 2023. The motion written by Councillor O'Driscoll is attached as Appendix A.

Rental Grant Subsidy policy

- 2 The Council has a rental grant subsidy policy, which was adopted in 2015. This policy aims to provide greater transparency regarding the extent to which the Council subsidises tenant organisations. It acknowledges the importance of local and voluntary community organisations in supporting strong and healthy local communities.
- 3 The applications for subsidies are considered carefully, so that subsidies are given to those community organisations that bring greatest value to communities.

- 4 The policy aims to provide greater transparency regarding the extent to which the Council subsidises tenant organisations and is intended for use at lease expiry and rent review dates.
- 5 Tenant organisations are required to apply for Rental Grant Subsidy via the Asset Management team. There is a standard application form that requires the tenant to provide details and evidence of its aims and ethos, its role within the community and financial status. The form also requires the applicant to detail the implications of not receiving the rental grant subsidy.
- 6 The Policy incorporates a transparent scoring matrix by which officers make their recommendations by way of a report to Strategy & Resources Committee for decision. Six organisations were approved in the last twelve months. Three of these were sports associations (Warlingham Sports Association, Caterham & Whyteleafe Tennis Club, Lingfield Sports Association).

Tandridge Together Community Fund

- 7 The Tandridge Together Lottery was launched in 2018. Ten pence from every ticket sale goes into the Tandridge Together Community fund to be allocated as a small grant. People purchasing tickets for the lottery have the option to nominate a good cause to receive another 50 pence.
- 8 The Tandridge Health and Wellbeing board began assessing applications for small grants on behalf of TDC in 2018 and at the Community Services Committee in the same year it was agreed that the board would continue to assess and recommend funding allocations on an annual basis.
- 9 The Health and Wellbeing board membership consists of a wide range of partners including Surrey County Council, Surrey Heartlands, Education, the voluntary sector, Leisure organisations and is chaired by a District Councillor (currently the Vice Chair of Community Services). The board will continue to promote the Tandridge Together Fund and Lottery to local community groups and sports associations.

Partnership Work

- 10 The Council has a partnership agreement with Active Surrey to support each other in the delivery of sport and physical activity development across the District. The objectives for 2022/23 were as follows:-
 - To deliver a quality system partner programme and specific local support against set targets agreed by both the Council and Active Surrey.
 - To establish a clear management and monitoring/evaluation process to ensure the key objectives are delivered.

- To support delivery of the Movement for Change strategy at a county-wide level and to drive its implementation locally in Tandridge.
- 11 Regular partner meetings are held with Officers from the Council, Freedom Leisure and Active Surrey to ensure that progress is monitored against these objectives.
 - 12 In addition, Active Surrey send through regular communications to alert the team of any Sport England Funding opportunities. These are then shared with community and parish groups.

Tandridge Voluntary Action (TVA)

- 13 Tandridge Voluntary Action is the Council for Voluntary Service (CVS) for the Tandridge area. This organisation acts as the 'umbrella body' for the Tandridge voluntary sector and operates from the Oxted Community hub. It offers various services to local voluntary groups including matching volunteers to charity groups, funding / governance advice; training; DBS checking; networking opportunities; a monthly publication.
- 14 A tri-partite partnership grant funding agreement is in place with Surrey County Council and Surrey Heartlands. The agreement includes setting objectives to focus on volunteering, finding funding opportunities and providing governance advice.
- 15 Performance is monitored through an agreed performance scorecard and performance management system. Surrey County Council leads on collating and disseminating performance information to all partners. An annual review meeting is held with all parties.

Key implications

Comments of the Chief Finance Officer

There are no direct financial implications of this report.

Comments of the Head of Legal Services

There are no pertinent legal implications associated with any items within this report. Members are nevertheless reminded that Chapter 1, s1-8 of the Localism Act 2011 provides a General Power of Competence which gives local authorities the powers to do anything if it is not specifically prohibited in legislation. Similarly, Section 137 of the Local Government Act 1972 provides specific authority for the Council to incur expenditure on anything which is in the interests of and will bring direct benefit to its area. This includes a charity or other body operating for public service.

Equality

In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

The grant funding that is awarded to community groups clearly demonstrates positive impact on the community and wider environment. The projects outlined in this report seek to advance equality of opportunity and foster good relations especially amongst the elderly and most vulnerable residents within the District.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix A - Cllr O Driscoll's Motion to Full Council and Report

Background papers

None.

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APPENDIX 'A'

MOTION SUBMITTED BY COUNCILLOR O'DRISCOLL UNDER STANDING ORDER 7

"This Council recognises the important place that local sports clubs have for the community in Tandridge.

This Council believes that local sports clubs provide great social and health benefits to the community, increasing participation in physical activity and providing locations and activities that bring people together for a common purpose.

This Council further supports the independence of local sports clubs as excellent examples of the community self-organising.

This Council therefore understands that it should be an objective of the council to support local sports clubs and ensure their long-term financial viability.

This Council commits to support local sports clubs across Tandridge by highlighting grants available to them and providing advice on how to apply for grants."

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Proposed transfer of functions to the Licensing Committee

Community Services Committee Thursday, 15 June 2023

Report of: Head of Legal Services & Monitoring Officer

Purpose: For recommending to Full Council

Publication status: Open

Wards affected: All

Executive summary:

This report recommends arrangements to enable the Council's licensing functions to be administered through a single Licensing Committee. This would involve transferring responsibility for the following functions from this Committee to the Licensing Committee:

Determination of licence applications for hackney carriage / private hire vehicles; animal welfare; pollution control; house to house and street collection licences; street trading; scrap metal dealing; sex establishments and other premises requiring licences /registration/ permits for purposes other than alcohol, entertainment or gambling.

The Licensing Committee would then be able to deal with the matters referred to above, as well as those relating to alcohol, entertainment and gambling as at present.

The proposed revised terms of reference for the Licensing Committee would enable it to comply with statutory requirements for dealing with both:

- alcohol and regulated entertainment licensing matters under the Licensing Act 2003; and
- matters regarding other types of licences as permitted by section 101 the Local Government Act 1972.

This report supports the Council's priority of: Building a better Council

Contact officer Vince Sharp (Democratic and Electoral Services Officer)
vsharp@tandridge.gov.uk

Recommendation to Council:

That, subject to the current review of hackney carriage and private hire trades licensing policy being completed by the Community Services Committee, the following amendments be made to the scheme of delegation to Committees (Part E of the Council's constitution) so that responsibility for all licensing functions is undertaken by a single Licensing Committee and its Sub-Committee:

Community Services Committee

- (a) Removal of the following clause (vi) within its terms of reference:

Determination of licence applications for hackney carriage / private hire vehicles; animal welfare; pollution control; house to house and street collection licences; street trading; scrap metal dealing; sex establishments and other premises requiring licences /registration/ permits for purposes other than alcohol, entertainment or gambling.

- (b) Abolition of the Regulatory Sub-Committee (which has previously been constituted to undertake any licensing hearings in connection with (a) above).

Licensing Committee

New Terms of Reference to be in accordance with Appendix A.

Introduction and background

1. Section 6 of the Licensing Act 2003 requires licensing authorities to establish a committee of between 10 and 15 members to deal with licensing matters in respect of alcohol and regulated entertainment. Until now, this Council's Licensing Committee has operated for that sole purpose, with a Sub-Committee of three members conducting hearings for the determination of specific licensing applications or reviews where there are objections or representations. If there are no such representations, Officers are authorised to determine the matter.
2. The Council has always sought to make its Licensing Committee politically balanced, despite this not being a statutory requirement.
3. Other licencing matters (e.g. taxi licensing) have been dealt with under the remit of the Community Services Committee, with a Regulatory Sub-Committee established to conduct any associated hearings (although that Sub-Committee has not been called upon to meet in recent years).

4. These prior arrangements have complied with the legal interpretation that two separate committees for dealing with licensing matters are required, i.e.:
 - one in respect of the Licensing Act 2003 for alcohol and regulated entertainment licensing; and
 - another 'ordinary committee' constituted under section 101 the Local Government Act 1972 for dealing with other types of licences (*all of the Council's other Committees are currently constituted as 'ordinary committees'*).
5. However, it is common practice among local authorities to establish a single committee which deals with both alcohol & regulated entertainment and other licensing functions for optimum consistency and convenience. The proposed revised terms of reference for this Council's Licensing Committee at Appendix A would meet legal requirements by clarifying that the Committee would act as both:
 - (i) the statutory committee under the Licensing Act 2003 (Section 6) when dealing with alcohol and regulated entertainment licensing matters; and
 - (ii) an 'ordinary committee of the Council' as defined by the Local Government Act 1972 (Section 101) when dealing with other types of licensing.
6. To meet the requirements of both statutes, the Licensing Committee would need to continue to comprise between 10 and 15 members and be politically balanced. There would then need to be just one Sub-Committee to deal with hearings required to determine any form of Council controlled licence, comprising three principal members, with the ability to draw upon substitutes from the rest of the Licensing Committee's membership.
7. Except for the conclusion of the review of 'hackney carriage and private hire trades licensing policy' (elsewhere on this agenda) the Licensing Committee would also consider future reports regarding licensing policy matters currently dealt with by Community Services. As the Community Services Committee is already engaged in approving a draft version of the aforementioned policy for consultation purposes, it would be sensible for that same committee to be able to ratify the final (post consultation) version later in the year.
8. Unlike policies for alcohol and entertainment licensing, there is no statutory provision for certain other types of licensing policies (e.g. regarding 'taxis') to be ratified by Full Council. The recommended scheme of delegation for the Licensing Committee at Appendix A therefore provides flexibility for that committee to resolve policy matters where legislation permits.

9. The Community Services Committee would retain responsibility for:
- the provision of Hackney Carriage ranks and variations in fees and fares in respect of Hackney Carriage and Private Hire Vehicles; and
 - setting fees for various types of licences
- as these matters do not relate to licensing applications.

Key implications

Comments of the Chief Finance Officer

There are no financial implications associated with this report.

Comments of the Head of Legal Services

The Head of Legal and Monitoring Officer has been consulted and has no further comments to add.

Equality

Having had regard to the council's obligations, it is considered that there are no human rights or equalities implications associated with this report, as they will apply equally to everyone regardless of any protected characteristic.

Climate change

There are no climate change implications associated with this report.

Appendices

Appendix A – Proposed amendments to the Licensing Committee's terms of reference.

Background papers

None

----- end of report -----

LICENSING COMMITTEE

(proposed new text in bold italics)

1. TERMS OF REFERENCE

- 1.1 To be responsible for exercising regulatory and policy functions under the relevant legislation concerning the determination of licence applications, as and when necessary, relating to the following activities:
- (i) Alcohol and regulated entertainment
 - (ii) ***Other activities under the jurisdiction of the Council as the licensing authority, including those in connection with hackney carriage / private hire vehicle operations; gambling and racing licence applications; animal welfare; pollution control; house to house and street collection licences; street trading; scrap metal dealing; sex establishments and other premises requiring licences.***
- 1.2 ***The Committee shall act as the statutory committee under the Licensing Act 2003 (Section 6) when dealing with licensing regulatory and policy matters in connection with 1.1(i) above. As such, the Committee shall comprise between 10 and 15 members.***
- 1.3 ***The Committee shall act as an 'ordinary committee of the Council' as defined by the Local Government Act 1972 (Section 101) when dealing with licensing regulatory and policy matters in connection with 1.1(ii) above. As such, the Committee shall also be subject to the political balance requirements of the Local Government & Housing Act 1989.***

2. TO RECOMMEND

- (i) New policies or changes in licensing policy **as required by statute.**
- (ii) Changes to the Committee's Terms of Reference.
- (iii) Other matters under the Committee's jurisdiction which, by virtue of statutory provision, must be determined by full Council.

3. TO RESOLVE

- (i) ***New policies or changes in licensing policy which do not otherwise require ratification by Full Council by virtue of statutory provision, and which can be accommodated within existing budgets*.***

**** subject to the current review of hackney carriage and private hire trades licensing policy being completed by the Community Services Committee.***

4. DELEGATION TO THE LICENSING SUB-COMMITTEE

- (i) Determination of licence/registration applications and enforcement action ***relating to the activities defined in 1.1 above***, referred by:
 - (a) any Member of the Council; or
 - (b) the Chief Executive or Deputy Chief Executive, including:
 - instances where they are minded to refuse a licence application; and
 - referrals arising from the scheme of delegation for alcohol and regulated entertainment licensing (see Annex 1 to these Terms of Reference).
- (ii) The Licensing Sub-Committee shall comprise three members drawn from the parent Committee. In the event of one or more of the three principal members being unable to attend a hearing, their places shall be filled by selecting substitutes from the Licensing Committee. (*Membership of the Licensing Committee does not preclude Members from attending a hearing as the local Ward Member and undertaking a representative role as an interested party within the meaning of the Licensing Act*).

4. DELEGATION TO OFFICERS

1. To the Chief Executive and other Management Team Members the power to implement Council/Committee policies and deal with the day to day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.
2. The Officers named in 1. above to have the power in turn to delegate to other Officers of their choice the power to deal on their behalf and in their name with any of those functions. Such delegation shall be in writing and signed by the relevant MT Member and may contain such limitations or be subject to such conditions as that Officer shall decide.
3. For the purposes of Alcohol and Entertainment licensing, delegation shall be exercised in accordance with the scheme of delegation recommended by the Secretary of State in section 182 of the Licensing Act 2003 Guidance as refined by Minute 162, 2004/05 (Licensing Committee – 25th November 2004) (see Annex 1 to these Terms of Reference on the following page) and section 154 of the Gambling Act 2005.

Licensing Committee Scheme of Delegation regarding alcohol and regulated entertainment licensing

The Authority will exercise and delegate functions in accordance with this table.

Matter to be dealt with	Licensing Sub-Committee	Officers
Application for personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated personal licence holder		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for Interim Authorities	If a Police objection	All other cases
Application to review premises licence/club registration certificate.	All cases	
Decision on whether a complaint is frivolous, vexatious etc		All cases in consultation with Members in accordance with Standing Order 46 of Part B of the Constitution.
Decision to object when Local Authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police representation to a temporary event notice.	All cases	

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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