

Community Services Committee

Tuesday, 16th January, 2024 at 7.30 pm

Council Chamber, Council Offices, Station Road East, Oxted

Agenda

The agenda for this meeting is set out below.

Members of the Community Services Committee

Councillor Jackie Wren (Chair)	Councillor Deb Shiner (Vice-Chair)
Councillor Helen Bilton	Councillor Bryan Black
Councillor Mike Crane	Councillor David Lee
Councillor Carole North	Councillor Taylor O'Driscoll
Councillor Anna Patel	Councillor Chris Pinard
Councillor Lewis Sharp	Councillor Helena Windsor

Substitute Members

Councillor Jenny Gaffney	Councillor Katie Montgomery
Councillor Judy Moore	Councillor Lesley Steeds

If a member of the Committee is unable to attend the meeting, they should notify Democratic Services. If a Member of the Council, who is not a member of the Committee, would like to attend the meeting, please let Democratic Services know by no later than noon on the day of the meeting.

If any clarification about any item of business is needed, contact should be made with officers before the meeting. Reports contain authors' names and contact details.

David Ford

Chief Executive

Information for the public



This meeting will be held in the Council Chamber, Council Offices, Oxted and the public are welcome to attend. Doors for the Council Offices will open 15 minutes before the start of the meeting.



The meeting will also be broadcast online at tinyurl.com/webcastTDC. In attending this meeting, you are accepting that you may be filmed and consent to the live stream being broadcast online and available for others to view.



Information about the terms of reference and membership of this Committee are available in the Council's Constitution available from tinyurl.com/howTDCisrun. The website also provides copies of agendas, reports and minutes.



Details of reports that will be considered at upcoming Committee meetings are published on the Council's Committee Forward Plan. You can view the latest plan at tinyurl.com/TDCforwardplan.

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Tandridge District Council, Council Offices, 8 Station Road East, Oxted, Surrey, RH8 0BT

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 her staff prior to the meeting.

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

To confirm as a correct record.

4. To deal with any questions submitted under Standing Order 30

Questions must be sent via email or in writing to Democratic Services by 5pm on Friday 12th January and comply with all other aspects of Standing Order 30 of the Council's Constitution.

5. Ongoing Management of Great Farleigh Green (Pages 7 - 12)

6. Hackney Carriage and Private Hire Trades Licensing Policy - For Approval (Pages 13 - 112)

7. Community Services Committee – 2024/25 Proposed General Fund Budget and Medium Term Financial Strategy (Pages 113 - 142)

8. 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).

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 November 2023 at 7:30pm.

PRESENT: Councillors Wren (Chair), Shiner (Vice-Chair), Black, Crane, Lee, North, Patel, Pinard, Sharp, Windsor and Gaffney (Substitute) (In place of Bilton)

ALSO PRESENT (Virtually): Councillors Chris Farr, Sue Farr and Smith

APOLOGIES FOR ABSENCE: Councillors Bilton and O'Driscoll

153. MINUTES OF THE MEETING HELD ON 19 SEPTEMBER 2023

The minutes were confirmed and signed as a correct record.

154. REVIEW OF THE HACKNEY CARRIAGE (TAXI) MAXIMUM TABLE OF FARES - NOVEMBER 2023

The local taxi trade representative group had requested an increase in the maximum table of fares for Hackney Carriages licensed by the Council to operate from ranks within the District. This request was in light of increasing fuel prices and the cost of living in general. The last revision was in November 2022. The report before the Committee set out both the current and proposed fare tables.

The proposal had been the subject of consultation with the 116 licensed Hackney Carriage drivers. Of the 71 responses, 50 were in favour of the increase (70.4%) and 21 were opposed (29.6%).

In response to Member queries, Officers explained that:

- There was no overriding reason as to why 21 were opposed to the increase.
- Drivers would be required to put the new maximum fares on their meter, but they could charge less than that if they wished.

RESOLVED – that

- A. the proposed variation to the Hackney Carriage table of maximum fares, as put forward by the taxi trade representative group, be approved in principle, with an implementation date of 1 December 2023
- B. arising from A above, the variation be advertised in the local press allowing 14 days for comments to be submitted to the Council; and
- C. subject to no objections being received during the consultation period, the variation will come into effect on 1 December 2023.

155. QUARTER 2 2023/24 KEY PERFORMANCE INDICATORS - COMMUNITY SERVICES COMMITTEE

The Committee received a report that contained data on the key performance indicators for Quarter 2 2023/24. Officers drew the Committees' attention to:

- street cleansing which was off target as a result of long term sickness. 2 new agency staff had been appointed.
- the increase in safeguarding cases, with self-neglect being the largest reason. Additional training had been given to the Customer Services team. In September, Surrey County Council Adult Safeguarding Board Annual Quality Assessment had been completed, with feedback due in December.
- the risk register, and in particular the risk in relation to monitoring Council owned trees. There was a backlog of assessments. Consideration would be given to reprofiling Housing Revenue Account inspections in order to allow inspections under this Committee to be completed.

In response to Member questions, Officers confirmed that:

- the Council would be looking to commission another local authority or other specialists to complete the outstanding high risk inspections. The description of high risk related to their allocation, rather than evidence of issues existing at those sites. Officers would liaise with the Communications Team in relation to communication of works to residents, and circulate the Council's Tree Policy to the Committee.
- in relation to fly tipping, a newly appointed enforcement officer would be considering better signage, CCTV and working with other local authorities to prevent fly-tipping. Officers would provide further information about how the fly-tipping data had been complied. Members thanked Officers for quickly responding to reported incidents.
- Officers had recently resolved a number of minor issues in playgrounds. A report was due back from the playground inspectors on recommendations for a capital replacement programme, which would include identification of sites for DDA compliant improvements. A report would be presented to the Committee in March 2024 at the earliest.
- works had taken place and were continuing at Godstone toilets following positive legionella test results. This included liaison with the water company following positive results found in incoming water.
- a new project manager post was being advertised to deliver capital programmes in relation to toilets, playgrounds and parks and open spaces.
- Officers would circulate information to the Committee in response to a number of questions around safeguarding and anti-social behaviour.

The Chair gave an update on the recent success of a bid for money from the Swimming Pool Support Fund. £197k had been allocated to Tandridge. A further bid had been submitted for capital resource, and the outcome of this was expected in December.

RESOLVED – that:

- A. the Quarter 2 2023/24 performance indicators for the Community Services Committee be noted.
- B. the most critical risk for the Community Services Committee be noted.

156. QUARTER 2 2023/24 BUDGET MONITORING - COMMUNITY SERVICES COMMITTEE

The Committee received a report outlining the financial position of the Committee's 2023/24 Revenue (£4,613k) and Capital budgets as of Quarter 2 2023/24. The Capital budget had been rephased following approval from the Strategy and Resources Committee and was set at £1,740k.

A full year Revenue underspend of £59k was forecast. There were underspend forecasts in salaries, leisure and communities service grants, environmental services and waste services. There were overspend forecasts in cesspool services and operational services. In terms of risks, the financial implications of ash die back had been included as a risk. There were no changes reported to the savings tracker.

In terms of the Capital budget, a full year underspend of £656k was forecast. This was principally as a result of slippage in parks, playgrounds and open spaces. It was expected that the recruitment of a project manager to deliver capital projects would accelerate the Capital spend.

RESOLVED – that the Committee's forecast Revenue and Capital budget positions as at Quarter 2/M6 (September) 2023/24 be noted.

157. ANY OTHER BUSINESS WHICH, IN THE OPINION OF THE CHAIR, SHOULD BE CONSIDERED AS A MATTER OF URGENCY

The Chair considered it a matter of urgency to give a brief update on the progress of the work being undertaken in relation to responsible dog ownership. This included:

- the reviewing and refreshing of the Dog Walking Licencing process to encourage residents to use licenced dog walkers that met certain experience, training levels and dog walking practices.
- working alongside the Council's animal warden and dog charities to develop a communications campaign to promote responsible dog ownership.
- improving signage on Council land to encourage responsible ownership.

The Committee would be kept updated as the work progressed.

In response to Committee questions, the Chair confirmed:

- additional licenced, professional dog walkers would be consulted.
- dogs would continue to be allowed off their leads on Council land.
- any rating would be attached to the individual professional dog walker, not the dog walking company.

Rising 8.13 pm

Ongoing Management of Great Farleigh Green

Community Services Committee

Tuesday, 16 January 2024

Report of: Deputy Chief Executive

Purpose: For decision

Publication status: Open

Wards affected: All

Executive summary:

- The Council served notice to terminate its lease over Great Farleigh Green and the lease ended on 29 September 2023.
 - The decision to break the lease was taken to reduce costs and risk, in accordance with Council policies.
 - Local District and Parish Councillors have lobbied for the Council to continue management and maintenance of Great Farleigh Green and so Officers have reviewed options for future management.
-

This report supports the Council's priority of: Building a better Council.

Contact officer Alex Webber - Principal Asset Manager -
awebber@tandridge.gov.uk

Recommendation to Committee:

This report is brought so that the Committee can decide whether the Council should be involved in the ongoing management of Great Farleigh Green and, if so, what the nature of that involvement should be.

It is recommended that the Committee select one option from those listed in the report for the future management of Great Farleigh Green.

Reason for recommendation:

Members to agree which option to pursue.

Introduction and background

1. Great Farleigh Green is common land located between Chelsham and Farleigh, alongside Old Farleigh Road. It is owned by Merton College Oxford, who have other land ownership in the area.
2. The land was let to the Council under a lease, dated 10 September 1975. This lease incorporates the terms of a previous lease, dated 12 April 1951, between Merton College and Coulsdon District Council. The rent was £5 per annum.
3. The Council served notice to break the lease on 16 January 2023. The lease ended on 29 September 2023 and so responsibility for maintenance of the land has reverted to the Landlord, Merton College.
4. The reason for serving the break was to save the cost of maintaining the common, which was £11,321.00 in 2022 excluding the cost of Officer time. Tree work is needed at the common and so the cost during future years will likely be greater than this.
5. Some Parish Councillors wish the Council to continue to maintain the common and so Officers have explored the options for ongoing management.
6. The Council is looking to devolve community assets closer to local communities. Taking on additional obligations, where there are other management options, is contrary to this devolvement approach.
7. The options are summarised in the table below:

Option	Details	Pros	Cons	Annual Cost to TDC
1	Full responsibility remains with the freeholder, Merton College.	No further risk or cost to TDC.	This is not the Parish Councils' preferred option. They are concerned that Merton College will not maintain the common in the way residents wish to see it managed.	None

Option	Details	Pros	Cons	Annual Cost to TDC
2	Full responsibility remains with Merton College and a commons council is established to oversee management of the common.	No further risk or cost to TDC. Commons council has statutory powers to shape management of the common and can make legally binding rules if stakeholders cannot agree on how to use the land. Commons council has access to funding not available to TDC. Commons council is run by elected members, who represent people with an interest in the common.	It may take some time to set up a commons council. There may be a reluctance for residents to step forward to be involved/lead.	None unless TDC chose to be involved.
3	Full responsibility remains with Merton College and a voluntary group (commons association) is established to oversee management of the common.	No further risk or cost to TDC. Commons association can shape management of the common by agreement. Commons association has access to funding not available to TDC. Commons association is run by non-elected members, who represent people with an interest in the common. Commons association is easier to establish than a commons council.	Lacks the legally binding powers of a commons council and so decisions must be made with the agreement of stakeholders. It may take some time to set up a Commons association. There may be a reluctance for residents to step forward to be involved/lead.	None unless TDC chose to be involved.

Option	Details	Pros	Cons	Annual Cost to TDC
4	<p>A management group is established including TDC, Merton and the two Parishes. Each party makes a financial contribution to management costs (the Parishes' contribution will be limited to £2,000 a year each). No lease is created but a legal agreement formalises the relationship. Ultimate responsibility for large risks remains with Merton.</p>	<p>Risk of travellers and fly-tipping etc. ultimately sits with Merton. Association can shape management of the common by agreement. The management group may have access to funding not available to TDC. It is run by non-elected members, who represent people with an interest in the common. The Parishes feel that maintenance efficiencies can be made by using this model.</p>	<p>As option 3 above. Ongoing costs for TDC, including officer time. Merton do not favour this option, but their cooperation would be needed.</p>	<p>£2,000 – £5,000 (Cllrs can decide how much financial support to make) plus the cost of officer time.</p>
5	<p>TDC take a new lease over the common. Merton College, Chelsham & Farleigh Parish Council and Warlingham Parish Council to contribute towards grass cutting and other maintenance costs.</p>	<p>The Parishes have a desire for the maintenance of the common to remain with TDC.</p>	<p>Liability for injury from falling branches etc. rests with TDC. Risks and costs associated with fly-tipping and travellers rests with TDC.</p> <p>Parishes have limited funds and their contribution to costs is limited to £2,000 per annum each.</p> <p>Merton College have only offered a contribution of £2,800 per annum. The residents group disagrees with how TDC maintain the common. There is an ecological management plan for the common</p>	<p>£7,000 - £9,000 plus cost of officer time. However, should several trees need work then this cost will escalate significantly. Ad hoc costs - such as dealing with fly-tipping and travellers – are also not included and will be additional costs.</p>

Option	Details	Pros	Cons	Annual Cost to TDC
			which reduces flexibility in the management of the land and increases costs. TDC officer time involved in ongoing management.	

Key implications

Comments of the Chief Finance Officer

The financial implications of each option are set out in the report. Depending on the option selected, costs incurred by the Council would generate a financial pressure and savings would have to be found in other areas to balance the additional costs. This would need to be dealt with in the emerging 2024/25 budget process.

Comments of the Head of Legal Services

Section 1 of the Localism Act 2011 provides a “general power of competence” for local authorities, defined as “the power to do anything that individuals generally may do” and which expressly includes the power to do something for the benefit of the authority, its area or persons resident or present in its area.

Members are under a fiduciary duty to act prudently, responsibly, in a business-like manner and in their view of what constitutes the best interests of the general body of local taxpayers. The general requirement in administrative law is that that a local authority decision must be rational, authorised by law and must take account of all relevant considerations, whilst ignoring any irrelevant ones. Members are therefore encouraged during their discussion to satisfy themselves that their decision complies with this duty (e.g. weighing up the options including the key benefits of the proposals for the Council and coming to a conclusion that constitutes the best interest of the general body of local taxpayers).

Equality

There are no equality implications.

Climate change

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

Appendices

None.

Background papers

None.

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Hackney Carriage and Private Hire Trades Licensing Policy - For Approval

Community Services Committee Tuesday, 16 January 2024

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 policies 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.

The Council's draft policy was subject to a consultation exercise with the Hackney Carriage and Private Hire trade and their views have been taken into account in producing the draft 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 approve the proposed Policy and determine the implementation date as 1st April 2024.

Reason for recommendation:

- 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.
 - 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'.
 - 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.
 - 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

- 1.1 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.
- 1.2 Members will recall that a report came before Committee in June 2023, with a draft policy and requesting approval for consultation with the licensed trade in respect of the Council's policy.
- 1.3 The consultation took place between the 10th July and 6th October 2023. During this period only two written comments were received by the licensing authority. However, a meeting with the trade representatives took place on 13th September 2023 to discuss in detail the proposed policy and possible amendments.
- 1.4 In general, the policy was well received by the trade, with only minor amendments being requested which in the main have been accepted by the licensing authority.

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 of 5th March 2015. A copy of that policy can be found on the Tandridge District Council website here:
<https://tandridge.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13367>.
- 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 can be found on the Tandridge District Council website here:
<https://tandridge.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13367>.
- 2.3 The updated policy, with amendments highlighted, is attached at **Appendix A** to this Report. Members are aware that for Licensing and Environmental Health matters, a shared service is provided by Mole Valley District Council on behalf of the Council.
- 2.4 It is the intention of the Licensing Department to implement the same policy in respect of Hackney Carriage and Private Hire Licensing for both Mole Valley and Tandridge 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 stated 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. Consultation

- 3.1 The consultation for this Policy ran for thirteen weeks from 10th July through to 6th October 2023. A copy of the consultation email to the trade is attached at **Appendix B** to this report.
- 3.2 The consultation period has now concluded. However, the licensing authority only received two written comments in respect of the policy.
- 3.3 A meeting with the representatives of the licensed trade took place in September 2023 to discuss in detail the draft policy and any observations from them. Whilst not received in writing, the issues raised in this meeting have been included as a response to the consultation.

- 3.4 All comments received have been taken into consideration and a summary of all the responses is attached at **Appendix C** to this report.
- 3.5 A final version of the policy, highlighted where changes have been made, for consideration of adoption is attached at **Appendix A** to this report.

Key implications

4.0 Comments of the Chief Finance Officer

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

5.0 Comments of the Head of Legal Services

- 5.1 The Council is responsible for the regulation of Hackney Carriage and Private Hire licensing in the District. There is no legal requirement to have a policy in place, however it is good practice to have a policy which ensures proper regulation of the trade and that high standards are maintained.
- 5.2 In order for such a policy to be fit for purpose, it needs to be regularly reviewed and amended to reflect change, so that regulation of the trade is consistent and remains effective.
- 5.3 Failure of the Council to properly regulate Hackney Carriage and Private Hire licensing in the District and the failure to maintain a policy that is fit for purpose leaves the Council and any decisions made in relation to licensing open to legal challenge. Any such challenge carries both financial and reputational risk for the Council. The Council must be able to demonstrate effectiveness of the policy and provide confidence and reassurance regarding its implementation
- 5.4 The Statutory Taxis and Private Hire Vehicles Standards have been issued under the Policing and Crime Act 2017 ('the Act') 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 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 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 included.

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 The Council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 The Equality Impact Assessment completed for the draft policy shows that some of the protected characteristics, in particular age and disability will be impacted.

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 Hackney Carriage and Private Hire Licensing Policy has been undertaken as described in Section 3 of this Report.

Communications

7.6 This report will include details of the responses to the consultation exercise and how the points raised have been considered.

Appendices

Appendix 'A' – Licensing Policy for Hackney Carriage and Private Hire for Approval

Appendix 'B' – Copy of the Consultation email sent out to the trade

Appendix 'C' – Consultation Responses received

Background papers

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

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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.

For any queries, please contact the licensing team:

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Dorking
RH4 1SJ

01306 885001
licensing@molevalley.gov.uk

Licensing Team
Tandridge District Council
Council Offices
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Oxted
RH8 0BT

01883 722000
taxilicensing@tandridge.gov.uk

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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 from display of the plate and the window licence, the internal licence issued by the council must be kept in the vehicle's glove box and be readily available for inspection if required. The rear licence plate must be carried in the boot of the vehicle at all times 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 and the window licence, the internal licence issued by the council must be kept in the vehicle's glove box and be readily available for inspection if required. The rear licence plate must be carried in the boot of 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 an 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

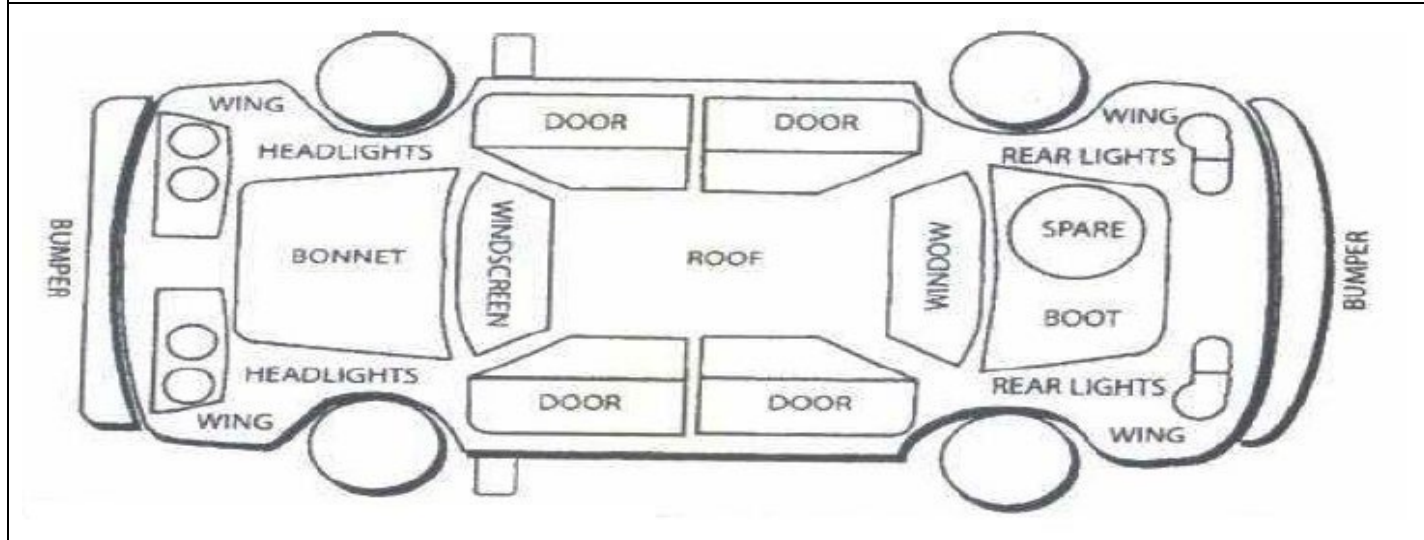
Under section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the vehicle conditions for both Hackney Carriage and Private Hire Vehicle, the holder of the licence is required to inform the Council's licensing team within 72 hours of any accident involving the licensed vehicle, and 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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APPENDIX B

From: [Pickles, Jeannette](#)
To: [REDACTED]
Subject: Licensing Policy for Hackney Carriage & Private Hire Consultation - from 10/07/2023 until 06/10/2023
Date: 10 July 2023 13:55:35
Attachments: [image001.jpg](#)

Good afternoon [REDACTED]

Following the publication of the Statutory Taxi and Private Hire Vehicle Standards by the Department for Transport (DfT) in July 2020, all Licensing Authorities are required to review their Licensing Policy 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 DfT has 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 public alike.

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 the Licensing Authorities must adopt when carrying out their functions.

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: -

- 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.
- 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.
- Policy consultation requirements.
- Changes in licensing policy should be followed by a review of existing licence holders.
- Licensee self-reporting.
- Vehicle standards.
- Complaints about licence holders and information sharing.
- Certificates of Good Conduct for applicants/licensees who have lived abroad.
- The Regulatory Structure and Delegated Authority.
- Amended convictions policy.
- Enhanced DBS check to be carried out every six months for licensed drivers.
- Increased language proficiency – test of an applicant/driver's oral and written English language skills.
- Annual Basic DBS checks for vehicle proprietors who are not licensed drivers.
- Annual Basic DBS checks for Private Hire Operator Licence holders who are not already licensed drivers.
- Private Hire Operator's must demonstrate having had sight of a Basic DBS disclosure for all their booking and dispatch staff.
- Amended record keeping requirements.
- Recommended use of a Penalty Points System for enforcement issues.

The draft Policy can be found by clicking on this link:

<https://www.tandridge.gov.uk/Portals/0/Documents/Parking Streets and Transport/Transport/Taxi licensing and safety/Draft Policy for consultation with trade.pdf>

The consultation period for this Policy is taking place between Monday 10th July until

Friday 6th October 2023. All comments received in the consultation period will be taken into account and considered before the final policy is published. Comments received after the consultation period will not be considered.

Members of the taxi trade should submit any comments in respect of the new policy to the Licensing Authority, in writing by no later than midnight of Friday 6th October 2023 to taxilicensing@tandridge.gov.uk

Should you have any queries in relation to this please do not hesitate to contact the Licensing Department.

Kind regards,

Jeannette

Jeannette Pickles	Tandridge District Council
Licensing Officer	The Council Offices
Environmental Health & Licensing	8 Station Road East
	Oxted, Surrey
	RH8 0BT
	01883 722000
taxilicensing@tandridge.gov.uk	www.tandridge.gov.uk
jpickles@tandridge.gov.uk	



This has been sent from the Mole Valley email address as there is ongoing issues with group emails from the Tandridge account. Please continue to contact the licensing department on the Tandridge email address if you have any queries.
taxilicensing@tandridge.gov.uk

APPENDIX C

Hackney Carriage and Private Hire Licensing Policy Consultation Responses			
Name	Comment	Response	Policy Amended Y/N
Trade Member Comments	Spare wheels, many of the leading electric vehicle companies are now not fixing the option to have a spare wheels carried on a vehicle, but suggest and supply alternatives such as tire filler or better alternatives (solid state tires) on materials used to keep wheels to a high road standard. As well as an option to be able to complete a drive then get the issue sorted.	Appendix A Condition 9 and Appendix B Condition 9 allow for alternatives to a spare wheel when not provided	N
Trade Member Comments	MOT Checks for electric vehicles, is this to be kept the same for 5 years, and kept to the same checks as regular ICE vehicles (petrol, diesel) as a-lot will be subject to tests that wont be in need necessarily on all new vehicles arriving from 2023 - 2028 and behind.	Yes, unless there is a significant change in law relating to MOT's for electric vehicles. All licensed vehicles must be mechanically suitable for use as a Licensed vehicle and the Licensing Authority must be satisfied of this. The requirement for MOT's to be provided is for all licensed vehicles.	N
Trade Member Comments	Taxi sign on the roof, it does go against fuel economy a little, having it on the roof can increase fuel consumption (whilst on the go) any other suggestions might be a good idea, (such as stickers, ones that come up just before driving, or suction, or magnets with a cable (safety attachment wire)	Para 7.31 of Policy explains why HC vehicles must have a roof box and why PH vehicles are prohibited from having roof signs	N
Trade Rep Comments	3.8 : For clarity, please define "adequate time."	On renewal letters there is a date to be received by to ensure Officers have enough time to process all application in. This would be in adequate time when received prior this date.	N
Trade Rep Comments	3.9 : For clarity, please define "late."	As above, "Late" would be after this date	N
Trade Rep Comments	7.18 : Can you elaborate on your pricing structure please?	This has not been set, this gives the Council the option when setting the budget to offer reduced licence fees to encourage vehicles that would be better for the environment.	N
Trade Rep Comments	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.." How/where are we to do this, and how will any due costs get covered?	This annual check will occur at the renewal appointments when the vehicle is plated.	N
Trade Rep Comments	7.35 : Please define "contract work." I would assume it means where the client is set up with an account with the PHO and billed periodically on account as opposed to paying per journey on arrival at the destination, but please clarify.	Contract work – this is where you enter into a contract to work for a specific person/company (eg film studios, BBC) and wish to apply for an exemption from displaying your Rear TDC issued Licence plate. Section 75 LG(MP)A 1976 provides the legal requirements for contract work.	N
Trade Rep Comments	7.35 : The display of the clumsy windscreen plate would entirely defeat the purpose of plate exemption, and seems an unnecessary requirement to introduce. Please consider revising this requirement, on the basis that the vehicle would at all times have all licence documentation including plate stored and available for inspection as requested by either authority or client.	S75 LG(MP)A 1976 covers the exemption to display plates (internal and external), discs or notices when requested and upon receipt of confirmation that the vehicles is under a contract of hire for a period of not less than 24 hours.	Yes - Rear plates is to be kept in the boot compartment and the window licence is to be kept in the glovebox.
Trade Rep Comments	8.34 : Will you remind us of this in time, and point us in the direction of where to attain the certificate? Presumably we'll all have to do this when first renewing after the policy goes live, as unlike the safeguarding, this is a new requirement, I think?!	Information will be circulated on where this can be obtained once this requirement is introduced. There will be a period of time that drivers are expected to complete this by.	N
Trade Rep Comments	9.23 : Should this begin with "If premises are open to the public" ? I mean I'm looking to run a one man operator/driver/vehicle setup with cloud-based admin via 1 x laptop, 1 x phone. Would you reject my application if I'd not been to the planning department? Or is this simply saying "we're not going to ask, but it's on your head to be compliant if applicable" ?	Planning is not part of licensing, it is expected that the operator seeks the advice of planning to ensure they are in compliance regardless of the scale of the operator. If planning permission is required the applicant would need to provide proof of this prior to an Operator's licence being granted. Likewise if no planning permission is required. Use of a private dwelling does not necessarily exempt the requirement of planning permission. It may also need to be assessed by the Valuation Office Agency in respect of Business Rates as it would no longer be a purely domestic dwelling.	N
Trade Rep Comments	9.25 : In this day and age if a PHO's books are entirely cloud-based, those records are no more at their registered address than anywhere else in the world. They could share their information with you digitally. Geographical constraints seem pointless under these circumstances, especially if the PHO's books (laptop) are actually with them in the vehicle and not at the address at time of asking. Please review the need for this requirement.	This is set within legislation. It is expected that Officers are able to visit Operator bases, regardless of whether it is open to the public or a residential address, to inspect records and processes. Case law exists in respect of an Operators base and the requirements for this to be licensed - Dittah v Birmingham City Council; Choudhry v Birmingham City Council; Murtagh v Bromsgrove District Council and Shanks v North Tyneside Borough Council	N

Trade Rep Comments	9.25 : What about renewals? If I had PHO, PHD and PHV with you and then moved to a neighbouring borough would I be prevented from renewing PHO with you, and therefore PHD and PHV also, as they must all be from the same authority?	As above, Tandridge do not control this requirement. All PH licences must be held by the same Council. If an Operator moved their base outside of the area they could no longer be licensed by TDC and would need to apply for all three licences in their new area of abode.	N
Trade Rep Comments	Appendix A, 4 : see my notes for 7.28	This annual check will occur at the renewal appointments when the vehicle is plated.	N
Trade Rep Comments	Appendix A, 7 : see my notes for 7.28	Should there be any query that the meters are not set correctly or have been altered, Officers can check the meter in motion/waiting time.	N
Trade Rep Comments	Appendix A, 9 : "a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle." Surely this is not required if using the tyre inflation kit method? Please confirm.	Appendix A Condition 9 and Appendix B Condition 9 allow for alternatives to a spare wheel when not provided	N
Trade Rep Comments	Appendix A, 20 : "At least one legible no-smoking sign must be displayed in the vehicle." Surely this is legacy policy. It has been illegal to smoke in taxis for 16 years now. Even drunk people have long understood this. As this is a point in time when we are updating policy we can do away with these stickers?	Tandridge do not control this requirement, this is part of the Smoking legislation for all businesses including vehicles to display signage.	N
Trade Rep Comments	Appendix A, 44 : "Such records shall be maintained and held for a period not exceeding 12 months." Should that not read "...not less than 12 months" ?	No	N
Trade Rep Comments	Appendix B, 1 : see my notes for Appendix A, 1	See above	N
Trade Rep Comments	Appendix B, 4 : see my notes for 7.28	See above	N
Trade Rep Comments	Appendix B, 7 : see my notes for 7.28	See above	N
Trade Rep Comments	Appendix B, 9 : see my notes for Appendix A, 9	See above	N
Trade Rep Comments	Appendix B, 11 : refers to Hackney Carriage / public hire. Is not relevant to Appendix B	Agreed	Y - Policy amended to reflect Private Hire only
Trade Rep Comments	Appendix B, 14 : see my notes for 7.35	See above	Yes - Rear plates is to be kept in the boot compartment and the window licence is to be kept in the glovebox.
Trade Rep Comments	Appendix B, 20 : see my notes for Appendix A, 20	See above	N
Trade Rep Comments	Appendix D, 13 : Given that we are all now required to subscribe to the DBS update service, are we not at all times covered by an up-to-date DBS certificate?	This is in relation to operators. If they hold a driver licence then they would already have a DBS. Operators are not required to have an Enhanced DBS and therefore cannot sign up to the update service.	N
Trade Rep Comments	Appendix D, 16 : Can you explain this please? I'm not sure what it means.	Individuals may not meet the Councils standard to hold a driver licence and may choose to work in for an operator in another capacity (eg Call handler). The operator must have a policy to state their requirements of anyone with a conviction.	N
Trade Rep Comments	Appendix E, 3 : "...give his or her name and badge number and also the name and address of the vehicle proprietor" Really?? Picture the scene where a female taxi driver is asked her address by a bloke full of beer. Surely so long as they have contact details for the council for any complaints, that will suffice, and would be more appropriate? It should go without saying that I would expect the council to not be handing out my address to the general public either. I'm entirely uncomfortable with this condition. Please reconsider it while still drafting.	Every vehicle licence must contain the proprietors name and place of abode in accordance with S41 TPCA 1847, which then must entered into a register in accordance with S42 TPCA 1847	N
Trade Rep Comments	Appendix E, 10 : not that I smoke, but does this include being stood next to your vehicle while dormant at a rank?	No - as the driver is outside of the vehicle, they are not necessarily in control of the vehicle	N
Trade Rep Comments	Appendix E, 16 : sometimes this is not practical, i.e. in extremely hot or cold weather we will want our air conditioning running, therefore engines running. Is my modern car's engine too noisy when running at idle?!	Prevent being a nuisance, noise and unnecessary pollution. Should a complaint be received it would be assessed on a case by case basis, with mitigating circumstances being considered in determining the appropriate course of action.	N

Trade Rep Comments	Appendix G, 31 : "Carrying person other than hirer without consent" Does this mean kidnap?! If so, I'm sure it would warrant more than 6 penalty points. Please explain.	This is in relation to ride sharing. For example, you have a pick up from a bar and receive a similar journey from that bar to a similar drop off location. If you had consent of the passengers you can take both of them even though they do not know each other. However say the first passenger does not consent but you tell the other person it is okay. You do not have the consent of the hirer. Another example is, if you have say a friend/family member in the car (don't know why you would) and you arrive to pick up a passenger – that other person has not been checked by the Council and it is a risk to the passenger.	N
Trade Rep Comments	Appendix H : "You should not... give a vulnerable passenger your personal mobile number for any reason" Many of our customers could be categorised as vulnerable, and need our mobile numbers for obvious reasons. Please advise.	This appendix is to provide information on what you should and should not do. This is for the purpose of safeguarding you as drivers and to provide you advice. You should act in a professional manner as anything other could be misconstrued by a vulnerable passenger.	N
Trade Rep Comments	Appendix H : "You should not... befriend passengers on Facebook or other social media" Really? Social media is a good way of staying connected, and cementing the legitimate relationships we have with our clients. Please reconsider.	As above	N
Trade Rep Comments	Appendix H : " If a passenger falls, do NOT try to catch them." This troubles me.	This section is advice. The sentence prior to this read "Some other tips". If you try to catch someone that falls this can lead to injury to yourself and it could result in further injury to them. You could also be held liable if you try to intervene and cause the fall to be worse.	N
Trade Rep Comments	Appendix L,2 : see my notes for Appendix H	As above	N
Trade Rep Comments	Appendix L : "Drivers should not... Smoke, vape/use e-cigarettes, eat or drink in the vehicle." Surely this should be reworded to allow non-smelly food/drink while not driving. e.g. Can I not take a sip of water and an apple while parked at a rank, or on holiday in Cornwall with my son?	As a previous comment relates to stood by a vehicle to smoke (App E 10 above) a person may step outside of their vehicle to smoke/vape/consume food and/or drink	N
Trade Rep Comments	Appendix L : "Drivers should not... Take photographs (other than images captured on and approved vehicle CCTV system) of passengers even if it is at their request." Strange rule. I have been booked to take someone in the near future to some local stables, wait and return, whereby I have been asked to photograph them horseback while there. Fortunately this will take place before this consultation has concluded. But really?? Please consider revising.	This is in relation to the driver using their own phone/camera to take photo's of the passenger(s). This is for the purpose of safeguarding you as drivers and to provide you advice. You should act in a professional manner as anything other could be misconstrued particularly by a vulnerable passenger.	N
Trade Rep Comments	Appendix L : "Drivers should not... and should at no time provide any form of gift or gratuity, no matter how small or invaluable." Every Christmas I like to provide my most prolific two or three customers with a token of my appreciation for their business, i.e. a panettone cake. I'm not listing it as a business expense for tax purposes. Seems like good wholesome business practice to me. Please advise.	This is for the purpose of safeguarding you as drivers and to provide you advice. You should act in a professional manner as anything other could be misconstrued particularly by a vulnerable passenger.	N
Trade Rep Comments	Appendix L : "taxi ranks (official or unofficial ranks)" Please explain the difference between official and unofficial ranks, so I can be clear if I am at an unofficial rank or simply not at a rank.	An unofficial rank is a taxi rank that has not been adopted by the Council. For example, when Lingfield racecourse setup their taxi rank on event nights.	N
Trade Rep Meeting	Age Limits for Wheelchair Accessible vehicles - under 6 years old at first licence penalises the trade as these are expensive and should be different.	Not agreed - raised by one member of the Trade Representatives not by any other consultee and no alternative put forward by the trade	N
Trade Rep Meeting	Seatbelts - Policy to be clear in respect of this for child use etc	This is covered under separate legislation - The Motor Vehicles (Wearing of Seat Belts) Regulations 1989 with specific reference to Taxi's and Private Hire Vehicles	N
Trade Rep Meeting	Plate Exemption for Chauffeur work - why does the internal plate need to remain on display?	S75 LG(MP)A 1976 covers the exemption to display plates (internal and external), discs or notices when requested and upon receipt of confirmation that the vehicles is under a contract of hire for a period of not less than 24 hours.	Yes - Rear plates is to be kept in the boot compartment and the window licence is to be kept in the glovebox.
Trade Rep Meeting	Appendix E - Point 3 as detailed above	Every vehicle licence must contain the proprietors name and place of abode in accordance with S41 TPCA 1847, which must entered into a register in accordance with S42 TPCA 1847	N

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Community Services Committee – 2024/25 Proposed General Fund Budget and Medium-Term Financial Strategy

Community Services Committee Tuesday, 16 January 2024

Report of: Taryn Pearson-Rose – Deputy Chief Executive
Mark Hak-Sanders – Director of Resources (Section 151)

Purpose: For Decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

The purpose of this report is to present the proposed Budget for 2024/25 and Medium-Term Financial Strategy (MTFS), including the Capital Programme, for this Committee.

Members are asked to agree the recommendations below. These recommendations will be consolidated into the overall position, which will form part of the Council-wide budget setting process (to be ratified by Full Council on 8th February 2024).

This report supports the Council's priorities of: Building a better Council/
Creating the homes, infrastructure and environment we need / Supporting
economic recovery in Tandridge / Becoming a greener, more sustainable District.

Contact officer Mark Hak-Sanders – Director of Resources (Section 151)
mhaksanders@tandridge.gov.uk

Recommendations to Committee:

The approved Community Services budget will form part of the Council-wide budget setting process (to be ratified by Full Council on 8th February 2024). This report focusses on the budgets for this Committee, and recommends that Members:

- A. **Agree the Community Services Committee – Proposed Revenue Budget for 2024/25 of £4.574m**, as shown in **Appendix A**, taking account of pressures and savings allocated to the Committee and note that further allocations will be made to distribute an amount equal to increments and the agreed Council pay award, subject to approval by Strategy & Resources Committee and Full Council.
- B. **Agree the Community Services Committee’s Fees and Charges** for 2024/25 as shown in **Appendix C**.
- C. **Agree the Community Services Committee’s Capital Programme** for 2024/25 being the sum of £1.4m, as shown in **Appendix D**, subject to approval by Strategy & Resources Committee and Full Council.
- D. **Note the Subjective Revenue Budgets in Appendix B**, setting out movements from 2023/24 to 2024/25 and an estimated movement to 2025/26.

Reason for recommendation:

Section 151 of the Local Government Act 1972 requires all councils in England and Wales to make arrangements for the proper administration of their financial affairs. It is a legal obligation that the Council sets a balanced budget for 2024/25.

1. Introduction and Background

- 1.1 The Council’s proposed budget for 2024/25 has been collated through an extensive process over the past six months, beginning with a report to Strategy & Resources Committee on the 29th June 2023 which set out the timetable, process and key milestones. Throughout the process, the budget has been developed with an expectation that a savings target of £0.75m (with a range from £0.5m up to £1.4m) would be required to balance the Council’s overall budget.
- 1.2 The results of the budget process were captured in the Draft Budget 2024/25 and Future Tandridge Programme Update report that was presented to Strategy & Resources Committee on the 30th November 2023. The report set out a draft £0.6m savings plan for the Council overall, which at that point was sufficient to balance the budget along with itemised budget pressures and a high-level assessment of the impact of inflation.

- 1.3 The Draft Budget was presented with significant uncertainty on whether Government funding would be sufficient to allow the budget to remain balanced with the existing £0.6m savings plan. On the 18th December 2023, the Government released the provisional Local Government Finance Settlement, which set out funding for each Council. Although the final settlement is not expected until later in January 2024, it is highly unlikely that funding allocations will materially change. This Council's allocation was sufficient to balance the budget for 2024/25 based on the £0.6m savings set out in the Draft Budget. The budget will only remain balanced if the £0.6m savings plan is approved, so any proposed alteration to savings proposals would need to be met by approval of an amended target elsewhere.
- 1.4 The 2024/25 savings plan has been designed to deliver tactical savings whilst the Council finalises the implementation of key elements of the Future Tandridge Programme, including the Digital Programme, the renewed Grounds Maintenance service, key commissioning reviews (including Voids and Housing Repairs) and the People Plan. Savings have not been identified beyond 2024/25 as yet, but will be required to close the Medium-Term budget gap. A Transformation Programme Director resource is currently out to recruitment and their main focus will be to work with the Council to shape and deliver its future plans within available resources. Whilst the wider Council's corporate budget includes a modest contingency of £445k and a service capacity fund of £200k (more details of which will be presented to Strategy & Resources Committee), it is imperative that the savings are delivered or alternate measures identified where they cannot be. A robust governance approach through the Future Tandridge Programme continues to oversee delivery and manage these risks.
- 1.5 The report allocates funding to the Committee for a number of budget pressures, set out in Appendix A. These are based on the pressures included in the Draft Budget but now include an allocation for non-pay inflation previously held corporately.
- 1.6 The overall budget has been drawn together on the following principles:
- A balanced revenue budget with the use of General Fund Reserves avoided in anything but unforeseen circumstances that cannot be met from contingencies or reduced spend elsewhere;
 - Maintaining and ideally building the contingency to provide further medium-term financial resilience and to mitigate risk;
 - Supporting and enabling the Council to fund the Future Tandridge Programme and associated improvements to its services;
 - Continuing to explore options to build resilience of General Fund Reserves;
 - Completing the Future Tandridge Programme within available resources, delivering services with appropriately set budgets;
 - Producing evidence-based savings plans which are owned/delivered, tracked, monitored and reported monthly; and
 - Ensuring that managers are accountable for their budgets.

1.7 The principles more specifically relating to setting sustainable medium-term budgets are:

- Developing multi-year plans, integrated with capital investment across the Council;
- Application of a budget envelope approach with a model to determine a consistent and transparent application of funding reductions to Committee budget envelopes, backed by formal reporting to Committee;
- Envelopes validated annually based on realistic assumptions;
- Evidence bases used to underpin savings proposals and investments;
- Assurance that all savings, pressures and growth are managed within budget envelopes to ensure accountability for implementation;
- Pay and contract inflation allocated to Service budgets to be managed within budget envelopes; and
- A corporate contingency held centrally to mitigate risk.

1.8 The remainder of this report sets out the detail for the Committee.

2. Community Services Committee Overview

2.1 Community Services is the Council's largest service Committee in terms of spend and is responsible for the Council's policies in respect of leisure, community grants, community safety, environmental health, licensing, waste and amenity management.

2.2 The Committee is pursuing the following key developments for 2024/25

- Work with Freedom Leisure to design a leisure/wellbeing strategy;
- Work with partners and community groups to identify youth provision opportunities to improve the District's anti-social behaviour hot spots;
- Continue to support the response to the Ukraine crisis through community engagement and support to guests;
- Develop an anti-social behaviour strategy to enhance reporting and monitoring of cases;
- Adoption of the *SEP (Surrey Environmental Partnership) 2025 - A partnership approach to waste prevention and recycling* document;
- Commissioning the delivery of grounds maintenance for parks / open spaces and housing sites;
- Continuing the playground refurbishment / replacement scheme;
- Delivery of the public conveniences capital programme; and
- Developing a strategic approach to deal with Ash die-back across the District.

- 2.3 The key risks identified in 2024/25 include:
- Inflationary pressure on external contracts;
 - Tree management including Ash die back disease;
 - Under-recovery of income from car parking and cesspool emptying;
 - Monitoring and managing the impact of inflationary and other costs pressures on external contractors delivering services on behalf the Council; and
 - The increase in domestic homicide reviews cases which will put pressure (which cannot be quantified at this stage) on resources and budgets.
- 2.4 Significant pressures include:
- Inflation, which impacts the cost of external contracts which are subject to annual increases based on inflationary indices. The Council has little influence on these external forces and as such this represents a significant pressure over the medium-term;
 - The under-recovery of income from car parking, which has continued since the pandemic, exacerbated by the County Council removing the agency agreements for on-street parking enforcement; and
 - Ash die-back and general management of trees, which is a risk area for the Council both in terms of health and safety and financially as more work will need to be carried out on the Council's trees and woodlands. A more strategic approach to managing Ash die-back needs to be developed.
- 2.5 There are several capital programmes that will need to be delivered in 2024/25 including:
- Playground refurbishment and replacement; and
 - Public conveniences.

During 2023, an options appraisal has been carried out by Officers on grounds maintenance service provision, to determine the most suitable method of delivering these services to residents. During the remainder of 2023/24, market engagement, services specifications and procurement activities will progress, working towards agreeing a delivery model and contract for November 2024 onwards.

3. Revenue Budget

- 3.1 **The proposed revenue budget for Community Services totals £4.574m. Appendix B** details the subjective budgets from 2023/24 budget to Estimated Budget 2024/25 and 2025/26.

- 3.2 **Financial Savings of £208k / 4.5%** have been included in the proposed budget for this Committee. **Appendix A** itemises savings and pressures. The summary savings items are as follows:
- **£19k** - Funding IRIS Domestic Abuse training programme from external Domestic Abuse grant until an alternate funding stream is secured. This allows the Council's contribution to the scheme to continue without pressure on the revenue budget.
 - **£40k** - Remove unallocated community grant budget - allowing the Committee to continue to fund community grants overall at the 2023/24 level.
 - **£70k** - Garden Waste - Inflationary increase to ensure that Garden Waste costs continue to be met by the users of the service.
 - **£59k** - 2023/24 inflation lower than anticipated.
 - **£20k** - Centralisation of contingency for encampment remedial works. This leaves a small budget for preventative work leaving the Council's corporate contingency to deal with any remedials.
- 3.3 **Financial pressures excluding increments and pay award (totalling net £221k / 4.8%)** have been included in the Draft Budget and are summarised as follows:
- **Expected reduction in recycling credits of £5k:** The Council receives recycling credits from Surrey County Council, budgeted for at £93k. Based on the latest interpretation of discussions amongst the Surrey Waste Partnership, it is anticipated that TDC's share will fall by 5.5% or £5k for 2024/25.
 - **Off Street Parking Enforcement - £9k:** The Council is developing a solution for providing off-street parking enforcement with Reigate and Banstead Borough Council (RBBC). This is likely to cost £9k more than the current budget due to a loss of economies of scale when Surrey County Council withdrew the agency agreement for provision of on-street enforcement at the start of the year. With RBBC's input, Officers have taken stock of the key actions that need to be progressed prior to RBBC delivering enforcement on the Council's behalf, including implementing the 2023/24 uplift. Once these are in place RBBC should be able to commence enforcement.
 - **Inflation of £207k** estimated on non-staff costs across the Committee.
- 3.4 **Appendix A** is an extract from the MTFs for this Committee which details the pressures and savings identified and details the overall budget position for the Committee.
- 3.5 **Appendix B** shows the detailed budget for this Committee, taking account of the changes set out in this report.

4 Review of Fees and Charges

- 4.1 Charging for services forms a key part of the overall mechanism for financing local services. In simple terms, income from fees and charges offsets the cost of the service. If income from charging does not fully offset costs, then the Council taxpayer must pay for the difference.
- 4.2 It is therefore important that charges are regularly reviewed and assessed to reflect the Council's corporate priorities and are increased annually to take account of inflation, demand and any other appropriate factors particular to individual charges. 2024/25 will be a challenging year with ongoing uncertainty relating to inflation and cost of living. This is exacerbated by the significant uncertainty with funding and policy from Central Government for 2025/26 and over the medium-term. The Spending Review and the provisional settlement has only provided us with surety for one year.
- 4.3 There are a number of charges that are set externally over which the Council has no control to alter. This restricts the Council's ability to raise additional income and therefore the fees and charges set by statute are not required to be approved by this Committee.
- 4.4 Fees and charges have been reviewed by service managers with support from Finance, taking into account factors such as the impact of increases on residents, anticipated demand, comparison with competitors and other Councils, previous levels of performance and inflation.
- 4.5 As a result, it is proposed fees and charges are uplifted according to the following broad principles, with full detail set out in **Appendix C**. Fees and charges were discussed with Members at an all-Member workshop on the 19th December 2023, with these proposals reflecting the discussion:
- Consumer Price Inflation (CPI) is currently running at 3.9% and core CPI (excluding energy, food, alcohol and tobacco) is running at 5.1% (November 2023). It is therefore proposed that the majority of discretionary fees are increased by an average of 5%.
 - It is proposed to maintain free car parking where currently in place, and not increase remaining charges further whilst the implementation and enforcement of the 2023/24 charges is being finalised in partnership with the parking enforcement service at RBBC.
 - Some charges relate to services provided by the shared Environmental Health partnership, with Mole Valley District Council. As the cost of providing the service within Tandridge District is broadly the same as providing within Mole Valley District, efforts have been made to align charges where possible, or set them on a course to align over a two-to-three-year period.
 - Officers have proposed variation to some fees by a lower or higher percentage after reviews of the relevant costs used as part of the fee setting calculation.

- 4.6 With the exception of Garden Waste, which forms part of the savings plan, additional income generated by the uplifts is retained within the Committee until certainty on future activity levels and the impact of new charges is attained.

5 Capital Programme

- 5.1 The proposed Capital Programme for this Committee is shown at **Appendix D**. The programme covers a three-year period but will be reviewed and updated annually. The Appendix shows the current agreed programme, revisions to existing schemes and any new schemes added and the proposed programme after all revisions.
- 5.2 Included in the Appendix is a narrative description of each scheme.

6 Consultation

- 6.1 In the January 2024 Council newsletters, residents and business have been asked for their comments on the Draft Budget approved by Strategy & Resources Committee on the 30th November 2023. Any comments received will be incorporated into the final budget presented to Full Council on the 8th February 2024.

Key implications

7. Comments of the Chief Finance Officer

- 7.1 With no clarity over Government funding from 2025/26 onward, our working assumption is that financial resources will continue to be constrained. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium-term.
- 7.2 It is a legal obligation that the Council sets a balanced budget for 2024/25. This relies on the identification of sufficient savings to meet spending pressures and any income reductions. Drawing on already low General Fund reserves to cover a shortfall in savings is not a sustainable option and would only be used as an absolute last resort. The Council needs to build, rather than draw on reserves to safeguard its medium-term financial stability.
- 7.3 The Section 151 Officer confirms that the proposed 2024/25 Budget and MTFs is based on reasonable assumptions, taking into account all known material, financial and business issues and risks and is confident that if the principles and recommendations set out in this report are adopted that a balanced budget can be set for 2024/25.

8. Comments of the Head of Legal Services

- 8.1 Section 151 of the Local Government Act 1972 places a general duty on local authorities to make arrangements for 'the proper administration of their financial affairs'. The Local Government Act 2003 places a duty on the Council's Chief Finance Officer to advise on the robustness of the proposed budget and the adequacy of reserves.
- 8.2 The report updates Members with the MTFS for this Committee. This is a matter that informs the budget process, is consistent with sound financial management and the Council's obligation under section 151 of the Local Government Act 1972 for the Council to adopt and monitor a MTFS. Members have a duty to seek to ensure that the Council acts lawfully and produce a balanced budget. Members must not come to a decision which no reasonable authority could come to; balancing the nature, quality, and level of services which they consider should be provided against the costs of providing such services.
- 8.3 The report provides information about risks associated with the MTFS and the budget. This is, again, consistent with the Council's statutory obligation to make proper arrangements for the management of its financial affairs. It is also consistent with the Council's obligation under the Accounts and Audit Regulations 2015 to have a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk. The maintenance and consideration of information about risk, such as is provided in the report, is part of the way in which the Council fulfils this duty.
- 8.4 Section 28 of the Local Government Act 2003 imposes a duty on the Council to monitor its budgets throughout the financial year, using the same figures for reserves as were used in any original budget calculations. The Council must take necessary appropriate action to deal with any deterioration in the financial position revealed by the review.
- 8.5 The Council is a best value authority within the meaning of section 1 of the Local Government Act 1999. As such the Council is required under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness (the best value duty) which includes a duty to consult. Having a MTFS therefore contributes to achieving this legal duty.
- 8.6 The Council is required to obtain approval by Full Council of its MTFS.

9. Equality implications

- 9.1 The Council has specific responsibilities under the Equality Act 2010 and Public Sector Equality Duty. Part of this is to ensure that the potential effects of decisions on those protected by the equalities legislation are considered prior to any decision being made.
- 9.2 Section 149 of the Equality Act 2010, provides that a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EA;
 - advance equality of opportunity between persons who share a relevant protected characteristic (as defined by the EA) and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.3 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.
- 9.4 Members should have due regard to the public-sector equality duty when making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome.
- 9.5 Officers have reviewed proposed budget changes against the initial equalities screening and have nothing to report.

10. Climate Change implications

- 10.1 There are no direct impacts on environmental aspects in this budget report. Climate change implications will be assessed as part of any changes to Service provision through the business case process.

Appendices

- Appendix A – Summary of Pressures and Savings
- Appendix B – Subjective Detailed Budget Analysis
- Appendix C – Proposed Fees and Charges
- Appendix D – Proposed Capital Programme
- Appendix E - Glossary

Background papers

Strategy and Resources Committee – 30th November 2023 – 2024/25 Draft
Budget and Future Tandridge Programme Update

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APPENDIX A - **COMMUNITY SERVICES** - PRESSURES AND SAVINGS

	2024/25 £000	2025/26 £000	2026/27 £000	Total £000
Brought forward budget	4,613	4,574	4,781	

Virements (Budget adjustments between committees)

Theme	Description	Virement			
		2024/25 £000	2025/26 £000	2026/27 £000	Total £000
Prior year savings	Realignment of Management Structure budgets to reflect the final structure implemented on 1st December 2023.	(45)			(45)
Budget adjustments	Budget review for 2024/25 resulting in minor budget adjustments to reflect current budget ownership.	(7)			(7)
Total Virements		(52)	0	0	(52)

Pressures

Theme	Description	Pressure			
		2024/25 £000	2025/26 £000	2026/27 £000	Total £000
Income Pressures	Expected reduction in recycling credits	5			5
Service Pressures	Off-street parking enforcement - exploring options with RBBC	9			9
Inflation	Inflation on contracts and non-staff costs across the Committee	207	207	207	621
Total Pressures		221	207	207	635

Savings

Theme	Description	Saving			
		2024/25 £000	2025/26 £000	2026/27 £000	Total £000
Review funding levels	Funding IRIS Domestic Abuse training programme from external Domestic Abuse grant until an alternate funding stream is secure	(19)			(19)
Review funding levels	Remove unallocated community grant budget - allowing the Committee to fund community grants at the 2023/24 level.	(40)			(40)
Commercial opportunities	Garden Waste - Inflationary increase	(70)			(70)
Review funding levels	2023/24 inflation lower than anticipated	(59)			(59)
Review funding levels	Centralisation of contingency for encampment remedial works.	(20)			(20)
Total Savings		(208)	0	0	(208)

Net movement for Committee budget	(39)	207	207	375
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Indicative Budget Requirement	4,574	4,781	4,988
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Appendix B – Community Services Revenue Budget Subjective Analysis

Service	2023/24 Current Budget £k	2024/25 Proposed Budgets			Total £k	Movement Year-on- year £k	Estimate for 2025/26 £k
		Pay £k	Non-Pay £k	Income £k			
Car Parking-On Street	0	0	0	0	0	0	0
Car Parking-Off Street	40	0	191	(140)	51	11	53
Hackney Carriage/Private Hire	(19)	0	69	(88)	(19)	0	(19)
Leisure & Community Grants	290	0	249	(20)	229	(61)	230
Waste Services	2,594	230	3,651	(1,290)	2,591	(3)	2,754
Environmental Services	299	0	426	(127)	299	0	299
Cesspool Services	18	77	148	(207)	18	0	18
Operations & Locality Services	1,391	946	1,335	(875)	1,406	15	1,447
Community Services	4,613	1,252	6,069	(2,747)	4,574	(39)	4,781

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Appendix C – Community Services Fees and Charges

							VAT excluded in these figures		
Fees and Charges	Statutory / Discretionary	Current Charges 2023/24	Proposed Charges 2024/25	Proposed Variance (inc. rounding)	Proposed Actual % Increase 2024/25 (inc. rounding)	Budgeted Income 2023/24	Forecast 2023/24 (based on Act / 6mth FC data)	Proposed Budget 2024/25	
		£ Inc VAT	£ Inc VAT	£	%	£	£	£	
Car Park Fees									
Ellice Road, Oxted									
Mon - Fri 0 – 2 Hours	Discretionary	-	-	0.00	0.0%				
Mon - Fri 2 hrs – 3 Hours	Discretionary	3.30	3.30	0.00	0.0%				
Mon - Fri 3 hrs – 4 Hours	Discretionary	5.00	5.00	0.00	0.0%				
Mon - Fri >4 Hours	Discretionary	7.20	7.20	0.00	0.0%				
Saturday, Sunday & Bank Holidays	Discretionary	-	-	0.00	0.0%				
Long Term Permits p.a.	Discretionary	601.00	601.00	0.00	0.0%				
Council Office, Oxted									
Long Term Permits p.a.	Discretionary	601.00	601.00	0.00	0.0%				
Station Road, Whyteleafe - Upper Level									
0-3 Hours	Discretionary	-	-	0.00	0.0%	68,900	74,000	81,400	
3-4 Hours	Discretionary	1.30	1.30	0.00	0.0%				
4-5 Hours	Discretionary	2.90	2.90	0.00	0.0%				
5-6 Hours	Discretionary	4.10	4.10	0.00	0.0%				
Long Term Permits p.a.	Discretionary	319.60	319.60	0.00	0.0%				
Mill Lane - Commuter Car Park									
Long Term Permits p.a.	Discretionary	319.60	319.60	0.00	0.0%				
Hill View - Caterham									
Long Term Permits p.a.	Discretionary	319.60	319.60	0.00	0.0%				
TOTAL Income - Car Parking (Oxted, Station Road, Mill Lane, Hill View) - excluding Permits/Infringements/PCN's (see below)						68,900	74,000	81,400	
Woldingham Road, Woldingham									
Before 9:15	Discretionary	4.40	4.40	0.00	0.0%				
After 9:15	Discretionary	2.30	2.30	0.00	0.0%				
Gun Pit Road, Lingfield									
0-3 Hours	Discretionary	-	-	0.00	0.0%				
3-4 Hours	Discretionary	1.30	1.30	0.00	0.0%				
4-5 Hours	Discretionary	2.90	2.90	0.00	0.0%				
5-6 Hours	Discretionary	4.10	4.10	0.00	0.0%				
Long Term Permits p.a.	Discretionary	319.60	319.60	0.00	0.0%				
Town End, Caterham									
0-3 Hours	Discretionary	-	-	0.00	0.0%	8,000	6,000	6,600	
3-4 Hours	Discretionary	1.30	1.30	0.00	0.0%				
4-5 Hours	Discretionary	2.90	2.90	0.00	0.0%				
5-6 Hours	Discretionary	4.10	4.10	0.00	0.0%				
Long Term Permits p.a.	Discretionary	319.60	319.60	0.00	0.0%				
Whyteleafe Recreation Ground									
Free stay limited to 3 hours	Discretionary	-	-	0.00	0.0%				
Long Term Permits p.a.	Discretionary	319.60	319.60	0.00	0.0%				
Warlingham Green & Manor Park, Whyteleafe									
Free stay limited to 3 hours	Discretionary	-	-	0.00	0.0%				
TOTAL Income - Car Parking (Others) - excludes Permits/Infringements/PCN's (see below)						8,000	6,000	6,600	
Infringements - District Wide (Statutory Charges) <i>(All if paid within 14 days)</i>									
Penalty Notices (Fees set by Government)	Statutory	N/A		N/A	0.0%				
General Parking (Fees set by Government)	Statutory	N/A		N/A	0.0%	0	0	0	
No Permit (Fees set by Government)	Statutory	N/A		N/A	0.0%				
Additional Budget Information									
Total Long Term Permits Budget information	Discretionary					46,200	42,000	46,200	
Penalty Charge Notices - Off Street	Discretionary					16,500	16,500	16,500	
Penalty Charge Notices - On Street	Statutory					0	0	0	
TOTAL Income - Car Parking (Permits/Infringements/PCN's)						62,700	58,500	62,700	
Total Income - Car Parking						139,600	138,500	150,700	

							VAT excluded in these figures		
Fees and Charges	Statutory / Discretionary	Current Charges 2023/24	Proposed Charges 2024/25	Proposed Variance (inc. rounding)	Proposed Actual % Increase 2024/25 (inc. rounding)	Budgeted Income 2023/24	Forecast 2023/24 (based on Act / 6mth FC data)	Proposed Budget 2024/25	
		£ Inc VAT	£ Inc VAT	£	%	£	£	£	
Cemetery Fees									
<i>Interments:</i>									
Additional space in a purchased grave - for one 183cm (6ft)									
Parishioner	Discretionary	637.00	769.00	132.00	20.7%				
< 7 Year Parishioner	Discretionary	1274.50	1,438.00	163.50	12.8%				
Non Parishioner	Discretionary	1898.50	2,093.00	194.50	10.2%				
Additional space in a purchased grave - for two 244cm (8ft)									
Parishioner	Discretionary	726.00	862.00	136.00	18.7%				
< 7 Year Parishioner	Discretionary	1450.00	1,623.00	173.00	11.9%				
Non Parishioner	Discretionary	2178.00	2,387.00	209.00	9.6%				
Interment of cremated remains in a previously purchased grave									
Parishioner	Discretionary	179.00	188.00	9.00	5.0%				
< 7 Year Parishioner	Discretionary	357.00	375.00	18.00	5.0%				
Non Parishioner	Discretionary	537.00	564.00	27.00	5.0%				
New Burial Plots									
For two 244cm (8ft)	Discretionary	2178.00	2,387.00	209.00	9.6%				
<i>Cremated Remains:</i>									
Purchase of plot for cremated remains (for 1,2, or 3 sets) including the right to place a 30cm square memorial set flush to the ground and first inscription									
Parishioner	Discretionary	357.50	375.50	18.00	5.0%				
< 7 Year Parishioner	Discretionary	714.50	750.25	35.75	5.0%				
Non Parishioner	Discretionary	1077.25	1,131.00	53.75	5.0%				
Interment of cremated remains									
Parishioner	Discretionary	178.50	187.50	9.00	5.0%	26,000	28,000	29,400	
< 7 Year Parishioner	Discretionary	357.00	374.75	17.75	5.0%				
Non Parishioner	Discretionary	536.50	563.25	26.75	5.0%				
Additional inscription on cremated plots									
Parishioner	Discretionary	45.00	47.25	2.25	5.0%				
< 7 Year Parishioner	Discretionary	89.25	93.75	4.50	5.0%				
Non Parishioner	Discretionary	134.00	140.75	6.75	5.0%				
The right to erect or place a Memorial on a purchased grave not exceeding 198X76X46cm (6'6L X 2'6W X18"H) with inscription									
Parishioner	Discretionary	262.50	275.75	13.25	5.0%				
< 7 Year Parishioner	Discretionary	525.00	551.25	26.25	5.0%				
Non Parishioner	Discretionary	782.25	821.25	39.00	5.0%				
Extra charge for memorials exceeding 46cm (18") in height per 30cms (12") or part									
Parishioner	Discretionary	178.50	187.50	9.00	5.0%				
< 7 Year Parishioner	Discretionary	357.00	374.75	17.75	5.0%				
Non Parishioner	Discretionary	536.50	563.25	26.75	5.0%				
Each addition to the original memorial									
	Discretionary	45.00	47.25	2.25	5.0%				
	Discretionary	89.25	93.75	4.50	5.0%				
	Discretionary	134.00	140.75	6.75	5.0%				
Scattering of Ashes in Garden of Remembrance									
	Discretionary	72.75	76.50	3.75	5.2%				
Total Income - Cemetery						26,000	28,000	29,400	

Fees and Charges	Statutory / Discretionary	Current Charges	Proposed Charges	Proposed Variance	Proposed Actual % Increase	VAT excluded in these figures		
		2023/24	2024/25	(inc. rounding)	2024/25	Budgeted Income	Forecast	Proposed Budget
		£ Inc VAT	£ Inc VAT	£	%	2023/24	2023/24 (based on Act / 6mth FC data)	2024/25
Cesspool Charges for Emptying								
Up to 1000 gals	Discretionary	144.50	166.00	21.50	14.9%			
1000 to 2000 gals	Discretionary	214.50	225.00	10.50	4.9%			
2000 to 3000 gals	Discretionary	306.00	321.50	15.50	5.1%			
3000 to 4000 gals	Discretionary	405.50	426.00	20.50	5.1%			
More than 4000 gals, charge per 1000 gals (or part there of)	Discretionary	100.00	105.00	5.00	5.0%			
Pipe lays requiring over 12 pipes, charge per pipe* (*bespoke fees will be required where there are complex installations or accessibility issues)	Discretionary	5.10	5.40	0.30	5.9%			
						207,000	180,000	200,000
Emergency Service - Normal Working Hours (within 2 days, subject to availability)								
Up to 1000 gals	Discretionary	226.00	260.00	34.00	15.0%			
1000 to 2000 gals	Discretionary	338.75	355.75	17.00	5.0%			
2000 to 3000 gals	Discretionary	497.00	521.75	24.75	5.0%			
Obstructed Access - Abort Charge	Discretionary	79.00	83.00	4.00	5.1%			
Additional Operative Charge	Discretionary	56.50	59.25	2.75	4.9%			
Charge per hour after first hour	Discretionary	113.00	118.75	5.75	5.1%			
Total Income - Cesspool						207,000	180,000	200,000
Allotments								
Allotment Rents per 250 sq.m	Discretionary	88.00	92.50	4.50	5.1%	9,400	10,300	9,870
Total Income - Allotments						9,400	10,300	9,870
Hackney Carriage Fees								
Hackney Carriage Drivers Badge - 1 year licence	Discretionary	118.50	130.50	12.00	10.1%			
Hackney Carriage Drivers Badge - 2 year licence	Discretionary	New	261.00	N/A	0.0%			
Hackney Carriage Drivers Badge - 3 year licence	Discretionary	355.50	391.50	36.00	10.1%			
Hackney Vehicles	Discretionary	413.50	440.00	26.50	6.4%			
Knowledge Test - Initial	Discretionary	86.00	86.00	0.00	0.0%			
Knowledge Test - Subsequent tests	Discretionary	47.00	47.00	0.00	0.0%			
Missed appointments	Discretionary	27.00	34.00	7.00	25.9%	87,600	87,600	96,360
Private Hire Operators Licence (1 year)	Discretionary	300.00	300.00	0.00	0.0%			
Private Hire Badge	Discretionary	82.50	95.00	12.50	15.2%			
Private Hire Vehicles	Discretionary	316.00	363.50	47.50	15.0%			
Transfer of Vehicle during the plating year	Discretionary	76.50	115.00	38.50	50.3%			
Replacement vehicle plates	Discretionary	23.00	34.50	11.50	50.0%			
Replacement driver's badge	Discretionary	8.50	17.00	8.50	100.0%			
Total Income - Hackney Carriage Fees						87,600	87,600	96,360

						VAT excluded in these figures		
Fees and Charges	Statutory / Discretionary	Current Charges 2023/24	Proposed Charges 2024/25	Proposed Variance (inc. rounding)	Proposed Actual % Increase 2024/25 (inc. rounding)	Budgeted Income 2023/24	Forecast 2023/24 (based on Act / 6mth FC data)	Proposed Budget 2024/25
		£ Inc VAT	£ Inc VAT	£	%	£	£	£
Fees set by Government (for information only)								
Authorised processes (Env Protection Act 1990)	Statutory							
Lotteries - initial fee	Statutory					7,400	7,600	7,600
Lotteries - subsequent annual fee	Statutory							
Alcohol and Entertainment (Licensing Act 2003)	Statutory							
Amusements with Prizes (cash)	Statutory					77,500	82,000	82,000
Gambling Act (up to a Statutory Maximum) - Bingo								
Annual Fee	Discretionary	864.00	950.50	86.50	10.0%			
Application Fee	Discretionary	3021.00	3,163.00	142.00	4.7%			
Variation Fee	Discretionary	1510.50	1,661.50	151.00	10.0%			
Transfer Fee	Discretionary	1038.75	1,142.75	104.00	10.0%			
Reinstatement Fee	Discretionary	1038.75	1,142.75	104.00	10.0%			
Provisional Statement Fee	Discretionary	2597.00	2,856.75	259.75	10.0%			
Application Fee with Provisional Statement	Discretionary	1038.75	1,142.75	104.00	10.0%			
Gambling Act (up to a Statutory Maximum) - Adult Gaming Centre								
Annual Fee	Discretionary	864.00	750.00	-114.00	-13.2%			
Application Fee	Discretionary	1727.75	1,900.50	172.75	10.0%			
Variation Fee	Discretionary	864.00	950.50	86.50	10.0%			
Transfer Fee	Discretionary	1038.75	1,139.00	100.25	9.7%			
Reinstatement Fee	Discretionary	1038.75	1,139.00	100.25	9.7%			
Provisional Statement Fee	Discretionary	1727.75	1,900.50	172.75	10.0%			
Application Fee with Provisional Statement	Discretionary	1038.75	1,142.75	104.00	10.0%			
Gambling Act (up to a Statutory Maximum) - Betting (Track)								
Annual Fee	Discretionary	864.00	950.50	86.50	10.0%			
Application Fee	Discretionary	2162.50	2,378.75	216.25	10.0%			
Variation Fee	Discretionary	1076.00	1,183.50	107.50	10.0%			
Transfer Fee	Discretionary	821.50	903.75	82.25	10.0%	9,000	8,800	9,680
Reinstatement Fee	Discretionary	821.50	903.75	82.25	10.0%			
Provisional Statement Fee	Discretionary	2162.50	2,378.75	216.25	10.0%			
Application Fee with Provisional Statement	Discretionary	821.50	903.75	82.25	10.0%			
Gambling Act (up to a Statutory Maximum) - Betting (Other)								
Annual Fee	Discretionary	519.50	571.50	52.00	10.0%			
Application Fee	Discretionary	2597.00	2,856.75	259.75	10.0%			
Variation Fee	Discretionary	1298.50	1,428.25	129.75	10.0%			
Transfer Fee	Discretionary	1038.75	1,142.75	104.00	10.0%			
Reinstatement Fee	Discretionary	1038.75	1,142.75	104.00	10.0%			
Provisional Statement Fee	Discretionary	2597.00	2,856.75	259.75	10.0%			
Application Fee with Provisional Statement	Discretionary	1038.75	1,142.75	104.00	10.0%			
Gambling Act (up to a Statutory Maximum) - Family Entertainment Centre								
Annual Fee	Discretionary	646.50	711.25	64.75	10.0%			
Application Fee	Discretionary	1727.75	1,900.50	172.75	10.0%			
Variation Fee	Discretionary	864.00	950.50	86.50	10.0%			
Transfer Fee	Discretionary	950.00	950.00	0.00	0.0%			
Reinstatement Fee	Discretionary	950.00	950.00	0.00	0.0%			
Provisional Statement Fee	Discretionary	1727.75	1,900.50	172.75	10.0%			
Application Fee with Provisional Statement	Discretionary	821.50	903.75	82.25	10.0%			
Gambling Act (up to a Statutory Maximum) - TOTAL						93,900	98,400	99,280

						VAT excluded in these figures		
Fees and Charges	Statutory / Discretionary	Current Charges 2023/24	Proposed Charges 2024/25	Proposed Variance (inc. rounding)	Proposed Actual % Increase 2024/25 (inc. rounding)	Budgeted Income 2023/24	Forecast 2023/24 (based on Act / 6mth FC data)	Proposed Budget 2024/25
		£ Inc VAT	£ Inc VAT	£	%	£	£	£
Fees set by Government (for information only)								
Environmental Health								
Street Trading (12 Months)	Discretionary	873.00	960.00	87.00	10.0%			
Street Trading (6 Months)	Discretionary	492.00	541.00	49.00	10.0%			
Street Trading (1 Month Temporary Licence)	Discretionary	78.00	91.00	13.00	16.7%			
Animal Boarding Establishment	Discretionary	332.00	350.00	18.00	5.4%			
Home Boarding	Discretionary	318.00	318.00	0.00	0.0%			
Doggy day care	Discretionary	318.00	318.00	0.00	0.0%			
Selling animals as pets	Discretionary	332.00	350.00	18.00	5.4%			
Dog breeding	Discretionary	332.00	350.00	18.00	5.4%	32,800	32,800	34,440
Hiring out of horses	Discretionary	332.00	350.00	18.00	5.4%			
Animals for exhibition	Discretionary	332.00	350.00	18.00	5.4%			
Dangerous Wild Animals	Discretionary	317.00	334.00	17.00	5.4%			
Breeding of Dogs Establishment	Discretionary	204.00	214.00	10.00	4.9%			
Zoo Licences	Discretionary	633.00	633.00	0.00	0.0%			
Dog Control Return Fee	Discretionary	116.00	119.20	3.20	2.8%			
Pavement Licences	Statutory	100.00	100.00	0.00	0.0%			
Food Hygiene rating Scores (FHRS) re-inspection	Discretionary	246.00	258.50	12.50	5.1%			
Environmental Health TOTAL						32,800	32,800	34,440
Scrap Metal Dealers Act								
Site licence renewal	Discretionary	467.50	514.25	46.75	10.0%			
Site licence variation to collector licence	Discretionary	201.50	302.25	100.75	50.0%			
Collector licence renewal	Discretionary	334.00	350.00	16.00	4.8%			
Collector licence variation to site licence	Discretionary	201.50	252.00	50.50	25.1%			
Change of name of licensee of site licence	Discretionary	66.25	66.25	0.00	0.0%			
Change of identity of sites in the authority's area contained in licence	Discretionary	133.50	140.25	6.75	5.1%			
Change of site manager at each site	Discretionary	133.50	133.50	0.00	0.0%			
Change of collector's name	Discretionary	66.25	69.50	3.25	4.9%			
Copy of licence	Discretionary	34.25	41.00	6.75	19.7%	1,000	3,000	3,300
Electrolysis, Acupuncture, Tattooing (inc. temporary), Piercing								
Persons	Discretionary	170.00	170.00	0.00	0.0%			
Premises	Discretionary	310.50	310.50	0.00	0.0%			
Replacement certificate	Discretionary	New	20.00	N/A	N/A			
Variation fee	Discretionary	New	74.50	N/A	N/A			
Sex Shop								
	Discretionary	8979.00	8,979.00	0.00	0.0%			
Other Licenced Premises TOTAL						1,000	3,000	3,300
Total Income - Premises Licenses & other various Environmental Licenses						127,700	134,200	137,020

							VAT excluded in these figures		
Fees and Charges	Statutory / Discretionary	Current Charges 2023/24	Proposed Charges 2024/25	Proposed Variance (inc. rounding)	Proposed Actual % Increase 2024/25 (inc. rounding)	Budgeted Income 2023/24	Forecast 2023/24 (based on Act / 6mth FC data)	Proposed Budget 2024/25	
		£ Inc VAT	£ Inc VAT	£	%	£	£	£	
Indoor & Outdoor Sports Facilities									
Queens Park Pavilion Charges									
Indoor Sports and Clubs - per hour	Discretionary	14.50	15.00	0.50	3.4%				
10 or more bookings	Discretionary	12.08	12.50	0.42	3.5%				
Community Hire - per hour	Discretionary	24.00	25.00	1.00	4.2%				
Weekend Hire - Non Profit Making Bodies (4 hours)	Discretionary	186.50	186.50	0.00	0.0%				
Additional charge per hour	Discretionary	32.00	32.00	0.00	0.0%				
Community Hire - per hour	Discretionary	24.00	25.00	1.00	4.2%				
Weekend Hire - Profit Making Bodies (4 hours)	Discretionary	372.00	372.00	0.00	0.0%				
Additional charge per hour	Discretionary	69.00	69.00	0.00	0.0%				
Tennis	Discretionary	0.00	-	0.00	0.0%				
Tennis Court Hire for Training - per hour	Discretionary	17.00	18.00	1.00	5.9%				
Outdoor Sports Charges (Football, Rugby and Cricket)									
Sports Pitch Bookings per game	Discretionary	105.50	111.00	5.50	5.2%				
Changing Facilities	Discretionary	90.00	90.00	0.00	0.0%				
Training Sessions	Discretionary	26.00	27.50	1.50	5.8%				
Senior	Discretionary	105.50	111.00	5.50	5.2%				
Junior	Discretionary	54.00	56.50	2.50	4.6%	17,500	17,500	23,119	
Mini - Football	Discretionary	26.00	27.50	1.50	5.8%				
Indoor & Outdoor Sports Clubs & Group Licences									
Annual Licences - Utilising the Councils Parks & Open Spaces - licences commence 1st January									
Frequency up to an average of 4 sessions per week									
1 to 2 Clients - maximum 2 clients	Discretionary	219.00	230.00	11.00	5.0%				
Small Class - maximum 10 clients	Discretionary	371.50	390.00	18.50	5.0%				
Large Class - Maximum 20 clients	Discretionary	711.00	746.50	35.50	5.0%				
Frequency up to an average of 5 or more sessions per week									
1 to 2 Clients - maximum 2 clients	Discretionary	383.50	402.50	19.00	5.0%				
Small Class - maximum 10 clients	Discretionary	557.50	585.50	28.00	5.0%				
Large Class - Maximum 20 clients	Discretionary	1067.00	1,120.50	53.50	5.0%				
Total Income Sports Facilities & Licences						17,500	17,500	23,119	
Dog Walkers									
Discretionary		156.50	164.50	8.00	5.1%	0	0	0	
<i>For Businesses requiring multiple licences the first licences shall be paid in full with a 20% discount applying to each subsequent licence thereafter</i>									
Large Events on Council land (Fairs, Circus etc.)									
Charges per day when open									
Monday & Tuesday	Discretionary	425.00	425.00	0.00	0.0%				
Wednesday & Thursday	Discretionary	478.00	478.00	0.00	0.0%				
Friday, Saturday & Sunday	Discretionary	745.00	745.00	0.00	0.0%				
Charges per day when setting up / closing	Discretionary	159.50	159.50	0.00	0.0%	0	0	0	
Medium / Smaller Events on Council land									
Small Events (fewer than 150 people) - charge per day									
Discretionary		140.00	140.00	0.00	0.0%				
Medium Events (150-349 people) - charge per day									
Discretionary		250.00	250.00	0.00	0.0%				
<i>(350+ people - use the Large Events pricing above)</i>									
Total Income - Sports, Clubs & Groups						17,500	17,500	23,119	

							VAT excluded in these figures		
Fees and Charges	Statutory / Discretionary	Current Charges 2023/24	Proposed Charges 2024/25	Proposed Variance (inc. rounding)	Proposed Actual % Increase 2024/25 (inc. rounding)	Budgeted Income 2023/24	Forecast 2023/24 (based on Act / 6mth FC data)	Proposed Budget 2024/25	
		£ Inc VAT	£ Inc VAT	£	%	£	£	£	
Waste Charges									
Garden Waste Club									
1st Year Subscription (includes bin delivery)	Discretionary	84.50	88.50	4.00	4.7%				
2nd Onwards Subscription	Discretionary	73.00	76.50	3.50	4.8%				
TOTAL Garden Waste Club						1,061,400	1,061,400	1,131,400	
Bulky Waste Charges - No Subsidy									
1 Item	Discretionary	43.50	45.50	2.00	4.6%				
2 Items	Discretionary	50.00	52.50	2.50	5.0%				
3 Items	Discretionary	56.50	59.50	3.00	5.3%				
4 Items	Discretionary	62.50	65.50	3.00	4.8%				
5 Items	Discretionary	70.00	73.50	3.50	5.0%				
Bulky Waste Charges - Subsidy									
1 Item	Discretionary	22.00	23.00	1.00	4.5%				
2 Items	Discretionary	25.00	26.50	1.50	6.0%				
3 Items	Discretionary	28.00	29.50	1.50	5.4%				
TOTAL Bulky Waste Charges						80,600	80,600	84,630	
General Waste Bins resale									
140 litre refuse bin	Discretionary	33.50	35.00	1.50	4.5%				
180 litre refuse bin	Discretionary	39.00	41.00	2.00	5.1%				
180 litre refuse bin (second hand)	Discretionary	27.50	29.00	1.50	5.5%				
240 litre refuse bin	Discretionary	45.00	47.50	2.50	5.6%				
360 litre refuse bin	Discretionary	78.50	82.50	4.00	5.1%				
240 litre recycling bin	Discretionary	34.00	35.50	1.50	4.4%				
Indoor silver 5 litre food caddy	Discretionary	2.00	3.00	1.00	50.0%				
Outdoor green 23 litre food caddy	Discretionary	6.50	7.00	0.50	7.7%				
140 litre food waste bin	Discretionary	26.50	28.00	1.50	5.7%				
Green refuse sacks	Discretionary	11.50	12.00	0.50	4.3%				
Delivery of 1 set of bins	Discretionary	13.00	13.50	0.50	3.8%				
Delivery of more than 1 set of bins	Discretionary	64.50	67.50	3.00	4.7%				
TOTAL General Waste Bins resale						7,000	14,200	14,910	
Contaminated Waste - per receptacle (cost + admin charge)									
Return or Additional collection at Council request (all Saturday):									
2-wheeled bin	Discretionary	70.50	74.00	3.50	5.0%				
4-wheeled bin	Discretionary	50.50	53.00	2.50	5.0%				
Collection of up to 5 Council branded refuse sacks	Discretionary	60.00	63.00	3.00	5.0%				
Emptying of caddy	Discretionary	60.00	63.00	3.00	5.0%				
Emptying of Assisted Collection from a 2-wheeled bin	Discretionary	77.00	81.00	4.00	5.2%				
Emptying of Assisted Collection from up to 5 Council branded refuse sacks	Discretionary	65.50	69.00	3.50	5.3%				
Emptying of Assisted Collection from a caddy	Discretionary	65.50	69.00	3.50	5.3%				
2022/23 onwards admin cost =£10.50						2,000	0	0	
School Recycling Collection									
Charge is £/week/bin collected (VAT =Outside Scope of VAT)	Discretionary	11.50	12.00	0.50	4.3%	25,000	24,000	25,200	
Total Income - Waste						1,176,000	1,180,200	1,256,140	

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Appendix D – Community Services Proposed Capital Programme

COMMITTEE SCHEMES	Current Programme 2023/24 £	Estimated Programme 2024/25 £	Estimated Programme 2025/26 £	Estimated Programme 2026/27 £	Total Programme 2023-27 £
Community Services					
Current Continuing Programme					
Children's Playground Improvements	578,400	131,800	134,400		844,600
Parks, Pavilions & Open Spaces	205,200	114,500	116,800		436,500
Grange Meadow Access Works	10,600	0	0		10,600
UKSPF and Rural England Prosperity Fund	250,000	375,000	375,000		1,000,000
Vehicle Fleet Renewals	180,000	203,600	117,400		501,000
Car Park Equipment/Maintenance	30,200	68,700	35,800		134,700
Public Conveniences	400,000	150,000	153,000		703,000
Litter Bins	8,400	8,500	8,700		25,600
Roads & Paths at St.Mary's Church Cemetery	0	7,600	0		7,600
Land Drainage	10,000	10,000	10,200		30,200
Plant & Machinery Replacement Programme	15,000	0	10,000		25,000
Garden Waste Bins	5,200	56,100	25,500		86,800
Recycling, food waste and refuse bins	5,200	273,900	91,800		370,900
Playground Improvements (Match Funding Pot)	42,000	0	0		42,000
Total Current Continuing Programme	1,740,200	1,399,700	1,078,600	0	4,218,500
Revisions and New Bids					
Children's Playground Improvements				137,100	137,100
Parks, Pavilions & Open Spaces				119,100	119,100
Grange Meadow Access Works					0
UK Shared Prosperity Fund					0
Vehicle Fleet Renewals				119,700	119,700
Car Park Equipment/Maintenance				36,500	36,500
Public Conveniences				156,100	156,100
Litter Bins				8,900	8,900
Roads & Paths at St.Mary's Church Cemetery					0
Land Drainage				10,400	10,400
Plant & Machinery Replacement Programme				10,200	10,200
Garden Waste Bins				26,000	26,000
Recycling, food waste and refuse bins				93,600	93,600
Playground Improvements (Match Funding Pot)					0
Total Revisions and New Bids	0	0	0	717,600	717,600
Proposed Programme					
Children's Playground Improvements	578,400	131,800	134,400	137,100	981,700
Parks, Pavilions & Open Spaces	205,200	114,500	116,800	119,100	555,600
Grange Meadow Access Works	10,600	0	0	0	10,600
UK Shared Prosperity Fund	250,000	375,000	375,000	0	1,000,000
Vehicle Fleet Renewals	180,000	203,600	117,400	119,700	620,700
Car Park Equipment/Maintenance	30,200	68,700	35,800	36,500	171,200
Public Conveniences *	400,000	150,000	153,000	156,100	859,100
Litter Bins	8,400	8,500	8,700	8,900	34,500
Roads & Paths at St.Mary's Church Cemetery	0	7,600	0	0	7,600
Land Drainage	10,000	10,000	10,200	10,400	40,600
Plant & Machinery Replacement Programme	15,000	0	10,000	10,200	35,200
Garden Waste Bins	5,200	56,100	25,500	26,000	112,800
Recycling, food waste and refuse bins	5,200	273,900	91,800	93,600	464,500
Playground Improvements (Match Funding Pot)	42,000	0	0	0	42,000
Total Proposed Programme	1,740,200	1,399,700	1,078,600	717,600	4,936,100

* These schemes require a business case before the programme can be progressed

CAPITAL PROJECT SUMMARY - COMMUNITY SERVICES COMMITTEE

Title of Scheme	Childrens Playground Improvements
Description of Scheme	Renewal and improvement to existing facilities and new provision in partnership with other organisations
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	To maintain a high level of play value and safety standards by the replacement of play equipment identified by independent safety survey (ROSPA).
Title of Scheme	Parks, Pavilions and Open Spaces
Description of Scheme	Maintaining assets
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	Capital provision for the improvement and repair of sport pavilions and associated paths and access arrangements. Although there has been a capital budget set aside for Sports Pavilions, the programme of works to complete this has not been strictly adhered to, due to other emergency improvements taking priority. An updated and revised programme is currently being developed.
Title of Scheme	Grange Meadow Access Works
Description of Scheme	Improvements to Grange Meadow access
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	The current track and informal car park areas often requires replenishment with type 1 loose gravel to repair potholes during wet weather due to the current lack of surface water drainage. This scheme is designed to improve access and parking provision for all users of Grange Meadow, including improved track construction and drainage with formally marked parking bays.
Title of Scheme	UK Shared Prosperity Fund
Description of Scheme	Delivery of Open Space Strategy
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	To help deliver the Council's Open Space Strategy
Title of Scheme	Vehicle Fleet Renewal
Description of Scheme	Replacement Vehicles
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	There is a continuing programme of planned renewals to the Council's vehicle fleet. Also the Council has also taken the decision to purchase vehicles rather than re new the lease once the lease has expired.
Title of Scheme	Car Park Equipment/Maintenance
Description of Scheme	Purchase of equipment
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	Provision of equipment and maintenance of car parks to facilitate charging.
Title of Scheme	Public Conveniences
Description of Scheme	Refurbishment of Public Conveniences within the District
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	Several public toilets are in need refurbishment and the Wall Gate units and infrastructure are no longer supported as they are 20 years old. A programme of refurbishment is required to maintain these buildings.
Title of Scheme	Litter Bins
Description of Scheme	Purchase of equipment
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	Ongoing replacement programme of damaged or rusted bins.
Title of Scheme	Roads & Pathways St Marys Church
Description of Scheme	Renewals of Roads and pathways in the cemetery
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	The TDC owned cemetery at St. Marys Church, Caterham has a road and paths which TDC are responsible for. The Church Yard road is used by the Public, Disabled Access, Funeral Directors and Stone Mason to access TDC cemetery. The road and paths are required to be replaced as they are no longer fit for purpose.

Title of Scheme	Land Drainage
Description of Scheme	Structural maintenance
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	<ol style="list-style-type: none"> 1. Due to the lack of structural maintenance over a number of years the ditches are full of silt and detritus. The surrounding vegetation is also encroaching over the ditch / land drainage area. 2. This programme will safe guard the existing sports pitch drainage systems as they will become blocked and large scale expenditure will be incurred to rectify blockages. 3. To ensure that sports facilities and pitch water retention and flooding is minimised by clean drainage infrastructure 4. To carry essential maintenance every 2 years.
Title of Scheme	Plant & Machinery Replacement Programme
Description of Scheme	Purchase of equipment
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	To replace the plant and machinery for parks and street cleaning examples would be lawnmower, strimmers, hedgecutters, barrows and jet washers that have reached or exceeded their operational life and become beyond economical to repair. This includes the plant and machinery required to deliver the housing ground maintenance contract.
Title of Scheme	Garden Waste Bins
Description of Scheme	Purchase of equipment
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	Procurement of garden waste bins for new users, replacements for damaged binds and replacements for end of life bins
Title of Scheme	Recycling, food waste & refuse bins
Description of Scheme	This programme provides a replacement capital programme.
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	The purchase of refuse and recycling wheeled bins (2 wheels and 4 wheels), internal and external food waste caddies. The bins will be required for replacement requests due to damage, new builds and exchange of bins. The scheme will also allow contamination issues at communal recycling sites to be resolved by introducing lockable containers. NB the exchange of refuse wheeled bins will be in accordance with the charging mechanism and new builds are required to buy some containers direct from the Council. As such there will be a revenue income being received.
Title of Scheme	Playground Improvement Match Funding
Description of Scheme	Match funding scheme for the purpose of improving playgrounds in the District.
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	Parish Councils are encouraged to prepare and submit bids for match funding to improve play equipment in their ownership.

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Appendix E - Glossary of Terms

Term	Definition
Balanced Budget	Budget pressures fully offset by budget savings and funding changes.
Contingency	Funding held to meet known risks within the budget, offering assurance that the overall budget is deliverable. Contingencies are held corporately and only distributed if Committees cannot meet emerging risks from within their own budgets.
Pressure	Known budgeted expenditure increases and income reductions due to the following: <ul style="list-style-type: none"> • Growth factors – e.g. demographic, inflation and/or increased demand for services; • Full year effects – to take account of changes to expenditure or income which have taken effect in-year and need to be accounted for in future years as they are of an ongoing nature, e.g. ongoing changes to car parking income due to the pandemic; and/or • Other increases in expenditure or reduction in income as a result of strategic, governance, funding or policy changes e.g. additions to the organisational structure or additional service activities undertaken and not budgeted for as they occur after the budget is set and have ongoing implications.
Reserves: General Fund balance	Money set aside for emergencies or to cover any unexpected costs that cannot be met within budget or by contingencies.
Reserves: Earmarked Reserves	Funds set aside by Council for a particular purpose, such as buying or repairing equipment or the maintenance of public parks or buildings or equalising over time a particular income stream.
Saving	Known budgeted expenditure reductions and income increases which result due to the following: <ul style="list-style-type: none"> • Containing additional costs of Inflationary increases in contracts or pay; • Driving forward efficiencies in the provision of existing services i.e. providing services in an improved way to deliver better value for money; • The delivery of new or additional services; and/or Optimising sources of income.
TOMDG	Target Operating Model Development group – a governance group within the Future Tandridge Programme. This group sets the direction for the service reviews and agrees the principles that will drive the organisational change.

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