

**WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)**

Statement of witness
*(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Mary Justine Fuller
Age of witness: OVER 18
Occupation of witness Environmental Health Officer

This statement (consisting of 5 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the **29 June 2016** Signed... 

1. My name is Mary Justine Fuller. I am known by my middle name Justine. I have been employed by Guildford Borough Council, as the Environmental Health Manager since June 2013. Part of my role is the management of the Licensing team. This includes the licensing of taxi vehicles.
2. In February 2005, I obtained registration as an Environmental Health Officer from the Chartered Institute of Environmental Health and in January 2005, I obtained an MSc in Environmental Health from the University of Birmingham. In March 2016, I was awarded Chartered Status by the Chartered Institute of Environmental Health.
3. In March 2015, I passed the Institute of Licensing's Professional Licensing Practitioners Qualification with Merit. This includes taxi and private hire law.
4. Shortly after starting work at the Council, I learnt that the existing taxi and private hire licensing policy approved in July 2011 required review,

Signed...  Date **29/6/2016**

as parts were unclear and repetitive for users. In addition, the review would provide an opportunity to propose new requirements.

5. On the 8 January 2014, the Licensing Committee approved a timetable for developing and consulting on a new taxi and private hire licensing policy. The Licensing Committee agenda and minutes from the 8 January 2014 can be seen as evidence in exhibit MJF/1 and the Taxi and Private Hire Policy Update report and appendix 1 presented at the Licensing Committee can be seen as evidence in exhibit MJF/2.
6. I was involved in a number of the taxi and private hire policy working groups, which focused on key areas of policy development; one topic was taxi and private hire vehicles. Invitations were sent to members of the trade, a representative of the Guildford Hackney Association and an elected Member for each of the working groups.
7. I attended the workshops on vehicles during which we discussed the proposed introduction of livery for taxis and door signs on private hire vehicles. Opinions varied on the necessity of livery and if required, what it should be.
8. On the 16 July 2014, I presented a report to the Licensing Committee seeking approval to consult on a draft taxi and private hire licensing policy for 12 weeks. The agenda and minutes from the Licensing Committee on the 16 July 2014 can be seen as evidence in exhibit MJF/3 and the report proposed consulting on taxi livery including a range of livery options and the possible timescale for introduction can be seen as evidence in exhibit MJF/4.

Signed.....*MJ Fuller*..... Date*29/6/2016*.....

9. The reasons stated in the report for proposing the introduction of livery are quoted below:

"Moving towards a uniform livery for taxis within the Borough would give a local identity, present a more professional image, assist the public by making taxis more readily identifiable and assist in deterring touting."

10. At the 18 March 2015 Licensing Committee the results of the taxi and private hire licensing policy consultation were presented with a recommendation to adopt livery for taxi vehicles. The agenda and minutes for 18 March 2015 meeting can be seen as evidence in exhibit MJF/5 and the report presented to the 18 March 2016 Licensing Committee can be seen as evidence in exhibit MJF/6. Section 5 of the report discusses the benefits and disadvantages of livery. Four persons addressed the Committee, three of which were from the Guildford Hackney Association.
11. Council did not consider the draft policy first presented to the Licensing Committee on the 18 March 2015 as the need for further consultation and a full equalities impact assessment was identified. After these actions were conducted the draft taxi and private hire licensing policy was again presented to the Licensing Committee on the 18 November 2015.
12. In the draft policy presented on the 18 November 2015 the original recommendation for livery was amended to reduce the Council's proposed financial contribution and an increase in the introduction period. The report to Council details the benefits of livery, the livery

Signed.....  Date 29/6/2016

standard proposed and the timescale for introduction, which can be seen as evidence in exhibit MJF/7.

13. Six members of the public spoke at the meeting, including three members of the Guildford Hackney Association. The minutes of the Licensing Committee can be seen as evidence in exhibit MJF/8 and details the submissions made by members of the public.
14. On the 24 November 2015, a report was presented to Executive seeking additional expenditure partly to contribute to the cost of livery. The report can be seen as evidence in exhibit MJF/9. The Executive minutes from the 24 November 2015, which can be seen as evidence in exhibit MJF/10, confirm the Executive's approval of a contribution to the cost of livery if subsequently approved by Council.
15. On the 9 December 2015, the Council adopted the draft taxi and private hire licensing policy 2015-20, which incorporated the adoption of a Guildford livery for taxi vehicles as one of the key changes approved. The full report can be seen as evidence in exhibit MJF/11 and details the benefits of livery, the livery standard proposed and the timescale for introduction.
16. During the meeting three persons, including two from the Guildford Hackney Association addressed the meeting regarding the policy. Minutes of the meeting can be seen as evidence in exhibit MJF/12.
17. On 23 December 2015, I emailed the Lead Member for Licensing and the Head of Health and Community Care Services requesting a minor amendment to the taxi and private hire policy in relation to the start date for changing of vehicles having to comply with livery requirements to

Signed.......... Date.....

reflect the Committee report. Paragraph 5.19 of the 9 December 2015 report to Council and Paragraph 5.19 of the 18 November 2015 report to Licensing Committee states:

"5.19 For new vehicle applications including any change of vehicle by an existing licence holder, we would expect the vehicle to comply with the requirements from the date the new policy comes into force."

- 18. Copies of the request and approval can be seen as evidence in exhibit MJF/13. The amended policy can be seen as evidence in exhibit MJF/14.
- 19. On 9 December 2015 the Lead Member for Licensing and the Head of Health and Community Care Services were given delegation to make minor amendments to the policy.

STATEMENT OF TRUTH

The contents of this statement are true to the best of my knowledge and belief.

Signed 

Dated 29/6/2016

Signed  Date 29/6/2016

MJF/1



GUILDFORD
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Satish Mistry
Executive Head of Governance

Contact Officer:
James Dearling (01483) 444141

18 December 2013

Dear Sir/Madam,

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford at 7.00pm on **WEDNESDAY 8 JANUARY 2014**.

Yours faithfully

Satish Mistry

Executive Head of Governance

*Refreshments will be served in the
Members' Room from 6.15 p.m.*

MEMBERS OF COMMITTEE:

The Deputy Mayor, Councillor David Elms – Chairman
Councillor Nikki Nelson-Smith – Vice-Chairman

Councillor Richard Billington
Councillor Graham Eilwood
Councillor Christian Gilliam
Councillor David Goodwin
Councillor Gill Harwood
Councillor Christian Holliday
Councillor Gordon Jackson

Councillor Jennifer Jordan
Councillor Terence Patrick
Councillor Tony Phillips
Councillor Paul Spooner
Councillor Keith Taylor
Councillor David Wright

QUORUM: 5



Guildford Borough Council
Millmead House, Millmead, Guildford, Surrey GU2 4BB

RESOLVED: That the proposals for a twelve-week consultation with local people on whether the Council should adopt the provisions introduced by section 27 of the Policing and Crime Act 2009 be approved.

L26 – TAXI AND PRIVATE HIRE POLICY UPDATE

The Environmental Health Manager introduced a report outlining the timetable for developing a draft taxi and private hire policy for consultation.

Committee members questioned the current and past working relationships between the Council and members of the taxi and private hire trade. Members noted the timetable appeared reliant on the Law Commission publishing its final report and a draft bill in April 2014. In response, the Committee was advised that the Law Commission had published an interim statement in April 2013 outlining the key decisions it had reached.

Members asked about the financial compensation for members of the taxi trade attending consultation events and the value of maximum engagement with stakeholders. The Head of Health and Community Care Services advised the Committee that members of the taxi trade at a recent meeting had expressed a willingness to be involved in developing the policy and therefore no financial provision had been planned.

RESOLVED: (I) That the timetable for developing the taxi and private hire licensing policy, as set out in Appendix 1 of the report to the Committee, be approved.

(II) That the Chairman of the Licensing Committee and the Lead Councillor for Community Safety and Health be advised of any slippage in the timetable and take action accordingly.

L27 – LICENSING COMMITTEE WORK PROGRAMME

The Committee was advised that the Scrap Metal Dealers Act item had been removed from the work programme of the Licensing Committee and added to that of the Executive. Members were informed that this removal was prompted by legal advice and advice issued by the Home Office confirming the function was the responsibility of the Executive. The Committee was advised that the Executive would consider the Scrap Metal Dealers Act in February 2014.

Agenda Item number: 5

Licensing Committee Report

Report of Head of Health and Community Care Services

Author: David Curtis-Botting

Tel: 01483 444387

Email: david.curtis-botting@guildford.gov.uk

Lead Councillor responsible: Richard Billington

Tel: 01252 781323

Email: richard.billington@guildford.gov.uk

Date: 8 January 2014

Taxi and Private Hire Policy Update

Recommendation to Licensing Committee

That the Committee approves the timetable for developing our taxi and private hire licensing policy.

Reason(s) for recommendation:

To obtain the views of persons whom the Council could affect by exercising its functions in relation to taxi and private hire services and to use those views to formulate policy.

1. Purpose of Report

- 1.1 The report informs the Committee of the Law Commission's project to examine the legal framework relating to taxis and private hire vehicles. It outlines the Commission's key decisions, which it has published in its interim statement and sets out a timetable to develop a draft policy for consultation, which coincides with the Commission's final report and draft bill.
- 1.2 It asks the Committee to approve the timetable at **Appendix 1**, for developing the Council's taxi and private hire licensing policy.

2. Strategic Priorities

- 2.1 The taxi and private hire licensing policy will contribute to our fundamental themes and priorities as follows:

Economy – supporting businesses, growth and employment

Sustainability – safe borough.

- 2.2 It is best practice to publish a policy that sets out our general approach to regulation and enforcement activities in relation to taxi and private hire services. This helps us maintain a consistent approach, builds public confidence and assists in supporting business.
- 2.3 The policy must balance the right of an applicant to make an application for a taxi or private hire licence and to have that application considered on its merits, against the right of any person to travel in any taxi or private hire vehicle in safety and comfort. A successful balance will help the taxi and private hire businesses to develop successfully whilst providing assurance to the public. This assists in the strategic priorities of supporting business and maintaining the safety and wellbeing of our residents.
3. **Background**
- 3.1 In July 2011, the Law Commission started work on a project to review the law relating to the regulation of taxi and private hire services.
- 3.2 The Commission intends to publish its final report and a draft bill in April 2014 and we will need to review and amend our existing taxi and private hire policy to reflect any changes in the law.
4. **Main Considerations**
- 4.1 The Licensing Committee approved our current taxi and private hire licensing policy on 1 September 2010 subject to a review after six months. On 6 July 2011, the Committee reviewed the policy and after changing a condition relating to medical tests, it approved and adopted the policy.
- 4.2 In May 2012, the Law Commission outlined its provisional proposals for changes to the law in relation to taxi and private hire services and opened a four month consultation with a view to publishing a final report and draft bill at the end of 2013
- 4.3 In April 2013, the Commission recognised that many stakeholders are concerned about possible changes to taxi and private hire licensing laws and in a departure from its usual procedure, the Commission published an interim statement outlining the key decisions it has reached.
- 4.4 In its interim report, the Commission recommends:
- a) retaining a two-tier system, which distinguishes between taxis and private hire vehicles. A taxi can be hailed in the street and pick up passengers from taxi ranks whereas a private hire vehicle must be pre-booked
 - b) allowing licensing authorities to limit the number of taxis number should they wish to do so
 - c) national standards in relation to safety, accessibility and enforcement for both taxi and private hire vehicles

- d) in respect of taxis, that local authorities retain the ability to impose additional conditions on top of the national standards
 - e) only national standards should apply in respect of private hire services
 - f) changes to cross-border working for private hire services
 - g) increasing enforcement powers for licensing officers.
- 4.5 The Commission has put back the date for publishing its final report and now plans to publish its draft bill in April 2014.
- 4.6 Although the Law Commission has not finalised its recommendations, it has provided strong indications of the areas in which the law will change. This is an opportunity for us to review our existing policy and to engage at an early stage with stakeholders, with a view to developing principles from which we can formulate a new taxi and private hire licensing policy.
- 4.7 Once we have established those principles, we will be in a position to draft a policy on which we can consult and which coincides with the Law Commission's final report and draft bill.
- 4.8 The final policy will set out the general approach we will take when carrying out our functions in respect of taxi and private hire licensing.
- 4.9 If the Committee approves the timetable, officers will engage with stakeholders, analyse the results and prepare a draft policy. We will then present a further report to the Committee on 14 May 2014.
- 5. Financial Implications**
- 5.1 There are no financial implications for the Council because of following the timetable. We receive income through licence fees and this covers the cost of carrying out this function.
- 6. Legal Implications**
- 6.1 The Council is the licensing authority for the purposes of taxi and private hire licensing under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1867.
- 6.2 Neither Act requires the Council to prepare a taxi and private hire licensing policy. However, it is best practice to prepare a policy that contains the principles that it proposes to apply in exercising its functions.
- 7. Human Resource Implications**
- 7.1 Engaging with stakeholders and the creation of a draft licensing policy will not have any human resource implications.

8. Conclusion

8.1 The Committee should approve the timetable at Appendix 1.

9. Background Papers

9.1 Guildford Borough Council's Taxi and Private Hire Licensing Policy (July 2011)

9.2 The Law Commission's project on the reform of taxi and private hire services

9.3 The Law Commission's consultation on taxi and private hire services

9.4 The Law Commission's interim statement on taxi and private hire services

9.5 Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)

9.6 Minutes of the Licensing Committee Meeting held on 6 July 2011

10. Appendices

Appendix 1 Timetable for developing the Council's taxi and private hire licensing policy

Appendix 1
 Timetable for developing the Council's taxi and private hire licensing policy

		Week Commencing																					
Task		Start	End	Working Days	13-Jan	20-Jan	27-Jan	03-Feb	10-Feb	17-Feb	24-Feb	02-Mar	09-Mar	16-Mar	23-Mar	30-Mar	06-Apr	13-Apr	20-Apr	27-Apr	04-May	11-May	
Preparation and Work groups																							
Taxi Vehicle Conditions																							
Taxi [Working Group]		13-Jan	26-Jan	10																			
Taxi [Review Item]																							
Drivers (code of conduct)																							
Drivers (relevance of convictions)																							
Drivers (code of application)																							
Drivers (licensing conditions)																							
Disciplinary and enforcement																							
Taxi Vehicle Conditions																							
Taxi [Working Group]		27-Jan	16-Feb	10																			
Taxi [Review Item]																							
Drivers (code of conduct)																							
Drivers (relevance of convictions)																							
Drivers (code of application)																							
Drivers (licensing conditions)																							
Disciplinary and enforcement																							
Policy Development																							
Taxi Vehicle Conditions																							
Taxi [Working Group]		03-Feb	16-Feb	10																			
Taxi [Review Item]																							
Drivers (code of conduct)																							
Drivers (relevance of convictions)																							
Drivers (code of application)																							
Drivers (licensing conditions)																							
Disciplinary and enforcement																							
Support																							
Present Committee Report																							
Report Issued																							
Management Team																							
Support amendments																							
Submit final report & draft policy																							
Licensing Committee Meeting		14-May	14-May	1																			



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Satish Mistry
Executive Head of Governance

Contact Officer:
Michelle George (01483) 444078

8 July 2014

Dear Sir/Madam,

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford at 7.00pm on **WEDNESDAY 16 JULY 2014**.

Yours faithfully

Satish Mistry

Executive Head of Governance

*Refreshments will be served in the
Members' Room from 6.15 p.m.*

Councillor Graham Ellwood: Chairman
The Deputy Mayor, Councillor Nikki Nelson-Smith: Vice-Chairman

Councillor David Elms
Councillor Christian Gilliam
Councillor David Goodwin
Councillor Gillian Harwood
Councillor Philip Hooper
Councillor Gordon Jackson
Councillor Jennifer Jordan

Councillor Marsha Moseley
Councillor Terence Patrick
Councillor Tony Phillips
Councillor Iseult Roche
Councillor Keith Taylor
Councillor David Wright

QUORUM: 5



Guildford Borough Council
Millmead House, Millmead, Guildford, Surrey GU2 4BB

LICENSING COMMITTEE

16 July 2014

*Councillor Graham Ellwood - Chairman
*The Deputy Mayor, Councillor Nikki Nelson-Smith – Vice-Chairman

*The Mayor, Councillor David Elms	*Councillor Marsha Moseley
*Councillor Christian Gilliam	*Councillor Terence Patrick
*Councillor David Goodwin	*Councillor Tony Phillips
*Councillor Gillian Harwood	*Councillor Iseult Roche
*Councillor Phillip Hooper	Councillor Keith Taylor
*Councillor Gordon Jackson	*Councillor David Wright
Councillor Jennifer Jordan	

*Present

Councillor Paul Spooner, Lead Councillor for Licensing and Governance was also in attendance.

L6 - APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Christian Gilliam, Nikki Nelson-Smith, Terence Patrick and David Wright.

L7 - LOCAL CODE OF CONDUCT – DISCLOSURE OF INTERESTS

There were no disclosures.

L8 - MINUTES

The minutes of the meetings of the Licensing Committee held on 8 January and 13 May 2014 were confirmed and signed.

L9 – SEXUAL ENTERTAINMENT VENUES

The Committee received a report summarising the details and results of a 12 week public consultation exercise in relation to the Council adopting powers to regulate sexual entertainment venues.

The Committee noted that under the Licensing Act 2003, there was no opportunity for the Council to regulate the number, type or location of lap dancing and similar venues. However, these concerns were addressed by the Policing and Crime Act 2009 (2009 Act) which reclassified lap dancing clubs and similar premises as Sexual Entertainment Venues and gave Councils the option to adopt new measures. These measures included regulating the location, number and type of venues in the area.

Councillors noted that the results of public consultation were overall in favour of adopting the new provisions in the 2009 Act. The Committee noted, that should the Council adopt the recommendation on 7 October 2014, a Sexual Entertainment Venue Licensing Policy would be presented to the Licensing Committee and Council in due course. Having discussed the report, the Committee

RESOLVED: That the Council, at its meeting on 7 October 2014, be recommended to adopt the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 to come into force in the Guildford area.

L10 – TAXI AND PRIVATE HIRE POLICY

The Committee received a report summarising the work undertaken to date to develop a draft taxi and private hire licensing policy for public consultation.

The Committee noted that focussed workgroups with members of the licenced taxi and private hire trade had been constructive and highlighted a number of issues to be raised during public consultation. The main areas of change from the existing policy were:

- removal of unnecessary and onerous licence conditions
- a more streamlined and efficient process to obtain a licence
- a proposal to introduce livery for all taxis
- removal of a penalty points system for non-compliance
- Improving the format and readability of the policy by consolidating a number of sections under specific headings

The Lead Councillor for Licensing and Governance confirmed that the 12 week consultation proposed to run from 21 July to 20 October 2014 would encourage users and customers to comment. The Committee were keen for Parish Councils to be involved in the consultation.

Councillors discussed in detail whether livery for taxis was necessary and if so what form it should take. As similarly reported within the trade workgroups there were differing views amongst the Committee as to what was appropriate, however, Councillors were encouraged to submit their views as part of the wider public consultation proposed.

Councillors also raised the following points which Officers, undertook to consider as part of the consultation:

- to ensure that the list of offences included within the policy were comprehensive, particularly in relation to 'other alcohol offences';
- consideration of the amount of hours that a driver might be working, potentially leading to sleep deprivation; and
- the impact that Guildford Taxi Marshals have had on crime rates at taxi ranks.

The Committee noted that there was an intention to undertake an unmet demand survey in terms of the taxi numbers, given that the current policy adopted in 2004 removed the cap on the number of licenced taxis and the Guildford Hackney Association considered that taxi numbers had increased to a point where it was impacting on drivers' income. Whilst the Committee were content for taxi numbers to be consulted upon, they felt that there was no need to undertake an unmet demand survey and resolved accordingly.

Having noted that the results of the consultation, would be reported to the Committee at its meeting on 19 November, the Committee

RESOLVED: (I) That the draft taxi and private hire licensing policy be approved for a 12 week period of public consultation;

(II) That the Council should not undertake an unmet demand survey in relation to taxi numbers.

L11 – LICENSING SUB-COMMITTEES: DESIGNATED CHAIRMAN

The Committee received a report outlining the reasons for increasing the number of Licensing Sub-Committee designated Chairman to seven given the recent and ongoing workload of the Licensing Sub-Committees.

Having considered the report, the Committee,

RESOLVED: (I) That the number of designated Licensing Sub-Committee and Licensing Regulatory Sub-Committee Chairmen be increased to seven, to ensure that Licensing Hearings continue to be arranged in accordance with statutory timescales; and

(II) That the following Councillors be appointed as designated Chairmen for the Licensing Sub-Committee and Licensing Regulatory Sub-Committee for the remainder of the 2014-15 municipal year:

- Councillor Graham Ellwood; and
- Councillor Tony Phillips.

Agenda item number: 5

Licensing Committee Report
Report of Executive Head of Housing and Health
Author: David Curtis-Botling
Tel: 01483 444387
Email: david.curtis-botling@guildford.gov.uk
Lead Councillor responsible: Paul Spooner
Tel: 01252 341666
Email: paul.spooner@guildford.gov.uk
Date: 16 July 2014

Taxi and Private Hire Policy

Recommendation to Licensing Committee

That the Committee approves the draft taxi and private hire licensing policy for a 12-week period of public consultation.

Reason(s) for recommendation:

To obtain the views of persons whom the Council could affect by exercising its functions in relation to taxi and private hire services and to use those views to formulate policy.

1. Purpose of Report

- 1.1 The report informs the Committee of work carried out to develop a draft taxi and private hire policy for consultation.
- 1.2 It asks the Committee to approve a public consultation on the draft policy which is set out at Appendix 1.

2. Strategic Priorities

- 2.1 The taxi and private hire licensing policy will contribute to our fundamental themes and priorities as follows:

Economy – supporting businesses, growth and employment

Sustainability – safe borough.

- 2.2 It is best practice to publish a policy which sets out our general approach to regulation and enforcement activities in relation to taxi and private hire services. This helps us maintain a consistent approach, builds public confidence and assists in supporting business.

2.3 The policy is intended to strike a balance between the right of an applicant to make an application for a taxi or private hire licence, against the right of any person to travel in any taxi or private hire vehicle in safety and comfort. A successful balance will help the taxi and private hire businesses to develop whilst providing assurance to the public.

3. Background

3.1 The current taxi and private hire licensing policy was approved by the Licensing Committee on 6 July 2011.

3.2 Since then, the Law Commission has completed a review of the legal framework relating to taxis and private hire vehicles with a view to making it simpler and more modern. The Commission published its final report and a draft bill on 23 May 2014.

3.3 We recognise that some parts of our current policy are unclear or confusing, some requirements may be unnecessary whilst other important ones have not been included.

3.4 The Law Commission's review presented the opportunity for us to review our existing policy and engage at an early stage with stakeholders to developing principles from which we can formulate a policy. The Commission's main proposals are:

- maintaining a distinction between taxis and private hire vehicles
- setting national standards for taxis, private hire vehicle and drivers
- allowing Council's to set additional local standards for taxis only
- freeing up cross-border working for private hire services
- introducing a uniform national licence fee for private hire services
- allowing Council's to continue to limit taxi numbers
- introducing new rules in respect of equality and accessibility to taxi and private hire services
- enhancing licensing officers existing powers to allow them to stop a licensed vehicle on a road, issue fixed penalty notices and impound vehicles
- allowing applicants to ask Council's to
- their decisions before making an appeal to the magistrate's or crown court
- allowing taxi conditions to be subject to a streamlined judicial review procedure

3.5 On 8 January 2014, the Licensing Committee approved a timetable for developing a draft taxi and private hire policy for consultation.

3.6 Following that meeting, we wrote to all members of the licensed taxi and private hire trade and informed them that we would be setting up a series of workgroups to develop a revised policy for wider public consultation.

- 3.7 We currently license 167 taxis, 328 private hire vehicles, 206 taxi drivers, 325 private hire drivers and 44 private hire operators. We needed to keep the workgroups small to help productivity and we invited four randomly selected licence holders, a nominated committee member from the Guildford Hackney Association (GHA) and an elected councillor from the Licensing Committee to each workgroup.
- 3.8 The workgroups examined our current policy over a number of weeks and focussed on the following five specific aspects of taxi and private hire licensing:
- a) drivers
 - b) vehicles
 - c) private hire operators
 - d) convictions, cautions and endorsements
 - e) compliance and enforcement
- 3.9 The groups were very constructive and we thank all those drivers taking part for their ideas and views.
- 4.0 Key Issues arising**
- General Feedback
- 4.1 The general view was that our existing policy is too cumbersome, often confusing and would benefit from being shorter and more concise. The view is that some of our requirements and conditions are ambiguous or unnecessary and on occasions, contradictory.
- Drivers
- 4.2 The groups supported a vigorous approach to new applicants for licences in order to attract high calibre drivers and vehicles. This was particularly evident during discussions on the relevance of convictions, cautions and motoring endorsements and we have tried to reflect this in the draft policy.
- Compliance and enforcement
- 4.3 There was support for a different approach to compliance and enforcement with a move away from the existing penalty points system which they considered ineffective. We have tried to reflect this in the compliance and enforcement section of the draft policy.
- Vehicles
- 4.4 The group felt that our current policy is too prescriptive, however, they agreed that a clear distinction should exist between taxis and private hire vehicles and although there were differing views on what it should be they supported the introduction of livery on taxis.

Other Issues

- 4.5 The groups did not specifically discuss deregulation of taxi numbers, wheelchair accessible vehicles, or vehicle livery as part of the initial consultation phase although these were raised by the trade. We therefore propose to consult more widely so that we can take views and other information into account.

Taxi numbers

- 4.6 The Council removed a cap on the number of licensed taxis in 2004. This means that provided an applicant meets all the relevant requirements there is no preclusion from operating as a taxi purely because a certain number already operate.
- 4.7 When the Law Commission review was initiated, the indication was that they would recommend that numbers would be deregulated nationally. This has not been the case and the decision has been left to Local Authorities.
- 4.8 The view of the GHA is that taxi numbers have increased to a point where it is impacting upon drivers income.
- 4.9 In 2004 there were 96 taxis compared to 167 currently licensed. This is a 74% increase over the 10 year period. On average there have been 14 additional taxis each year during the last 5 years.
- 4.10 We have not made any change to the current policy but propose to seek wider views as part of the consultation and commission an unmet demand survey before taking a view.

Wheelchair accessible vehicles

- 4.11 In 2004 the Council decided that all taxis would be wheelchair accessible by 2009. The implementation was delayed for existing vehicle plates but currently all new vehicle plates must be wheelchair accessible. The feedback we received is that this is unfair on new drivers/operators because customers prefer to use taxis that are saloon cars and wheelchair accessible vehicles cost more to purchase and operate.
- 4.12 As this has been raised as an issue we feel that it is important to consult more widely so that the Committee can take a balanced view on the matter. For example, the current policy could be retained, but if these are genuine additional costs it may be possible to offset these through a reduction in fees etc.

Livery

- 4.13 Drivers have differing views on whether a livery for taxis is necessary, and if so what it should be.
- 4.14 Moving towards a uniform livery for taxis within the Borough would give a local identity, present a more professional image, assist the public by making taxis more readily identifiable and assist in deterring touting.
- 4.15 There are valid concerns, including what should the livery be, who should pay for it, when would it become compulsory and the impact on drivers who use their car for personal use as well as for their trade.
- 4.16 We propose to consult further to obtain views on whether we should move towards a common livery for taxis and on a range of specific possible options including:
- no change to current policy
 - a standard full car colour
 - a standard part car colour
 - options on colours
 - alternative options including Guildford branding on doors
 - a timescale for introduction should we adopt such a policy
- 4.17 The group discussions helped us to agree a number of principles which we have used to produce the draft policy at Appendix 1. This sets out our approach in respect of taxi and private hire licensing. The main areas of change from the existing policy are:
- removal of unnecessary and onerous licence conditions
 - a more streamlined and efficient process to obtain a licence
 - a proposal to introduce livery for all taxis
 - removal of a penalty points system for non-compliance
 - improving the format and readability of the policy by consolidating a number of sections under specific headings

5.0 Consultation

- 5.1 Wide consultation is critical to helping us develop a balanced and fair policy which is clear and transparent.
- 5.2 If the Committee approves the draft policy, we will carry out a wider consultation to engage with those stakeholders who did not have the opportunity to participate in the workgroups.

- 5.3 We will follow our Consultation Standards and use a number of consultation methods over a 12 week period to ensure we reach as many stakeholders as possible. We will:

advertise the consultation in the local newspaper and on our website
contact all licence holders to ask for their views on the main proposals for change

make a questionnaire available on the Council's website with the facility to complete the consultation on-line

send the questionnaire to user groups

use Twitter and Facebook to inform the public of the consultation and to direct them to our online consultation page

hold a series of focus groups on the main proposals for change

- 5.4 We will then analyse the comments, prepare the final policy for approval and present a further report to the Licensing Committee on 19 November 2014.

6. Financial Implications

- 6.1 There are no financial implications for the Council as a result of carrying out a public consultation on the draft taxi and private hire licensing policy. We receive income through licence fees and this covers the cost of carrying out this function.

7. Legal Implications

- 7.1 The Council is the licensing authority for the purposes of taxi and private hire licensing under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1867.
- 7.2 Neither Act requires the Council to prepare a taxi and private hire licensing policy. However, it is best practice to prepare a policy which contains the principles that it proposes to apply in exercising its functions.

8. Human Resource Implications

- 8.1 Engaging with stakeholders and the creation of a draft licensing policy can be managed from within existing human resource.

9. Conclusion

- 9.1 The current policy is confusing and in need of revision. Our initial consultation with drivers and operators has been very positive and the draft policy provides a clearer and more transparent basis for consultation.

- 9.2 There are some difficult issues where there are differing views, including taxi numbers, wheelchair accessibility, taxi livery, and it is important that we get feedback to help shape future policy.
- 9.3 By consulting widely with operators, drivers, users and user groups we will be able to shape the policy to provide a balanced approach to these and other issues.

10. Background Papers

Guildford Borough Council's Taxi and Private Hire Licensing Policy (July 2011)

The Law Commission's report on taxi and private hire services (May 2014)

The Law Commission's project on the reform of taxi and private hire services

Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)

Minutes of the Licensing Committee meeting held on 8 January 2014

Minutes of the Licensing Committee meeting held on 6 July 2011

Guildford Borough Council's Consultation Standards (April 2014)

10. Appendices

Appendix 1 Draft taxi and private hire licensing policy

MJF/S



**GUILDFORD
BOROUGH**

Satish Mistry
Executive Head of Governance

www.guildford.gov.uk

Contact Officer:

James Dearling, Committee Manager. Tel:
01483 444141

10 March 2015

Dear Councillor,

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held in the Council Chamber - Millmead House on **WEDNESDAY, 18 MARCH 2015** at 7.00 pm.

Yours faithfully,

Satish Mistry
Executive Head of Governance

MEMBERS OF THE COMMITTEE

Chairman: Councillor Graham Ellwood

Vice-Chairman: Councillor Nikki Nelson-Smith (The Deputy Mayor)

Councillor David Elms, The Mayor 2014-15	Councillor Anne Meredith
Councillor Gordon Jackson	Councillor Marsha Moseley
Councillor Jennifer Jordan	Councillor Terence Patrick
Councillor Tony Phillips	Councillor David Goodwin
Councillor Philip Hooper	Councillor Keith Taylor
Councillor Gillian Harwood	Councillor David Wright
Councillor Christian Gilliam	

QUORUM 5

WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

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Guildford Borough Council
Millmead House, Millmead, Guildford, Surrey GU2 4BB

LICENSING COMMITTEE

18 March 2015

* Councillor Graham Ellwood (Chairman)
Councillor Nikki Nelson-Smith (Vice-Chairman)

Councillor David Elms	* Councillor Anne Meredith
* Councillor Gordon Jackson	* Councillor Marsha Moseley
* Councillor Jennifer Jordan	* Councillor Terence Patrick
Councillor Tony Phillips	* Councillor David Goodwin
* Councillor Philip Hooper	* Councillor Keith Taylor
* Councillor Gillian Harwood	Councillor David Wright
Councillor Christian Gilliam	

*Present

Councillor Paul Spooner, Lead Councillor for Licensing and Governance, and Councillor Richard Billington, Lead Councillor for Community Safety and Health, were also in attendance.

L26 APOLOGIES FOR ABSENCE

Apologies were submitted on behalf of Councillors David Elms, Nikki Nelson-Smith, Tony Phillips, and David Wright.

L26 LOCAL CODE OF CONDUCT – DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures.

L27 MINUTES

The minutes of the meeting of the Licensing Committee held on 14 January 2015 were confirmed and signed.

L28 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

The Committee received a report detailing the consultation for the draft Hackney Carriage and Private Hire Policy, making recommendations for key changes to the policy, and considering the costs of these changes. The Head of Health and Community Care Services introduced the report, including advising the Committee that the proposed temporary limiting of taxi numbers should be considered a key proposed change. He indicated the reasons for the publication of an amended report rather than the issuing of amendments to the original report.

The Head of Health and Community Care Services advised the Committee that the policy provided the required public safety standards and set out the framework for the Council's statutory duties in relation to hackney carriage and private hire vehicle licensing. With reference to the Casey report on Rotherham, he indicated that public safety should be the overriding consideration.

The significant changes proposed to the hackney carriage and private hire policy were outlined by the head of Health and Community Care Services. The Committee was advised of more in depth training and assessment for drivers to improve standards and customer care and to professionalise the trade. The Committee was advised that for existing drivers the Council or central government would meet the costs of the required National Vocational Qualification (NVQ).

The Committee was advised about the proposed introduction of a uniform livery for all hackney carriages to differentiate them from private hire vehicles, including the perceived benefits and disadvantages. The Head of Health and Community Care Services indicated that the

recommendation was for the Council to contribute seventy-five per cent of the cost of the change to livery and the trade the remainder.

The Committee was advised that a recent unmet demand survey had concluded there was no significant unmet demand and the Council could re-introduce a cap on the number of licensed hackney carriages. The Head of Health and Community Care Services advised that a temporary embargo be imposed for an eighteen month period, limiting taxi numbers to 170, with an unmet demand survey held in 12-18 months' time. With reference to wheelchair accessible vehicles, the Committee was advised of the proposal to remove the requirement for all new vehicles to be wheelchair accessible and the introduction of financial incentives to encourage the provision of such vehicles.

The Committee was advised of a petition against the introduction of a livery for hackney carriages, submitted on 17 March 2015, and signed by 112 licensed hackney carriage drivers. The Committee noted that the number of signatories had reportedly increased to 115 by 18 March 2015.

The following persons addressed the Committee in accordance with Public Speaking Procedure Rules:

- Mr Mark Rostron (secretary of Guildford Hackney Association)
- Mr Michael Simmonds (member of Guildford Hackney Association)
- Mr David Williams-Wynn (chairman of Guildford Hackney Association)
- Mr Naeem Razaq (driver of a wheelchair accessible hackney carriage)

Speaking in the order in which they registered, the members of the public articulated concerns and commented on the draft hackney carriage and private hire policy. A number of issues and points were made during these speeches, including:

- The validity of the consultation was questioned by some speakers, while one speaker congratulated the Council's Licensing team for the consultation undertaken. It was suggested that the general public consulted were not informed about the costs for the livery and for the National Vocation Qualification, and were not advised that introducing the livery might lead to a deterioration in the quality of the hackney carriage fleet. The consultation did not include disabled groups [Guildford's Access Group was consulted], and almost 75 per cent of the general public consulted stated that they rarely used taxis.
- The consultation results revealed low public awareness of the differences between hackney carriages and private hire vehicles, such as the fact that private hire vehicles could not use taxi ranks or be hailed in the street. It was suggested to the Committee that the perceived issue should be addressed through public education and enforcement measures against private hire vehicles rather than a livery to identify taxis. The perceived public safety issues did not exist prior to the Council allowing advertising on the doors of private hire vehicles – permitting such adverts had confused the public about the difference between taxis and private hire vehicles. Strict enforcement against private hire vehicles trading as taxis would be more beneficial than the introduction of a livery.
- Support amongst the general public for a standard livery appeared to be overstated.
- The Council's proposals for a livery were not proportionate or reasonable and interfered with the human rights of the hackney carriage drivers to enjoy their property.
- Introducing a livery would prevent hackney carriages from carrying advertising wraps. Some customers preferred to use non-liveried vehicles.

- Speakers questioned whether the Council would subsidise the cost of future livery wraps, for example, when a taxi was replaced or when it was repaired after an accident (and insurance would not cover this). Speakers also queried whether the Council would meet the cost of rectifying paintwork damaged by the removal of wraps.
- The need for driver training was questioned, as was the lack of support for existing drivers undertaking the qualification in terms of direct and indirect financial cost in terms of the time devoted to study.
- Compulsory training for existing drivers was considered an insult; existing drivers with unblemished records should be distinguished from new applicants.
- With reference to the abuse scandal in Rotherham and the Casey report, the value of a hackney carriage livery for public safety was questioned.
- Public funding was a waste of taxpayers' money.
- A livery for hackney carriages was appropriate for tourist destinations such as Brighton, rather than Guildford.
- With reference to demand for wheelchair accessible vehicles, the experience of a driver with a wheelchair accessible vehicle supported the proposed mixed fleet while another speaker opposed removal of the requirement for wheelchair accessible vehicles because it would risk a shortage.

The Chairman thanked the members of the public for their contributions and attendance.

The Lead Councillor for Licensing and Governance and the Lead Councillor for Community Health and Safety commented on the proposals. The Lead Councillor for Licensing and Governance indicated his support for the proposed changes, praised the consultation held on the draft policy, and thanked taxi trade drivers for their contribution to it. He stated that work remained to be done on the cost and the extent of the livery, and indicated that the Committee was being asked to approve recommendation of the principle of a livery for the Borough's hackney carriages.

The Lead Councillor for Community Safety and Health thanked all contributors to the consultation and the four members of the public who had spoken at the meeting. With reference to the issue of human rights, he indicated his concern for the rights of the taxi users. With reference to the suggestion that a livery was appropriate for tourist destinations, he indicated that an increase in tourist footfall was an aim for Guildford.

Members discussed the consultation undertaken and the changes to the hackney carriage and private hire policy proposed. A number of points were raised and clarifications provided, including:

- Members discussed the lack of a livery for taxis at any local authority in Surrey, the financial cost of introducing the livery, and the resultant costs to the taxi trade and the Council.
- With reference to a hackney carriage and private hire policy not being a statutory requirement, further information was requested about local authorities that do not have a policy.
- With reference to the unmet demand survey, the issue of rank space was raised.

- Members discussed past decisions to require certain hackney carriages to be wheelchair accessible, the excess capacity created, and the current proposal to encourage sufficient wheelchair accessible vehicles through financial incentives.
- Unmet demand surveys and the proposed interim limit on taxi numbers were discussed.
- The Lead Councillor for Economic Development confirmed to the meeting the significance of the tourism industry to the Borough.
- Both the immediate and the ongoing costs of a livery for hackney carriages, the extent of the livery, and support for existing drivers undertaking the NVQ, were suggested as areas for further consideration.

RESOLVED: (I) That the Committee recommends to Council:

- (a) the adoption of a Guildford livery for hackney carriage vehicles.
- (b) a more in-depth training and assessment for drivers.
- (c) removal of the requirement for all new vehicles to be wheelchair accessible.
- (d) encouraging the provision of wheelchair accessible vehicles through financial incentives.
- (e) limiting the number of hackney carriages to 170, for a period of 18 months [paragraph 6.8 of the report to the Committee refers].

(II) That the Committee notes a further report will be taken to Council to amend fees relating to wheelchair accessible vehicles, if the hackney carriage and private hire policy is approved.

(III) That the Committee recommends Council authorise the Head of Health and Community Care Services, in consultation with the Lead Councillor for Licensing and Governance, to make minor amendments to the hackney carriage and private hire policy as may be required from time to time.

(IV) That the Committee requests the Executive approve in principle additional expenditure and reduced income in 2015-16 in line with decisions made concerning the livery of hackney carriages, to be financed from the expected General Fund underspend in 2014-15, or by supplementary estimate if this is not possible.

L29 LICENSING OF SEX ESTABLISHMENTS - STATEMENT OF LICENSING POLICY: CONSULTATION RESULTS

The Committee received a report on the outcome of the public consultation on the draft Licensing of Sex Establishments – Statement of Licensing Policy. The Environmental Health Manager informed the Committee of the background to the Statement of Licensing Policy, the consultation and its results, and the key changes proposed as an outcome of the consultation.

These changes included provision for an enhanced DBS check, additions to the list of venues not suitable to have sexual entertainment venues near them, and inclusion within the policy of information on the method of consultation and the results. The Environmental Health manager advised the Committee of the reasons for not proposing a Borough-wide nil policy.

Members asked for details of licence fees and for confirmation that the policy's provisions for employees would cover self-employed dancers.

MJF/6



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Satish Mistry
Executive Head of Governance and
Monitoring Officer

Contact: James Dearling

To: Licensing Committee members

Phone: 01483 444141

Email: James.Dearling@guildford.gov.uk

11 March 2016

LICENSING COMMITTEE, 18 MARCH 2015

Agenda item 4: Hackney Carriage and Private Hire Policy

Dear Councillor,

Since the publication of the above agenda a number of errors within the Hackney Carriage and Private Hire Policy report have come to light.

Following consultation with the Chairman, it has been decided to publish an amended version of the report (attached), rather than a list of the changes and amendments. The appendices accompanying the report are unchanged.

I can only apologise for the inconvenience this may have caused.

Yours faithfully,

Satish Mistry

Executive Head of Governance



Guildford Borough Council
Miltmead House, Miltmead, Guildford, Surrey GU2 4BB

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Licensing Committee Report

Report of Head of Health and Community Care Services

Author: John Martin

Tel: 01483 444380

Email: john.martin@guildford.gov.uk

Lead Councillor responsible: Paul Spooner

Tel: 01252 341666

Email: paul.spooner@guildford.gov.uk

Date: 18 March 2015

Hackney Carriage and Private Hire Policy

Executive Summary

This report details the consultation process and feedback received in respect of the draft Hackney Carriage and Private Hire Policy, makes recommendations for key changes to the policy, and considers the cost benefit of these changes.

The Policy is important as it sets out the public safety standards we require, and these form the framework by which we undertake our statutory responsibilities in respect of hackney carriage and private hire vehicle licensing. These are particularly important in light of the findings of the report into child sexual exploitation in Rotherham.

The key changes proposed are:

- a. the adoption of a Guildford livery for hackney carriage vehicles.
- b. a more in depth training and assessment for drivers.
- c. removal of the requirement for all new vehicles to be wheelchair accessible.
- d. encouraging the provision of wheelchair accessible vehicles through financial incentives.

The cost benefit of these measures is assessed and a revised policy is recommended.

Recommendations

The Committee is asked to:

- i. recommend to Council that the Hackney Carriage and Private Hire Policy be adopted.
- ii. note that a further report will be taken to Council to amend fees relating to wheelchair accessible vehicles, if the policy is approved
- iii. authorise the Head of Health and Community Care Services in consultation with the Lead Councillor for Licensing to make minor amendments to the policy as may be required from time to time.

- iv. request the Executive to approve additional expenditure of £89,810 and reduced income of £16,500 in 2015-16, to be financed from the expected General Fund underspend in 2014-15, or by supplementary estimate if this is not possible

Reason(s) for Recommendation:

To enable the taxi and private hire licensing service to be delivered.

1. Purpose of Report

- 1.1 The purpose of this report is to set out the responses received to the public consultation and to recommend a revised Hackney Carriage and Private Hire Policy for adoption.

2. Strategic Framework

- 2.1 This policy document sets out the standards we require of drivers and vehicles and the way we will undertake our statutory responsibilities for hackney carriage and private hire vehicle licensing.
- 2.2 The conclusions of the Casey report on Rotherham Metropolitan Borough Council following Professor Jay's inquiry into child sexual exploitation in the borough emphasise how important licensing policy is in providing safeguards to protect public safety.
- 2.3 It reinforced the need for safety to be the uppermost concern of any licensing and enforcement regime when determining policy, setting standards and deciding how they are enforced.
- 2.4 The inspectors uncovered serious weaknesses and concerns and judged that Rotherham had not taken sufficient steps to ensure that only fit and proper persons were permitted to hold a taxi licence and, therefore, could not provide assurances that the public including vulnerable people were safe.
- 2.5 The aim of the changes to this Policy is to strengthen the current policy endorsing the statutory requirement that public safety is paramount, improve standards and help professionalise the trade.
- 2.6 Adoption of the policy will contribute to the delivery of the Council's strategic objectives of Infrastructure, Economy and Society.

3. Background

3.1 The Licensing Committee of 16 July 2014 approved a draft Hackney Carriage and Private Hire Policy for public consultation.

3.2 The draft policy took into account workshop feedback from taxi trade and the key issues raised by them.

3.3 A wide range of consultation took place between October 2014 and 6 February 2015 and included:

Public consultation through an on-line questionnaire on the Councils website (Appendix 1)

Independently facilitated consultation groups attended by the trade

Citizens panel consultation

Hard copy questionnaires

Unmet demand survey

Newsletter and information leaflets for drivers

Drop in session with senior managers and Councillors to receive feedback

from drivers and operators

3.4 We received responses from 488 individuals including 336 residents.

3.5 Feedback from the consultation is summarised in a report from Social and Market Strategic Research (SMSR) set out at Appendix 2.

3.6 The consultation focused on the following key areas, which were set out in the report of 16 July:

Drivers training

Vehicles appearance and standards:

Taxi numbers

Wheelchair accessibility requirements

3.7 An unmet demand survey took place in February/March 2015 and the results of this are set out in Appendix 3.

4. Driver training

4.1 Drivers currently take two written/multiple choice examination papers that test knowledge of the byelaws and highway code together with local knowledge of routes to addresses within the Borough. This is administered internally, the invigilation and paper marking consumes considerable officer time and does not help to drive up standards in terms of spoken English and customer care.

- 4.2 We are seeking to professionalise our drivers whilst using a more effective training tool and therefore propose to replace the current system. In future drivers will need to attend a three day training session which is run by an external company. This will provide training in customer care, highway and vehicle law, highway code, byelaws, and taxi legislation. Successful candidates will achieve a recognised qualification at level 2.
- 4.3 They will also need to take a local knowledge test and we have been working with an external company to develop appropriate question papers which will be taken to assess local knowledge. As the drivers will complete these using a desktop computer, the result will be available immediately and the cost will be significantly reduced.
- 4.4 There is a cost for the three-day course, although this is funded by central government where the person has not already achieved a level 2 NVQ or equivalent. For those that have already achieved above this level of education, we propose that the Council fund existing drivers to take the test, but any new driver applicants will be asked to pay for their test.
- 4.5 We propose that new applicants will need to pass these tests once the policy is adopted. This means that in addition to the DBS checks it will be a requirement for any new driver applicant to demonstrate that he/she is a fit and proper person. Existing drivers will be given a period of 18 months in which to pass the tests, after which their licence will be revoked if they haven't reached the pass standard.

5. Vehicle appearance

- 5.1 We are proposing the introduction of a uniform livery for all taxis (hackney carriage vehicles) to differentiate them clearly from private hire vehicles.
- 5.2 A number of other Local Authorities such as Brighton, Bournemouth, and Leeds have chosen to adopt a local livery in the interests of public safety and to provide a strong local identity.
- 5.3 The benefits of this are that it:

Improves Identification: Vehicles are clearly identifiable as a taxi

Safety/security: Customers can be confident that the taxi is properly licensed and meets the necessary safety standards. This is particularly important to women and to vulnerable clients.

Increases trade: It can improve customer confidence and customers are happier to hail a liveried taxi rather than take a chance on an un-liveried one.

Creates Local Identity/brand: A local livery creates a strong local identity, which in the case of cities like London and New York becomes one that is recognized across the world.

Helps professionalise the service: A local livery coupled with clear driver training and vehicle standards helps to create a more professional service.

Enables easier enforcement: Hackney carriage drivers raise regular concern about the loss of trade to alleged touting by private hire vehicles and to hackney carriage vehicles licensed by other Boroughs. A clear and identifiable livery makes enforcement much easier.

5.4 The disadvantages are primarily:

The cost: The livery is best achieved by 'wrapping' the car with the new colour and any logos. A typical cost for this is around £750, although this will last the effective life of the vehicle. The wrap can be removed which then enables the car to be sold or used in its original colour scheme and protects the paintwork of the vehicle in the interim.

Private use of vehicles: Some drivers use their vehicle for private use and do not like having their vehicle identified as a taxi when they do so.

Issues for consideration

- 5.5** There are four issues for consideration, namely, whether a Guildford livery should be adopted, if so what it should be, over what period should it be introduced, what is the cost and who should pay for existing vehicles.
- 5.6** The primary reason for adopting a livery is to protect public safety.
- 5.7** The public are strongly in favour of adopting a Guildford livery (84%), whereas drivers are generally opposed. The Guildford Hackney Association (GHA) has written to notify us that they will challenge a decision to adopt a local livery.
- 5.8** A large majority of the public are in favour and this support, together with the other benefits set out above, provide strong reasons for adopting a Guildford livery. The Policy is written on the basis that a livery will be required and it is recommended that this be agreed. The only substantive ground to oppose a livery is the financial cost to drivers and this is discussed later in section 6.
- 5.9** If a livery is adopted, the next issue is what that should be. Respondents were asked to provide their preferences for a livery. The highest

preferences were 59% for Guildford branding on the vehicle and 26.2% for a standard full car colour. The consultation feedback shows support for a full car colour and Guildford branding.

- 5.10 When asked about preferences, the most preferred for a full car colour were yellow (21.7%), black or other dark colour (16.7%) or teal to match the Councils logo (15%).
- 5.11 We have looked at the colours of the vehicles currently licensed and there are 9 different colours, black and silver being the most popular (51 each). Unfortunately, there are also 56 black and 153 silver private hire vehicles.
- 5.12 To make a livery distinctive and unique, it is suggested that the scheme should be unusual and not a mainstream colour. We have therefore looked at options to achieve this.
- 5.13 Some Boroughs have opted to have a livery where the bonnet and/or boot of the vehicle is a local colour. Whilst this is cheaper to achieve it is not necessarily visually very pleasing.
- 5.14 Preliminary designs for two full body options, both using the Guildford corporate colour Pantone 321, have been prepared. These are set out as examples in Appendix 4. The first uses a white vehicle with the inset printing in Pantone 321. The second reverses the colours but uses the same design.
- 5.15 The technical advice is that there would be no difference in the cost as there is no standard white paint colour and so vehicles would need to be fully wrapped in order to ensure a uniform livery.
- 5.16 In terms of public safety, the white vehicle design would be easier to mimic whereas a pantone 321 would be more distinctive and unique both at night and daytime.
- 5.17 Taking into account the various factors it is suggested that the two livery designs shown at Appendix 4 be subject to a public on-line vote to select the livery we will adopt. Given the customer feedback we will also include a full yellow livery although this will not match with the Corporate logo. The livery colour finally agreed will then be included within the Policy.
- 5.17 There is then the question of the timescale for the introduction of a livery. Vehicles licensed after the commencement of the new policy will need to have the selected livery from the outset.
- 5.18 There are 165 hackney carriages currently licensed and they will need to change to the new livery. The cost of this is likely to be in the region of £750 per vehicle, giving a total cost of approximately £124,000.

- 5.19 There is a need to allow a reasonable period for existing vehicles to change to the livery.
- 5.20 Vehicle licences have to be renewed annually and on a practical basis it is suggested that 18 months is a reasonable time for full compliance for existing vehicles. This gives drivers time to plan the cost of complying, but achieves a livery compliant fleet within a sensible timescale.
- 5.21 For new applications, we would expect the vehicle to comply with the requirements from the date the new policy comes into force.
- 5.22 This leaves the issue of the cost of this change. The Council could assist existing drivers to achieve the change by contributing towards this cost. This would be unusual in that we do not normally provide financial assistance to subsidise business costs, however, given the circumstances it is an option that we should consider.
- 5.23 A revenue growth bid of £18,000 over the next four years was included as part of the 2015-16 business planning process to provide support to implement the scheme. Of this £3,000 was included in the 2015-16 estimates, and the remainder profiled over the following three years.. However, this was based on preliminary costings and would now fund approximately 15% of the overall cost. The envisaged timescale for compliance is also much shorter.
- 5.24 The following table indicates the cost at various levels of contribution.

	Option 1	Option 2	Option 3
Total cost	£123,750	£123,750	£123,750
Trade contribution towards total cost 0%	(£0)	-	-
Trade contribution towards total cost 25%	-	(£30,940)	-
Trade contribution towards total cost 50%	-	-	(£61,870)
Cost to the Council	£123,750	£92,810	£61,880

- 5.25 Officers recommend that the trade be asked to contribute 25% of the total cost, with the Council financing the rest (option 2). Given the short timescale for implementation (18 months) we expect that the majority of vehicles will be wrapped during 2015-16, with a cost to the Council of £92,810. The 2015-16 estimates included a growth bid of £3,000; there is therefore a shortfall of £89,810 in the 2015-16 estimates.

5.26 It is possible that we may be able to finance this shortfall from an expected overall underspend on the General Fund for 2014-15. This will be considered as part of the preparation of the 2014-15 accounts. If financing from this source is not possible, a supplementary estimate will be required.

6. Taxi Numbers

6.1 In 2007, the Council removed a cap on the number of licensed hackney carriages and required any new vehicles to be wheelchair accessible. It also indicated, in light of central government policy, that it was likely that all vehicles may be required to be wheelchair accessible at some point in the future.

6.2 The recent Law Commission review of Taxi Licensing concluded that decisions on taxi numbers be left to the discretion of Local Authorities.

6.3 Taxi drivers are concerned about the number of licensed taxis in the Borough and the competition this creates, particularly set against the perception of touting by private hire drivers and vehicles from other Boroughs.

6.4 Over the 8 years since the deregulation of taxi numbers, there has been an increase of 66 vehicles although most of this took place in the first three years and has slowed considerably.

6.5 To provide evidence of unmet demand or over supply, Vector Transport Consultancy undertook an unmet demand survey on our behalf in February/ March 2015. The findings are set out in Appendix 5.

6.6 The study concluded that there was some evidence of unmet demand, through the presence of passenger queues from time to time. However, this was periodic, rather than continuous, and was not sufficient to indicate the presence of significant unmet demand. Therefore, Vector concluded that there is no significant unmet demand.

6.7 The question therefore is whether there are adequate reasons for the Council to re-introduce a cap on the number of licensed vehicles. Guildford is comparable to other similar Boroughs in terms of the number of vehicles per 1000 head of population.

6.8 In light of the changes to be implemented as a result of the revised Policy, there is a need to provide an 18 month period of transition without major disruption. For that reason, it is suggested that an interim embargo

limiting taxi numbers to 170 be adopted, and that the additional 5 new vehicle licences be restricted to new rather than existing operators.

- 6.8 It is proposed that an unmet demand survey be carried out in 18 month's time so that the situation can be reviewed. The cost of the survey is recoverable within the taxi fees.

7. Wheelchair Accessible vehicles

- 7.1 The recent Law Commission review of Taxi Licensing concluded that decisions on wheelchair accessibility be left to the discretion of Local Authorities.
- 7.2 The current situation is that the first 99 taxi vehicle plates are used for saloon vehicles. All vehicles subsequently licensed, of which there are currently 66, must be wheelchair accessible.
- 7.3 This creates a source of friction. Those who have to provide a wheelchair accessible vehicle feel that this is not a level playing field. They have to provide a vehicle which costs more to purchase and run, yet the number of customers requiring this is extremely small. There is wide agreement that customers overwhelmingly prefer to take a saloon rather than wheelchair accessible vehicle.
- 7.4 Conversely, drivers with vehicle plates 1-99 are happy with the status quo because saloon vehicles are more in demand and there is potential value in transferring their vehicle plates to another driver.
- 7.5 The unmet demand survey indicated that feedback received from elderly, disabled or mobility-impaired representatives suggested that services from Hackney Carriage vehicles generally met their requirements. Most users who rely on licensed vehicles have an existing relationship with a provider and they regularly use this provider.
- 7.6 Only one wheel chair hire was observed during the four days of rank observation. The wheel chair user had to let several Hackney Carriages leave the rank as the vehicles at the head of the vehicle queue were unable to cope with the wheel chair. The nature of the rank configuration is such that it is not feasible for a wheel chair to access vehicles further back in the queue. The wheel chair user managed to board a Hackney Carriage after 10 minutes.
- 7.7 In terms of wheelchair accessibility, there are three main options:

Status Quo

Fully accessible wheelchair accessible fleet

Remove requirement for wheelchair accessible vehicles but encourage provision through financial incentives.

- 7.8 The current situation with an arbitrary part of the fleet wheelchair accessible and part not, is unsustainable. This situation needs correcting. Therefore maintaining the status quo is not a real option.**
- 7.9 Evidence from the unmet demand survey indicates that many people with disabilities prefer to travel in a saloon vehicle and the demand for wheelchair accessible journeys is low and mainly met by pre booked private hire companies.**
- 7.10 Whilst requiring all taxis to be wheelchair accessible would provide uniformity across the fleet, it does seem disproportionate given the cost of purchase and running such vehicles.**
- 7.11 It is proposed, that the requirement for all new taxis to be wheelchair accessible should be removed, but that financial incentives including through the fee system be used to encourage the provision of wheelchair accessible vehicles. This will need careful monitoring to ensure that operators continue to provide wheelchair accessible vehicles, and if numbers fall significantly then this requirement can be revisited.**
- 7.12 If this proposal is agreed officers will bring forward proposals setting out how this could best be achieved.**

8. Financial Implications

Drivers' knowledge tests

- 8.1 We do not know how many existing drivers will receive central government funding to take their level 2 qualification although this is likely to be around two thirds (110). The cost to the Council of funding the remaining third will be approximately £16,500. There is an underspend of £4,000 for taxi maintenance in the 2014-15 budget and it is recommended that this be carried forward and added to the provision of £12,000 in 2015-16, which will then fund the cost of training.**

Vehicles appearance

- 8.2 If the Council funded 75% of livery for 165 vehicles it will cost £92,810 of which £3,000 was included as a growth bid in the 2015-16 estimates. Officers recommend that consideration is given to funding the shortfall (£89,810) from an expected overall underspend on the General Fund for 2014-15. This will be considered as part of the preparation of the 2014-15**

accounts. If financing from this source is not possible, a supplementary estimate will be required.

Wheelchair accessibility

- 8.3 Funding to encourage wheelchair accessible vehicles will be through reduced charges and will result in reduced income rather than new expenditure. The cost is likely to be £16,500 in 2015-16.

Summary

- 8.4 The drivers' knowledge test can be financed from existing resources within the Taxi Licensing service. However, the costs of the vehicle appearance and wheelchair accessibility can't. Officers therefore propose that when closing the 2014-15 accounts, consideration is given to setting up a reserve of £106,310 (assuming that we contribute 75% of the wrapping costs). If this is not found to be possible a supplementary estimate will be required.

9. Legal Implications

- 9.1 The basis for key changes within the policy is to protect public safety pursuant to statutory requirements and in light of the Case report and to encourage a more professional service within the Borough.
- 9.2 The current Taxi byelaws remain unchanged.
- 9.3 There is no statutory requirement to have a Hackney carriage and private hire licensing policy, however it is good practice to do so. A policy assists with consistent decision making, however it is only a guide and each case must be considered on its own merits and if it supports the statutory position of public safety being paramount.
- 9.4 The Local Government Act 2000 gives a local authority a general power to 'do anything they consider is likely to achieve' the promotion of the economic, social or environmental well being of their area.
- 9.5 In relation to hackney carriage and private hire licensing there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976.
- 9.6 Section 37 of the Town Police Clauses Act 1847 (as amended by Section 16 of the Transport Act 1985) permits the Council to licence such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as they think fit.

- 9.7 The Council is not required to limit hackney carriage numbers if it is satisfied that demand in the Borough is met, but the effect of Section 37 of the 1847 Act (as amended) is to forbid the Council from restricting the numbers for any reason other than that there is no significant unmet demand for hackney carriage services. A limit on numbers can be removed at any time provided relevant factors are considered.
- 9.8 Section 3 of the Human Rights Act 1998 requires that, so far as possible, legislation must be read and given effect to in a way that is compatible with the Convention rights, and section 6 makes it unlawful for a public authority to act in a way which is incompatible with a Convention right.
- 9.9 The Committee in making decisions must ensure that these factors are taken into account.
- 9.10 As this is a Council Policy, the Committee is asked to recommend to the Council that it be adopted.
- 9.11 There are potential equality implications arising from withdrawing the requirement to provide wheelchair accessible vehicles. An Equalities Impact screening assessment of all the changes proposed does not indicate issues that would necessitate a full assessment to be made. A copy of the assessment is available as a background document.
- 9.12 The proposal has been discussed at the Guildford Access Group who are broadly supportive of the reasons for change. Together with the findings from the unmet demand survey, the commitment to review the situation on a regular basis and financial incentives to encourage provision of wheelchair accessible vehicles should ensure that any negative impact is minimised.

10. Human Resource Implications

- 10.1 There are no human resource implications arising from these proposals.

11. Conclusion

- 11.1 Adoption of the revised Policy and the measures within it will support the statutory position, help to protect public safety and professionalise the taxi trade within the Borough

12. Background Papers

Guildford Borough Hackney Carriage and Private Hire Policy - approved 2007

Report of Professor Jay into Child Sexual Exploitation in Rotherham

Casey report into Rotherham Metropolitan Borough Council

Law Commission report 2014 – 'Reforming the regulation of taxis and private hire vehicles'

13. Appendices

- Appendix 1 Draft Hackney Carriage and Private Hire Licensing Policy
- Appendix 2 SMSR - consultation feedback report.
- Appendix 3 Vector Transport Consultancy - Unmet demand survey 2015
- Appendix 4 Preliminary designs for full car body livery.

I confirm that I have consulted with relevant Officers, where appropriate, in the following services:		
Financial Services	YES / NO	Sue Reekie
Legal and Democratic Services	YES / NO	Bridget Peplow
Human Resources	YES / NO	Lucy Marchington
PR and Marketing	YES / NO	Carolyn Patterson

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Licensing Committee Report**Report of Head of Health and Community Care Services****Author: Justine Fuller****Tel: 01483 444370****Email: Justine.fuller@guildford.gov.uk****Lead Councillor responsible: Graham Ellwood****Tel: 07899 846626****Email: graham.ellwood@guildford.gov.uk****Date: 18 November 2015**

Taxi and Private Hire Policy 2015-20

Executive Summary

This report details the consultation process and feedback received in respect of the draft Taxi and Private Hire Policy, makes recommendations for key changes to the policy, and considers the cost benefit of these changes.

The Policy is important as it sets out the public safety standards we require, and these form the framework by which we undertake our statutory responsibilities in respect of taxi and private hire vehicle licensing. These are particularly important in light of the findings of the report into child sexual exploitation in Rotherham.

The key changes proposed are:

- a. a more in depth training and assessment for drivers.
- b. the adoption of a Guildford livery for taxi vehicles.
- c. removal of the requirement for all new taxi vehicles to be wheelchair accessible whilst encouraging the provision of wheelchair accessible vehicles through financial incentives.

The cost benefit of these measures is assessed and a revised policy is recommended.

Recommendations

That the Licensing Committee is asked to recommend the Executive to approve:

- (a) The additional maximum expenditure of £53,070 towards the cost of livery with £25,035 in 2015-16 financed from the central inflation budget and £28,035 growth added to the 2016-17 outline budget (for one year only)
- (b) The lost income of a maximum of £5,000 to subsidise the cost of reduced vehicle licence fees with £2,000 in 2015-16 financed from the central inflation budget and

£3,000 growth added to the 2016-17 outline budget

The Licensing Committee is asked to recommend that Council:

- (c) adopt the revised Taxi and Private Hire Policy in Appendix 1 to include the following key changes:**
 - (i) adopt a Guildford livery for taxi vehicles;**
 - (ii) approve the requirement for new drivers to complete the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) and existing drivers to complete within 3 years from adoption;**
 - (iii) remove the requirement for all new taxi vehicles to be wheelchair accessible;**
 - (iv) encourage the provision of wheelchair accessible vehicles through the financial incentive of a 50% reduction in the licence fee and approve the remission of 50% of the current hackney carriage licence fee for wheelchair accessible vehicles amounting to £134.50 in 2015/16, to take effect from 9 December 2015;**
- (d) authorise the Head of Health and Community Care Services, in consultation with the Lead Councillor for Licensing and Community Safety, to make such minor amendments to the Taxi and Private Hire Policy as may be required from time to time.**

Reason for Recommendation:

To enable the taxi and private hire licensing service to be delivered.

1 Purpose of Report

- 1.1 The purpose of this report is to set out the responses received to the public consultation and to recommend a revised Taxi and Private Hire Policy for adoption.**

2 Strategic Framework

- 2.1 This policy document sets out the standards we require of drivers, vehicles and operators and the way we will undertake our statutory responsibilities for taxi (hackney carriage) and private hire vehicle licensing.**
- 2.2 The conclusions of the Casey report on Rotherham Metropolitan Borough Council following Professor Jay's inquiry into child sexual exploitation in the borough emphasise how important licensing policy is in providing safeguards to protect public safety.**
- 2.3 It reinforced the need for safety to be the uppermost concern of any**

licensing and enforcement regime when determining policy, setting standards and deciding how they are enforced.

- 2.4 The inspectors uncovered serious weaknesses and concerns and judged that Rotherham had not taken sufficient steps to ensure that only fit and proper persons were permitted to hold a taxi licence and, therefore, could not provide assurances that the public including vulnerable people were safe.
- 2.5 The aim of the changes to this Policy is to strengthen the current policy endorsing the requirement that public safety is paramount, improve standards and help professionalise the trade.
- 2.6 Adoption of the policy will contribute to the delivery of the Council's strategic objectives of Infrastructure, Economy and Society.

Background

- 3.1 The Licensing Committee of 16 July 2014 approved a draft Taxi and Private Hire Policy for public consultation. The draft policy took into account workshop feedback from the trade and the key issues raised by them.
- 3.2 A wide range of consultation took place between October 2014 and 6 February 2015 and included:
 - Public consultation through hard copy and on-line questionnaire on the Council's website (Appendix 2)
 - Independently facilitated consultation groups attended by the taxi and private hire trade
 - Publicising the consultation in the local newspaper and on social media
 - Citizens panel consultation
 - Attending Guildford Access Group
 - An unmet demand survey
 - Newsletter and information leaflets for drivers inviting them to participate in the consultation
 - Drop In session for drivers and operators with senior managers and Councillors to receive feedback
- 3.3 We received responses from 488 individuals including 336 residents. Feedback from the consultation is summarised in a report from Social and Market Strategic Research (SMSR) set out at Appendix 3.
- 3.4 The consultation focused on the following key areas, which were set out in the report of 16 July:

- Driver's training
 - Vehicles' appearance and standard
 - Taxi numbers
 - Wheelchair accessibility requirements
- 3.5 An unmet demand survey took place in February/March 2015 and the results of this are set out in Appendix 4. Consultation with stakeholders, the trade and the public plus a survey of the ranks is completed to determine if there is significant unmet demand and over supply which would justify imposing quantity restrictions.
- 3.6 The Licensing Committee first considered the draft policy on the 18 March 2015 and made a number of recommendations to Council. Council did not consider the draft policy pending further consultation and the completion of a full equalities impact assessment, which are now completed.
- 3.7 Two of the original recommendations proposed to the Licensing Committee have changed during this time. These are:
- Removal of the proposed limit on the number of taxis.
 - There has been a reduction in the Council's proposed contribution to livery and an increase in the introduction period.

Driver Training

- 4.1 Currently there is no formal training requirement and a reliance on internal assessment with drivers taking two written/multiple choice examination papers that test knowledge of the byelaws and Highway Code together with local knowledge of routes to addresses within the Borough. This is administered by the Licensing Team. The invigilation and paper marking consumes considerable officer time and the tests have not been fundamentally reviewed for a significant period of time.
- 4.2 We are seeking to professionalise and increase the knowledge of our drivers whilst using a more effective training tool. We propose to replace the current system with an externally recognised qualification and a revised local knowledge test.
- 4.3 The Department of Transport endorses the introduction of the qualifications in its 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010) which states, "there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades." A number of other Local Authorities, as far back as 2004, require drivers to obtain a qualification.
- 4.4 We propose that all new applicants will need to obtain the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) prior to being licensed and those applicants who do not hold the qualification would have their application rejected. The qualification covers nine units including;

passengers who require assistance, transporting of children and young persons, professional customer service and road safety when driving passengers.

- 4.5 All existing drivers will be given until 1 January 2019 to obtain the BTEC Level 2 qualification. After this date, all renewal applications for applicants who do not hold the qualification will be referred to a Licensing Sub-Committee for determination. The authority will need to consider each case on its merits. The only grounds on which the Council can refuse to renew a licence are those set out in Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, of which the applicable ground would be 'any other reasonable cause'. The Council would therefore need to take into account all relevant factors, including the driver's history and reasons for not having completed the training before deciding whether there was reasonable cause to refuse to renew their licence.
 - 4.6 73% of the general public who responded to the consultation supported the recommendation that new taxi and private hire drivers should have to complete additional training prior to becoming a driver and for existing drivers the response was 55% in support of additional training.
 - 4.7 Existing drivers in the consultation workshops nominally supported the concept of requiring new drivers to undertake a qualification. There was overwhelming rejection of the proposal for existing drivers and a series of questions, concerns and challenges were raised which are detailed in Appendix 3, Section 4.7.2.
 - 4.8 Applicants and existing drivers would be responsible for arranging to attend a course directly. To assist, the Council will supply a list of local course providers. A number of delivery modes are available (e.g. day and evening courses held over consecutive days or weeks) and support both during the course and assessment is available to candidates with learning difficulties such as dyslexia.
 - 4.9 Applicants will fund the course directly, which costs approximately £250-350. However in some instances central government funding is available.
 - 4.10 New driver applicants will also need to pass a local knowledge test and we have been working with an external company to revise the current test and develop appropriate question papers, which will be taken to assess local knowledge and conditions. The cost of the test is paid directly to the Council, as is the current position. As the drivers will complete these using a computer, the knowledge test result will be available immediately and officer time will be saved, therefore reducing the cost.
5. **Vehicle Appearance**
- 5.1 We are proposing the introduction of a uniform livery for all taxis to differentiate them clearly from private hire vehicles, improve public safety and provide a strong local identity.
 - 5.2 A number of other Local Authorities such as Brighton, Bournemouth, Nottingham, Leeds, and Windsor and Maidenhead have chosen to adopt a local livery.

5.3 The benefits of this are that it:

- **Improves identification:** Vehicles are clearly identifiable as a taxi
- **Safety and security:** Customers can be confident that the taxi is properly licensed and meets the necessary safety standards. This is particularly important to women and to vulnerable clients.
- **Increases trade:** It can improve customer confidence and customers are happier to hail a liveried taxi rather than take a chance on an un-liveried one.
- **Creates local identity:** A local livery creates a strong local identity, which in the case of cities like London and New York becomes one that is recognised across the world.
- **Helps professionalise the service:** A local livery coupled with clear driver training and vehicle standards helps to create a more professional service.
- **Enables easier enforcement:** Taxi drivers raise regular concern about the loss of trade to alleged touting by private hire vehicles and to taxi vehicles licensed by other Boroughs. A clear and identifiable livery makes enforcement much easier.

5.4 The disadvantages are primarily:

- **The cost:** The livery is best achieved by 'wrapping' the car with the new colour and logos. A typical cost for this is around £750 to £1,250, although this will last the effective life of the vehicle. The cost divided by the number of years for a vehicle with a ten year life is £125 per year or £2.40 per week. The wrap can be removed which then enables the car to be sold or used in its original colour scheme and protects the paintwork of the vehicle in the interim.
- **Private use of vehicles:** Some drivers use their vehicle for private use and do not like having their vehicle identified as a taxi when they do so.

Livery standard

- 5.5 There are three issues for consideration, namely, whether a Guildford livery should be adopted, over what period should it be introduced and should the Council contribute towards the costs for existing vehicles.
- 5.6 The primary reason for adopting a livery is to protect public safety.
- 5.7 The public are strongly in favour of adopting a Guildford livery (84%), whereas drivers are generally opposed. The Guildford Hackney Association (GHA) has written to notify us that they will challenge a decision to adopt a local livery.

- 5.8 Respondents were asked to provide their preferences for a livery. The highest preferences were 59% for Guildford branding on the vehicle and 26.2% for a standard full car colour. The consultation feedback shows support for a full car colour and Guildford branding.
- 5.9 We have looked at the colours of the taxi vehicles currently licensed and there are 9 different colours, black and silver being the most popular (51 each). Unfortunately, there are also 56 black and 153 silver private hire vehicles.
- 5.10 To make a livery distinctive, unique and difficult to replicate, it is suggested that the scheme should be unusual and not a mainstream colour. We have therefore looked at options to achieve this. Some Boroughs have opted to have a livery where the bonnet and/or boot of the vehicle is a local colour. Whilst this is cheaper to achieve it is not necessarily visually very pleasing.
- 5.11 When asked about preferences, the most preferred colours for a full car colour were yellow (21.7%), black or other dark colour (16.7%) or teal to match the Council's logo (15%).
- 5.12 A large majority of the public are in favour and this support, together with the other benefits set out above, provide strong reasons for adopting a Guildford livery. The only substantive ground to oppose a livery is the financial cost to drivers and this is discussed later.
- 5.13 A cross party group of Councillors was formed to evaluate the livery options including the formal consultation results and feedback from Surrey Coalition for Disabled People and the Guildford Access Group.
- 5.14 A full car livery in the Guildford corporate colour Pantone 321 with the Council Logo and the licensed vehicle number in white lettering has been proposed by the group. A full car livery in an unusual colour was the preferred option as it would achieve the aims of increasing public safety, create a clearer distinction between taxi and private hire vehicles plus would be a strong identity for the Borough's taxi fleet.
- 5.15 Guidance on lettering colour, size and wording was obtained from Surrey Coalition for Disabled People and the Guildford Access Group to ensure the needs of the partially sighted and those with learning difficulties such as dyslexia are met.
- 5.16 The full specification can be found in the draft policy and Appendix 5 provides an illustration of a vehicle.

Timescale for introduction

- 5.17 There are 178 taxis currently licensed and they will need to change to the new livery over a reasonable period of time to take into account the financial impact on the vehicle proprietor.

5.18 Vehicle licences have to be renewed annually and on a practical basis it is suggested that 2 years is a reasonable period for full compliance for existing vehicles. This gives vehicle proprietors time to plan the cost for complying, but achieves a livery compliant fleet within a sensible timescale.

5.19 For new vehicle applications including any change of vehicle by an existing licence holder, we would expect the vehicle to comply with the requirements from the date the new policy comes into force.

Contribution to cost

5.20 This leaves the issue of the cost of this change. The Council could assist existing drivers to achieve the change by contributing towards this cost and to incentivise rapid take up. This would be unusual in that we do not normally provide financial assistance to subsidise business costs and research does not suggest that other Local Authorities have contributed to the cost of livery.

5.21 Officers recommend that the Council contributes 25% of the total cost, up to £315 for any vehicle that is wrapped in the first 6 months after the policy is approved. Based on 178 vehicles the maximum cost would be £56,070. The 2015-16 estimates included a growth bid of £3,000 to provide support to implement the scheme; there is therefore a shortfall of £53,070. The vehicle proprietors would finance the rest of the cost.

5.22 A revenue growth bid of £18,000 over the next four years was included as part of the 2015-16 business planning process to provide support to implement the scheme. Of this £3,000 was included in the 2015-16 estimates, and the remainder profiled over the following three years. However, this was based on preliminary costings and would now fund approximately 30% of the proposed Council contribution. The envisaged timescale for compliance is much shorter now than at the time the growth bid was submitted.

5.23 The following table summarises the total cost of implementing the proposal and the additional funding requiring Executive approval:

	Per Vehicle	Total
Total cost	£1,250	£222,500
Council contribution towards total cost 25%	(£315)	(£56,070)
Approved revenue growth bid		£3,000
Proposed additional Council contribution – approval by Executive required		£53,070
Cost to the vehicle proprietors	£935	£166,430

Livery Implementation

- 5.24 If approved the Council will provide a list of local livery suppliers for vehicle proprietors to book and pay directly. Vehicles will be in the workshop for between 36 and 48 hours while the livery is applied. The vinyl livery has a 10 year life and upon removal does not damage the original paintwork.
- 5.25 Upon obtaining a receipt and evidence that livery meeting the specification has been applied to a taxi vehicle within the appropriate timeframe, the Council will organise the appropriate refund to be paid.
- 5.26 Following the introduction there will be an opportunity for the Council to promote the taxi livery, particularly the difference between hiring taxis and private hire vehicles because at the moment there is little obvious difference. The results of the public consultation also demonstrated low public awareness of the differences.

6. Taxi Numbers

- 6.1 In 2004, the Council removed a cap on the number of licensed taxis. This means that provided an applicant meets all the relevant requirements there is no preclusion from operating as a taxi purely because a certain number already operate.
- 6.2 Over the 9 years since the deregulation of taxi numbers, there has been an increase from 99 to 178 vehicles although most of this took place in the first three years and has slowed considerably.
- 6.3 The recent Law Commission review of Taxi Licensing concluded that decisions on taxi numbers be left to the discretion of Local Authorities except in London where there are no powers to limit. Most Authorities do not impose quantity restrictions and the Department of Transport regards not doing so as best practice.
- 6.4 To provide evidence of unmet demand or over supply, Vector Transport Consultancy undertook an unmet demand survey on our behalf in March 2015. The findings are set out in Appendix 4.
- 6.5 The study concluded that there was some evidence of unmet demand, through the presence of passenger queues from time to time. However, this was periodic, rather than continuous, and was not sufficient to indicate the presence of significant unmet demand. Therefore, Vector concluded that there is no significant unmet demand.
- 6.6 The question therefore is whether there are adequate reasons for the Council to re-introduce a cap on the number of licensed vehicles. The Department of Transport suggest that the matter should be approached in terms of the interests of the travelling public and expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. The guidance suggests that quantity restrictions should only be introduced or retained if this is of benefit to the travelling public. The Law Commission Report emphasises that the law does not

permit a licensing authority to balance unmet demand against other influencing factors in favour of quantity restrictions, such as congestion, over-ranking, or environmental harm.

- 6.7 Taxi drivers expressed concern in the survey about the number of licensed taxis in the Borough and the competition this creates, particularly set against the perception of touting by private hire drivers and vehicles from other Boroughs. However, Guildford is comparable to other similar Boroughs in terms of the number of vehicles per 1000 head of population.
- 6.8 Previously consideration has been given to implementing a cap at a number above the current number of taxis and issuing a limited number of additional plates. We have to discount this option as the survey results did not provide evidence of an appropriate number of new licences which should be issued to meet unmet demand and therefore any number determined and imposed would be arbitrary and subject to challenge.
- 6.9 The survey results concluded that there was no significant unmet demand but also did not provide evidence of an over-supply. The report provided evidence of some unmet demand and therefore after evaluation of other relevant factors, it is felt that the market is operating appropriately and introducing a cap on numbers is not justified.
- 6.10 It is proposed that an unmet demand survey be carried out in December 2016 so that the situation can be reviewed. The cost of the survey is recoverable within the taxi licence fees.

7. Wheelchair Accessible Vehicles

- 7.1 In 2004, the Council decided that all taxis would be wheelchair accessible by 2009. Full implementation of the policy was subsequently delayed for existing licence holders with vehicle plates numbers 1-99 and has never been fully implemented. However all new licence holders since the decision in 2004 have been required to provide wheelchair accessible vehicles. Of the 178 taxi vehicles currently licensed 87 are wheelchair accessible.
- 7.2 The recent Law Commission review of Taxi Licensing concluded that decisions on wheelchair accessibility should be left to the discretion of Local Authorities.
- 7.3 The current situation creates a source of friction within the trade. Those who have to provide a wheelchair accessible vehicle feel that this is not a level playing field. They have to provide a vehicle, which costs more to purchase and run, yet the number of customers requiring this is extremely small. There is widespread agreement that customers overwhelmingly prefer to take a saloon rather than a wheelchair accessible vehicle.
- 7.4 Conversely, drivers with vehicle plates 1-99 are happy with the status quo because saloon vehicles are more in demand and there is potential value in trading their vehicle plate privately to another driver.

- 7.5 In the public consultation, 64% of the general public indicated that there should not be a requirement for saloon vehicles to be converted to wheelchair accessible vehicles. Few of the respondents reported that they had a disability (28) however, of those only 39% felt that the Council should make wheelchair accessibility a mandatory requirement in taxi vehicles.
- 7.6 The unmet demand survey indicated that feedback received from elderly, disabled or mobility-impaired representatives suggested that services from taxis generally met their requirements. Most users who rely on licensed vehicles have an existing relationship with a provider and they regularly use this provider.
- 7.6 Only one wheel chair hire was observed during four days of rank observation. The wheel chair user had to let several taxis leave the rank as the vehicles at the head of the vehicle queue were unable to cope with the wheel chair. The nature of the rank configuration is such that it is not feasible for a wheelchair user to access vehicles further back in the queue. The wheel chair user managed to board a taxi after 10 minutes.
- 7.7 In terms of wheelchair accessibility, there are three main options:
- Status quo of a two tier system
 - Fully wheelchair accessible fleet
 - Remove requirement for wheelchair accessible vehicles, but encourage their provision through financial incentives.
- 7.8 The current situation, with an arbitrary part of the fleet wheelchair accessible and part not, is unsustainable. This situation needs correcting. Therefore maintaining the status quo is not felt to be an option.
- 7.9 Evidence from the unmet demand survey indicates that many people with disabilities prefer to travel in a saloon vehicle and the demand for wheelchair accessible vehicles is low and mainly met by pre booked private hire companies.
- 7.10 Whilst requiring all taxis to be wheelchair accessible would provide uniformity across the fleet, it does seem disproportionate given the cost of purchase and running such vehicles and this option has been discounted. Consultation with groups representing disabled people supports the view that a fully wheelchair accessible fleet is not desired.
- 7.11 It is proposed that the requirement for all new taxis to be wheelchair accessible should be removed, but that a financial incentive of a 50% reduction in the vehicle licence fee (excluding the vehicle test fee) should be given to encourage the provision of wheelchair accessible vehicles. A number of proprietors would maintain their wheelchair accessible vehicles as they have contracts with Surrey County Council for transporting wheelchair users on a regular basis.
- 7.12 This proposal, if approved, will need careful monitoring to ensure that proprietors continue to provide wheelchair accessible vehicles. After one year, a formal review

will be conducted in liaison with Surrey Coalition of Disabled People and the Guildford Access Group.

8. Financial Implications

Knowledge test

- 8.1 It will cost approximately £10,000 to £12,000 to develop the revised knowledge test software. This sum can be financed from the IT renewals fund and the cost recovered over 3 years and met from knowledge test fees.

Vehicles' appearance

- 8.2 If the Council funded 25% the cost of the livery for 178 vehicles it will cost up to £56,070. As the contribution will only be available for six months, we estimate that half the cost (£28,035) will fall in 2015-16 and the remainder in 2016-17.
- 8.3 There is a £3,000 budget available in 2015-16 leaving an additional cost of £25,035 for which a supplementary estimate is required. Officers recommend that this is financed from the central inflation budget. There is no budget available in 2016-17 and officers will therefore include growth of £28,035 in the outline budget, for 2016-17 only, (subject to the agreement of the Executive).

Wheelchair accessibility

- 8.4 The Council may remit the whole or part of the licence fee if it thinks it appropriate to do so. The Council will need to fund any such remission itself and cannot recover the sum remitted from the fees charged to other licence holders.
- 8.5 The maximum cost of reducing fees for wheelchair accessible vehicle is likely to be £5,000, of which £2,000 will fall in 2015-16 and £3,000 in 2016-17.
- 8.6 Officers recommend that the 2015-16 cost is met from the central inflation budget and the 2016-17 amount added as growth to the 2016-17 budget.

9. Legal Implications

- 9.1 The basis for key changes within the policy is to protect public safety pursuant to statutory requirements and in light of the Casey report and to encourage a more professional service within the Borough.
- 9.2 The current taxi byelaws remain unchanged.
- 9.3 There is no statutory requirement to have a taxi and private hire licensing policy however it is good practice to do so. A policy assists with consistent decision-making, however each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.

- 9.4 In relation to taxi and private hire licensing there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. This legislation allows the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, allows the Council to refuse a licence to drivers if they are not satisfied that the drivers are fit and proper persons to hold a licence and allows conditions to be attached to licences (with the exception of hackney carriage driver's licences). In respect of vehicles, Section 47 Local Government (Miscellaneous Provisions) Act 1976 provides that a Council may attach such conditions to a hackney carriage licence as it considers reasonably necessary and may require any hackney carriage to be of such design or appearance as shall clearly identify it as a hackney carriage.
- 9.5 Section 37 of the Town Police Clauses Act 1847 (as amended by Section 16 of the Transport Act 1985) provides that a Council may only refuse a hackney carriage licence for the purpose of limiting numbers if it is satisfied that there is no significant unmet demand. The Council is not required to limit hackney carriage numbers. A limit on numbers can be removed at any time provided relevant factors are considered.
- 9.6 Section 3 of the Human Rights Act 1998 requires that, so far as possible, legislation must be read and given effect to in a way that is compatible with the Convention rights, and section 6 makes it unlawful for a public authority to act in a way which is incompatible with a Convention right.
- 9.7 The Council must have due regard to the public sector equality duty by consciously thinking about the need to:
- Eliminate unlawful discrimination including harassment, victimisation and any other conduct prohibited by the Equality Act 2010;
 - Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a protected characteristic and people who do not share it.
- 9.8 Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex and sexual orientation.
- 9.9 The requirement to have due regard to the need to advance equality of opportunity between persons who share protected characteristics and those who do not includes having due regard to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation is disproportionately low.

9.10 The requirement to have due regard to the need to foster good relations between persons includes having due regard to the need to:

- tackle prejudice; and
- promote understanding.

9.11 The Council needs to consider these matters, in particular, in connection with the matter of wheelchair accessible vehicles and the need to provide vehicles which meet the needs of persons with disabilities and other relevant protected characteristics, such as age. In respect of disabled persons, steps may need to be taken to take account of their disabilities. The Council needs to consider all types of disabilities and how the needs of people with these disabilities can be met.

9.12 An Equalities Impact Screening for all the main policy changes identified that a full screening is only required for the proposed wheelchair accessibility changes. There are potential equality implications arising from withdrawing the requirement to provide wheelchair accessible vehicles. A copy of the assessment can be found in Appendix 6.

9.13 The proposal has been discussed with the Surrey Coalition for Disabled People and Guildford Access Group who are broadly supportive of the reasons for change. Together with the findings from the unmet demand survey, the commitment to review the situation on a regular basis and financial incentives to encourage provision of wheelchair accessible vehicles should ensure that any negative impact is minimised.

Human Resource Implications

10.1 There are no human resource implications arising from these proposals.

Conclusion

11.1 Adoption of the revised Policy and the measures within it will support the statutory position, help to protect public safety and professionalise the taxi trade within the Borough.

Background Papers

Guildford Borough Hackney Carriage and Private Hire Policy - approved 2007

Report of Professor Jay into Child Sexual Exploitation in Rotherham

Casey report into Rotherham Metropolitan Borough Council

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance - Department of Transport March 2010

Law Commission report 2014 – 'Reforming the regulation of taxis and private hire vehicles'

Appendices

Appendix 1 Draft Taxi and Private Hire Licensing Policy

Appendix 2 Consultation questionnaire

Appendix 3 SMSR - consultation feedback report.

Appendix 4 Vector Transport Consultancy - Unmet Demand Survey 2015

Appendix 5 Taxi vehicle livery and private hire vehicle signage design.

Appendix 6 Equality Impact Assessment

MJF/18

18 NOVEMBER 2015

LICENSING COMMITTEE

- * Councillor David Elms (Chairman)
- * Councillor David Wright (Vice-Chairman)

- * Councillor David Goodwin
- * Councillor Gillian Harwood
- * Councillor Liz Hooper
- Councillor Christian Holliday
- * Councillor Mike Hurdle
- Councillor Gordon Jackson
- * Councillor Jennifer Jordan
- * Councillor Nigel Kears
- Councillor Sheila Kirkland
- Councillor Marsha Moseley
- * Councillor Mike Parsons
- * Councillor Dennis Paul
- * Councillor Tony Phillips

*Present

The Lead Councillor for Licensing and Community Safety was also in attendance.

L17 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Holliday, Jackson, and Moseley.

L18 LOCAL CODE OF CONDUCT – DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

L19 MINUTES

The minutes of the meeting held on 16 September 2015 were confirmed.

L20 TAXI AND PRIVATE HIRE POLICY 2015-20

The Committee received a report detailing the consultation and feedback received for the draft Taxi and Private Hire Policy 2015-20, making recommendations for key changes to the policy, and considering the costs and benefits of these changes. The Environmental Health Manager introduced the report, including advising the Committee of the key changes proposed within the policy; namely,

- more in depth training and assessment for drivers;
- adoption of a Guildford livery for taxi vehicles; and
- removal of the requirement for all new taxi vehicles to be wheelchair accessible while encouraging the provision of wheelchair accessible vehicles through financial incentives.

The Environmental Health Manager advised the Committee that the policy provided the required public safety standards and set out the framework for the Council's statutory duties in relation to taxi and private hire vehicle licensing. The importance of the child exploitation findings in Rotherham was referenced to the Committee.

The Committee was advised of the background and development of the proposed taxi and private hire policy, including consultation undertaken. The meeting was informed that since consideration of the draft policy by the Committee in March 2015, further consultation had been held and a full equalities impact assessment completed. The Committee was advised that two of the original recommendations proposed to the Committee had changed since March 2015: removal of the proposed limit on the number of taxis; and a reduction in the Council's proposed contribution to the livery and an extension to the introduction period.

The Environmental Health Manager indicated that the Committee would be asked to recommend that the Head of Health and Community Care Services, in consultation with the Lead Councillor for Licensing and Community Safety, be authorised to make minor amendments to the Taxi and Private Hire Policy as required from time to time.

In accordance with Public Speaking Procedure Rule 3(f), the Committee agreed to invite Mr Naeem Razaq to address the meeting.

The following persons addressed the Committee in accordance with Public Speaking Procedure Rules:

- Mr David Williams-Wynn (Chairman of the Guildford Hackney Association)
- Mr Paul Soper (Unite union member)
- Mr Michael Simmonds (Member of Guildford Hackney Association)
- Mr Mark Rostron (Secretary of Guildford Hackney Association)
- Mr Don Brandon
- Mr Naeem Razaq (driver of a wheelchair accessible taxi)

Speaking in the order in which they registered, the members of the public articulated concerns and commented on the draft hackney carriage and private hire policy. A number of issues and points were made during these speeches, including:

- With reference to the proposed requirement for drivers to obtain the BTEC Level 2 Certificate, it was suggested that existing taxi drivers or experienced taxi drivers be exempted. It was suggested that other councils either did not call for such a qualification or did so for new drivers only. The merits of a grandfather right clause to the introduction of the BTEC requirement were suggested.
- With reference to the high levels of public satisfaction with the taxi service in Guildford, the need for a BTEC qualification was questioned. The difficulty of the BTEC for candidates with learning difficulties, such as dyslexia, and its financial costs were queried.
- Speakers challenged the identified cost of the proposed uniform local livery. Such issues included the initial and ongoing cost of wraps, the cost of its removal, the loss of earnings from chauffeur work, the loss of income from advertising wraps, the loss of earnings while the livery work was undertaken, the damage to paintwork likely when the wrap was removed, and future increases in charges for wrapping vehicles.
- The choice of Guildford Council's corporate colour Pantone 321 for the livery was questioned. Speakers noted that the public consultation had favoured yellow for a full car colour livery. The potential advantages of a white livery taxi with magnetic door and bonnet signage, or a partial livery, were put forward to the Committee.

- Speakers questioned the aesthetics of the proposed teal livery. The distinctiveness of such a mid-tone colour at night, under street lights, was queried. Speakers suggested there was an absence of evidence for the claim that a local livery would increase trade.
- With particular reference to changes prompted by the introduction of diesel-free public transport, the two-year timescale for introduction of the livery change was questioned and a 2020 deadline suggested.
- The Committee was advised that 137 taxi drivers had signed a petition against the livery.
- With reference to the Human Rights Act, were the proposed measures necessary or proportionate.
- Public confusion between taxis and private hire vehicles might be avoided if door signage was prohibited on private hire vehicles. Such action was less costly and more effective than the proposed policy. Similarly, such vehicles should park out of sight and not tout for illegal trade. Whether the proposed policy would improve enforcement against private hire vehicles was queried.
- The proposal to remove the requirement that all new taxis be wheelchair accessible was praised by a driver of a wheelchair accessible taxi. Another speaker indicated that members of the public other than wheelchair users valued such vehicles. The resultant loss in the value of vehicle plates for saloon cars was also commented on.
- Speakers suggested there would be an increase in taxis prompted by removing the requirement that all new taxis be wheelchair accessible, as existing private hire saloon vehicles would be able to convert to taxis. Difficulties, such as insufficient numbers of taxi ranks in Guildford town centre, would be exacerbated by an increase in taxi numbers.
- With reference to a limit on the number of taxis, speakers questioned why the proposal had been removed from the policy after its previous recommendation by the Committee. The value of a limit on numbers, especially given the anticipated increase in taxi numbers following removal of wheelchair access requirements, was proposed.
- Changes to the original recommendations proposed to the Committee in March were questioned: the reduction in the Council's proposed contribution to the cost of the livery, from 75 per cent to 25 per cent, and the increase in the compliance period.
- References to the Casey report on Rotherham Metropolitan Borough Council and child sexual exploitation in Rotherham were being used to help push through the proposed

policy. Better enforcement and cameras in taxis were more relevant to improve public safety than a livery.

- The public consultation process for the policy was flawed: replies were mainly from non-users of taxis and the costs and benefits of the proposed changes were not put to the public.

The Lead Councillor for Licensing and Community Safety made a number of points in response to the public speakers, including:

- The Lead Councillor for Licensing and Community Safety had been advised that legally the Council did not have a justifiable reason for introducing a limit on taxi numbers.
- The Lead Councillor for Licensing and Community Safety was not aware of any child sexual exploitation issues involving taxi drivers or private hire drivers, but there were an increasing number of such incidents occurring in Guildford. The proposals were intended to improve safety for all users in Guildford, not just vulnerable people.
- The change in the Council's proposed contribution to the cost of the livery was necessitated by changed financial circumstances; other councils requiring a uniform livery did not make any contribution.
- The potential value in trading vehicle plates privately to another driver was not a concern of the Council.
- The Lead Councillor for Licensing and Community Safety indicated that he favoured a yellow and black livery, and that the disabled group he had met agreed, but a working group had decided on teal.
- Proposals for extra taxi ranks were under development.
- The requirement for all new taxis to be wheelchair accessible would be removed, but a financial incentive of a 50 per cent reduction in the vehicle licence fee would be given to incentivise the provision of wheelchair accessible vehicles.
- The proposed livery would increase trade for local taxis.

Members raised a number of matters including:

- The public consultation concerning a local livery did not allude to the costs and the Council's contribution.

- In Guildford, many businesses in the taxi trade are family run and the direct costs and the loss of earnings necessitated by compliance with the policy would be considerable.
- With reference to the period within which the Council would contribute 25 per cent of the total cost of the wrap, the advantage of delaying the introduction of the policy for a month or extending the period by a month was suggested. The Committee was advised that the busiest period of the year for the taxi trade was Christmas and the policy was proposed to take effect from 9 December.
- In response to a question, the Head of Health and Community Care Services stated that advice from relevant companies indicated there would be no damage to paintwork when a livery wrap was removed.
- After 1 January 2019 all driver renewal applications that did not hold the relevant BTEC Level 2 qualification would be referred to a Licensing Sub-Committee for determination. Each such case would be judged on its individual merits by the Licensing Sub-Committee.

RESOLVED: That the Licensing Committee recommend:

(1) Council adopt the revised Taxi and Private Hire Policy, as set out in Appendix 1 of the report to the Committee, to include the following key changes:

- (i) adoption of a Guildford livery for taxi vehicles;
- (ii) with reference to (i) above, the Council to contribute 25% of the total cost up to £315 for any vehicle that is wrapped in the first 7 months after the policy is approved;
- (iii) approval of the requirement for new drivers to complete the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) and existing drivers to be exempt;
- (iv) removal of the requirement for all new taxi vehicles to be wheelchair accessible; and
- (v) encouragement of the provision of wheelchair accessible vehicles through the financial incentive of a 50% reduction in the licence fee and approval of the remission of 50% of the current hackney carriage licence fee for wheelchair accessible vehicles amounting to £134.50 in 2015/16, to take effect from 9 December 2015.

(2) Council authorise the Head of Health and Community Care Services, in consultation with the Lead Councillor for Licensing and Community Safety, to make such minor amendments to the Taxi and Private Hire Policy as may be required from time to time.

(3) the Executive approve:

- (i) the additional maximum expenditure of £53,070 towards the cost of livery with £25,035 in 2015-16 financed from the central inflation budget and £28,035 growth added to the 2016-17 outline budget (for one year only); and

- (ii) the lost income of a maximum of £5,000 to subsidise the cost of reduced vehicle licence fees with £2,000 in 2015-16 financed from the central inflation budget and £3,000 growth added to the 2016-17 outline budget.

L21 GAMBLING ACT 2005: STATEMENT OF PRINCIPLES

The Environmental Health Manager summarised a report on the Gambling Act 2005 – Statement of Principles. The Committee was advised of the outcome of a 12 week consultation on the draft Gambling Act 2005 – Statement of Principles 2016-19. The Lead Councillor for Community Safety and Licensing was in attendance.

RESOLVED: That the Committee recommend Council adopt the Gambling Act 2005 Statement of Principles, as set out in Appendix 1 of the report to the Committee.

L22 LICENSING COMMITTEE WORK PROGRAMME

The Chairman advised the Committee of the likely cancelation of the meeting scheduled for 13 January 2016.

RESOLVED: That the Committee note the work programme, as presented in Appendix 1 of the report submitted to the Committee.

The meeting finished at 8.47 pm

Signed

Date

Chairman

MJF/9
MJF

Executive Report

Ward(s) affected: All

Report of Head of Health and Community Care Services

Author: Justine Fuller

Tel: 01483 444370

Email: Justine.fuller@guildford.gov.uk

Lead Councillor responsible: Graham Ellwood

Tel: 07899 846626

Email: graham.ellwood@guildford.gov.uk

Date: 24 November 2015

Taxi and Private Hire Licensing Policy 2015-20 Financial implications

Executive Summary

On 18 November 2015, the Licensing Committee will consider the draft Taxi and Private Hire Policy and will be asked to recommend that Council (at its meeting on 9 December 2015) adopt the policy.

The draft policy proposed these key changes:

- a) a more in-depth training and assessment for drivers.
- b) the adoption of a Guildford livery for taxi vehicles.
- c) removal of the requirement for all new taxi vehicles to be wheelchair accessible whilst encouraging the provision of wheelchair accessible vehicles through financial incentives.

In addition, the Licensing Committee will be asked to recommend to Executive the approval of the cost of a subsidy to support the introduction of the livery and the cost of lost income from a reduction in the licence fee for wheelchair accessible vehicles.

Recommendation to Executive

The Executive is asked to approve:

- (1) The additional maximum expenditure of £53,070 towards the cost of livery with £25,035 in 2015-16 being financed from the central inflation budget and £28,035 growth added to the 2016-17 outline budget (for one year only)
- (2) The lost income of a maximum of £5,000 to subsidise the cost of reduced vehicle licence fees with £2,000 in 2015-16 being financed from the central inflation budget and £3,000 growth added to the 2016-17 outline budget (and future years)

Reasons for Recommendation:

To provide financial support to drivers to offset some of the cost of introducing taxi livery and encourage the provision of wheelchair accessible taxis by providing a subsidy.

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval for financial support for the introduction of taxi livery and the reduced income from wheelchair accessible vehicle licence fees.

2. Strategic Priorities

- 2.1 Financially subsidising the adoption of taxi livery and reducing the fees charged for wheelchair accessible vehicles will contribute to the delivery of the Council's strategic objectives of Infrastructure, Economy and Society.

3. Background

- 3.1 At its meeting on 18 November 2015, the Licensing Committee will consider the revised draft taxi and private hire licensing policy and will be asked to recommend that the Council adopts the policy at its meeting on 9 December 2015. The draft policy includes the following changes:

- (i) adopt a Guildford livery for taxi vehicles;
- (ii) approve the requirement for new drivers to complete the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) and existing drivers to complete within 3 years from adoption;
- (iii) remove the requirement for all new taxi vehicles to be wheelchair accessible (a number of taxis with Surrey County Council contracts will remain wheelchair accessible in accordance with contract requirements);
- (iv) encourage the provision of wheelchair accessible vehicles through the financial incentive of a 50% reduction in the licence fee and approve the remission of 50% of the current hackney carriage licence fee for wheelchair accessible vehicles amounting to £134.50 in 2015-16, to take effect from 9 December 2015;

- 3.2 The Licensing Committee have been requested to recommend that Executive approve financial support towards the costs of livery and subsidise the reduced vehicle licence fee income.

4. Consultations

- 4.1 The Lead Councillor for Community Safety and Licensing is supportive of the proposed subsidies.
- 4.2 The proposal has been discussed with the Surrey Coalition for Disabled People and Guildford Access Group who are supportive of the proposed financial incentives to encourage provision of wheelchair accessible vehicles.

5 Equality and Diversity Implications

- 5.1 An Equalities Impact Screening for all the main policy changes identified that a full screening is only required for the proposed wheelchair accessibility changes. There are potential equality implications arising from withdrawing the requirement to provide wheelchair accessible vehicles. A copy of the assessment can be seen in Appendix 6 of the Licensing Committee report of 18 November 2015.

6. Financial Implications

Vehicles' appearance

- 6.1 If the Council funded 25% of the cost of the livery for 178 vehicles, it will be cost up to £56,070. As the contribution will only be available for six months, we estimate that half the cost (£28,035) will fall in 2015-16 and the remainder in 2016-17.
- 6.2 There is a £3,000 budget available in 2015-16 leaving an additional cost of £25,035 for which a supplementary estimate is required. Officers recommend that this is financed from the central inflation budget. There is no budget available in 2016-17 and officers therefore recommend that growth of £28,035 is included in the outline budget for 2016-17 only.

Wheelchair accessibility

- 6.3 The Council may remit the whole or part of the licence fee if it thinks it appropriate to do so. The Council will need to fund any such remission itself and cannot recover the sum remitted from the fees charged to other licence holders.
- 6.4 The maximum cost of reducing fees for wheelchair accessible vehicles is likely to be £5,000, of which £2,000 will fall in 2015-16 and £3,000 in 2016-17.
- 6.5 Officers recommend that the 2015-16 cost is met from the central inflation budget and the 2016-17 amount added as growth to the 2016-17 outline budget and future years.

7. Legal Implications

- 7.1 There are no legal issues arising directly from this report. The legal implications relating to adoption of the policy are set out in the report to Licensing Committee.

8. Human Resource Implications

- 8.1 There are no human resource implications arising from these proposals.

9. Summary of Options

- 9.1 Approval of the recommendations in relation to the taxi livery and subsidising wheelchair accessible vehicle fee income will demonstrate the Council's

commitment to implementing taxi livery and the provision of wheelchair accessible vehicles in the taxi fleet.

- 9.2 Failure to approve the subsidies will not prevent the implementation of the policy but may lead to a slower rate of full compliance with the requirement for livery and a reduction in the number of wheelchair accessible vehicles in the taxi fleet.
- 9.3 If decided more appropriate, the Executive could propose different levels of subsidies for both items.

10. Conclusion

- 10.1 Approval of the subsidies will support the implementation of the revised Taxi and Private Hire Policy and the measures within it will enhance public safety and professionalise the taxi trade within the Borough.

11. Background Papers

- [Guildford Borough Hackney Carriage and Private Hire Policy - approved 2007](#)
- [Report of Professor Jay into Child Sexual Exploitation in Rotherham](#)
- [Casey report into Rotherham Metropolitan Borough Council \(February 2015\)](#)
- [Taxi and Private Hire Vehicle Licensing: Best Practice Guidance - Department of Transport March 2010](#)
- [Law Commission report 2014 – 'Reforming the regulation of taxis and private hire vehicles'](#)
- [Item 4 on agenda for Licensing Committee 18 March 2015 \(Taxi and Private Hire Policy 2015-20\)](#)

12. Appendices

None

EXECUTIVE

- * Councillor Nigel Manning (Chairman)
- * Councillor Paul Spooner (Vice-Chairman)

- | | |
|---------------------------------|-----------------------------|
| * Councillor Richard Billington | Councillor Murray Grubb Jnr |
| * Councillor Geoff Davis | * Councillor Iseult Roche |
| * Councillor Graham Ellwood | * Councillor Tony Rooth |
| * Councillor Matt Furniss | |

*Present

Councillors David Blibé, Angela Gunning, Julia McShane, Susan Parker, Tony Phillips and Caroline Reeves were also in attendance.

EX44 APOLOGIES FOR ABSENCE

There were no apologies for absence.

EX45 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no disclosures of interest.

EX46 MINUTES

The Executive approved the minutes of the meeting held on 27 October 2015. The chairman signed the minutes.

EX47 ANNUAL AUDIT LETTER 2014-15

The Executive considered a report on the Annual Audit Letter and noted that the external audit for 2014-15 had been completed and the independent auditor had now issued their Annual Audit Letter, which was appended to the report.

Councillors were pleased to note that the Annual Audit Letter did not include any findings that were not raised in the Audit Findings Report, presented to Corporate Governance and Standards Committee on 24 September 2015.

The Executive

RESOLVED: That the annual audit letter for 2014-15 be approved.

Reasons for Decision:

To approve the Annual Audit Report.

EX48 LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2016-17

The Executive considered a report on the outcome of the recent public consultation on the Council's revised Local Council Tax Support Scheme (LCTSS). The Council had a statutory duty to consider annually whether to revise its LCTSS, replace it with another or make no changes. The Council was also obliged to consult with interested parties if it wished to revise

Once a programme of work had been agreed with the successful contractor, customers would be notified through a detailed communications plan being prepared in conjunction with Freedom Leisure, although work was not likely to commence until July 2016 at the earliest.

A programme of business recovery would be developed to ensure visitors returned to the venue as each facility returned to full operation upon completion of the works.

The Executive

RESOLVED:

- (1) That the transfer of the Spectrum roof and refurbishment project (£4 million) from the provisional to the approved capital programme be approved.
- (2) That authority to award the contract be delegated to the project board subject to the capital budget being available.

Reasons for Decision:

- To enable implementation of the roof and refurbishment project at Spectrum
- To enable the contract to be awarded in a timely fashion

EX52 TAXI AND PRIVATE HIRE LICENSING POLICY 2015-20 - FINANCIAL IMPLICATIONS

The Executive noted that, on 18 November 2015, the Licensing Committee had considered the draft Taxi and Private Hire Policy and had recommended its formal adoption by the Council at its meeting on 9 December 2015.

The draft policy had proposed the following key changes:

- a) a more in-depth training and assessment for drivers.
- b) the adoption of a Guildford livery for taxi vehicles.
- c) removal of the requirement for all new taxi vehicles to be wheelchair accessible whilst encouraging the provision of wheelchair accessible vehicles through financial incentives.

In addition, the Licensing Committee had recommended to the Executive the approval of the cost of a subsidy to support the introduction of the livery and the cost of lost income from a reduction in the licence fee for wheelchair accessible vehicles.

Having considered the proposals, the Executive

RESOLVED:

- (1) That the additional maximum expenditure of £53,070 towards the cost of livery be approved, with £25,035 in 2015-16 being financed from the central inflation budget and £28,035 growth added to the 2016-17 outline budget (for one year only).
- (2) That the lost income of a maximum of £5,000 to subsidise the cost of reduced vehicle licence fees be approved, with £2,000 in 2015-16 being financed from the central inflation budget and £3,000 growth added to the 2016-17 outline budget (and future years).

Reasons for Decision:

To provide financial support to drivers to offset some of the cost of introducing taxi livery and encourage the provision of wheelchair accessible taxis by providing a subsidy.

Council Report**Report of Head of Health and Community Care Services****Author: Justine Fuller****Tel: 01483 444370****Email: Justine.fuller@guildford.gov.uk****Lead Councillor responsible: Graham Ellwood****Tel: 07899 846626****Email: graham.ellwood@guildford.gov.uk****Date: 9 December 2015**

Taxi and Private Hire Licensing Policy 2015-2020

Executive Summary

This report details the consultation process and feedback received in respect of the draft Taxi and Private Hire Policy, makes recommendations for key changes to the policy, and considers the cost benefit of these changes.

The Policy is important as it sets out the public safety standards we require, and these form the framework by which we undertake our statutory responsibilities in respect of taxi and private hire vehicle licensing. These are particularly important in light of the findings of the report into child sexual exploitation in Rotherham.

The key changes proposed are:

- (a) a more in depth training and assessment for new drivers.
- (b) the adoption of a Guildford livery for taxi vehicles.
- (c) removal of the requirement for all new taxi vehicles to be wheelchair accessible whilst encouraging the provision of wheelchair accessible vehicles through financial incentives.

The cost benefit of these measures is assessed and a revised policy is recommended.

This report and the draft policy were considered by the Licensing Committee at its meeting on 18 November 2015, and its recommendations have been incorporated into the recommendations in this report.

At its meeting on 24 November 2015, the Executive considered a separate report on the additional financial implications associated with the Council's proposed contributions towards the cost of livery and the reduced vehicle licence fees. These were approved.

Recommendations

The Licensing Committee has recommended:

That the Council:

- (1) adopts the revised Taxi and Private Hire Policy in **Appendix 1** to include the following key changes:
 - (i) the adoption of a Guildford livery for taxi vehicles, with the Council contributing 25% of the total cost, up to £315 for any vehicle that is wrapped in the first seven months after the policy is approved;
 - (ii) the approval of the requirement for new drivers to complete the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) and existing drivers to be exempt;
 - (iii) the removal of the requirement for all new taxi vehicles to be wheelchair accessible; and
 - (iv) the encouragement of the provision of wheelchair accessible vehicles through the financial incentive of a 50% reduction in the licence fee (excluding the vehicle test fee) and approval of the remission of 50% of the current hackney carriage licence fee for wheelchair accessible vehicles amounting to £134.50 in 2015-16, to take effect from 9 December 2015;
- (2) authorises the Head of Health and Community Care Services, in consultation with the Lead Councillor for Community Safety and Licensing, to make such minor amendments to the Taxi and Private Hire Policy as may be required from time to time.

Reason for Recommendation:

To provide a framework for the delivery of the taxi and private hire licensing service.

1 Purpose of Report

- 1.1 The purpose of this report is to set out the responses received to the public consultation and to recommend a revised Taxi and Private Hire Policy for adoption.

2 Strategic Framework

- 2.1 This policy document sets out the standards we require of drivers, vehicles and operators and the way we will undertake our statutory responsibilities for taxi (hackney carriage) and private hire vehicle licensing.
- 2.2 The conclusions of the Casey report on Rotherham Metropolitan Borough Council following Professor Jay's inquiry into child sexual exploitation in the borough emphasise how important licensing policy is in providing safeguards to protect public safety.

- 2.3 It reinforced the need for safety to be the uppermost concern of any licensing and enforcement regime when determining policy, setting standards and deciding how they are enforced.
- 2.4 The inspectors uncovered serious weaknesses and concerns and judged that Rotherham had not taken sufficient steps to ensure that only fit and proper persons were permitted to hold a taxi licence and, therefore, could not provide assurances that the public, including vulnerable people, were safe.
- 2.5 The aim of the changes to this Policy is to strengthen the current policy endorsing the requirement that public safety is paramount, improve standards and help professionalise the trade.
- 2.6 Adoption of the policy will contribute to the delivery of the Council's strategic objectives of Infrastructure, Economy and Society.
3. **Background**
- 3.1 The Licensing Committee of 16 July 2014 approved a draft Taxi and Private Hire Policy for public consultation. The draft policy took into account workshop feedback from the trade and the key issues raised by them.
- 3.2 A wide range of consultation took place between October 2014 and 6 February 2015 and included:
- Public consultation through hard copy and on-line questionnaire on the Council's website (**Appendix 2**)
 - Independently facilitated consultation groups attended by the taxi and private hire trade
 - Publicising the consultation in the local newspaper and on social media
 - Citizens panel consultation
 - Attending Guildford Access Group
 - An unmet demand survey
 - Newsletter and information leaflets for drivers inviting them to participate in the consultation
 - Drop in session for drivers and operators with senior managers and Councillors to receive feedback
- 3.3 We received responses from 488 individuals including 336 residents. Feedback from the consultation is summarised in a report from Social and Market Strategic Research (SMSR) set out at **Appendix 3**.
- 3.4 The consultation focused on the following key areas, which were set out in the report of 16 July:

- Driver's training
- Vehicles' appearance and standard
- Taxi numbers
- Wheelchair accessibility requirements

3.5 An unmet demand survey took place in February/March 2015 and the results of this are set out in **Appendix 4**. Consultation with stakeholders, the trade and the public plus a survey of the ranks is completed to determine if there is significant unmet demand and over supply which would justify imposing quantity restrictions.

3.6 The Licensing Committee first considered the draft policy on the 18 March 2015 and made a number of recommendations to Council. Council did not consider the draft policy pending further consultation and the completion of a full equalities impact assessment, which are now completed.

3.7 Two of the original recommendations proposed to the Licensing Committee have changed during this time. These are:

- Removal of the proposed limit on the number of taxis.
- There has been a reduction in the Council's proposed contribution to livery and an increase in the introduction period.

4. Driver Training

4.1 Currently there is no formal training requirement and a reliance on internal assessment with drivers taking two written/multiple choice examination papers that test knowledge of the byelaws and Highway Code together with local knowledge of routes to addresses within the Borough. This is administered by the Licensing Team. The invigilation and paper marking consumes considerable officer time and the tests have not been fundamentally reviewed for a significant period of time.

4.2 We are seeking to professionalise and increase the knowledge of our drivers whilst using a more effective training tool. We propose to replace the current system for all new drivers with an externally recognised qualification and a revised local knowledge test.

4.3 The Department of Transport endorses the introduction of the qualifications in its 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010) which states, "there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades." A number of other Local Authorities, as far back as 2004, require drivers to obtain a qualification.

4.4 We propose that all new applicants will need to obtain the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) prior to being licensed and those applicants who do not hold the qualification would

have their application rejected. The qualification covers nine units including; passengers who require assistance, transporting of children and young persons, professional customer service and road safety when driving passengers.

- 4.5 The Licensing Committee, at its meeting on 18 November 2015, recommended that the requirement to obtain the BTEC Level 2 qualification should apply only to new applicants, with existing drivers exempt.
- 4.6 73% of the general public who responded to the consultation supported the recommendation that new taxi and private hire drivers should have to complete additional training prior to becoming a driver and for existing drivers the response was 55% in support of additional training.
- 4.7 Existing drivers in the consultation workshops nominally supported the concept of requiring new drivers to undertake a qualification. There was overwhelming rejection of the proposal for existing drivers and a series of questions, concerns and challenges were raised which are detailed in Appendix 3, Section 4.7.2.
- 4.8 New applicants would be responsible for arranging to attend a course directly. To assist, the Council will supply a list of local course providers. A number of delivery modes are available (e.g. day and evening courses held over consecutive days or weeks) and support both during the course and assessment is available to candidates with learning difficulties such as dyslexia.
- 4.9 Applicants will fund the course directly, which costs approximately £250-350. However in some instances central government funding is available.
- 4.10 New driver applicants will also need to pass a local knowledge test and we have been working with an external company to revise the current test and develop appropriate question papers, which will be taken to assess local knowledge and conditions. The cost of the test is paid directly to the Council, as is the current position. As the drivers will complete these using a computer, the knowledge test result will be available immediately and officer time will be saved, therefore reducing the cost.

5. Vehicle Appearance

- 5.1 We are proposing the introduction of a uniform livery for all taxis to differentiate them clearly from private hire vehicles, improve public safety and provide a strong local identity.
- 5.2 A number of other Local Authorities such as Brighton, Bournemouth, Nottingham, Leeds, and Windsor and Maidenhead have chosen to adopt a local livery.
- 5.3 The benefits of this are that it:
 - **Improves Identification:** Vehicles are clearly identifiable as a taxi
 - **Safety and security:** Customers can be confident that the taxi is properly licensed and meets the necessary safety standards. This is particularly

Important to women and to vulnerable clients.

- **Increases trade:** It can improve customer confidence and customers are happier to hail a liveried taxi rather than take a chance on an un-liveried one.
- **Creates local identity:** A local livery creates a strong local identity, which in the case of cities like London and New York becomes one that is recognised across the world.
- **Helps professionalise the service:** A local livery coupled with clear driver training and vehicle standards helps to create a more professional service.
- **Enables easier enforcement:** Taxi drivers raise regular concern about the loss of trade to alleged touting by private hire vehicles and to taxi vehicles licensed by other Boroughs. A clear and identifiable livery makes enforcement much easier.

5.4 The disadvantages are primarily:

- **The cost:** The livery is best achieved by 'wrapping' the car with the new colour and logos. A typical cost for this is around £750 to £1,250, although this will last the effective life of the vehicle. The cost divided by the number of years for a vehicle with a ten year life is £125 per year or £2.40 per week. The wrap can be removed which then enables the car to be sold or used in its original colour scheme and protects the paintwork of the vehicle in the interim.
- **Private use of vehicles:** Some drivers use their vehicle for private use and do not like having their vehicle identified as a taxi when they do so.

Livery standard

- 5.5 There are three issues for consideration, namely, whether a Guildford livery should be adopted, over what period should it be introduced and should the Council contribute towards the costs for existing vehicles.
- 5.6 The primary reason for adopting a livery is to protect public safety.
- 5.7 The public are strongly in favour of adopting a Guildford livery (84%), whereas drivers are generally opposed. The Guildford Hackney Association (GHA) has written to notify us that they will challenge a decision to adopt a local livery.
- 5.8 Respondents were asked to provide their preferences for a livery. The highest preferences were 59% for Guildford branding on the vehicle and 26.2% for a standard full car colour. The consultation feedback shows support for a full car colour and Guildford branding.

- 5.9 We have looked at the colours of the taxi vehicles currently licensed and there are 9 different colours, black and silver being the most popular (51 each). Unfortunately, there are also 56 black and 153 silver private hire vehicles.
- 5.10 To make a livery distinctive, unique and difficult to replicate, it is suggested that the scheme should be unusual and not a mainstream colour. We have therefore looked at options to achieve this. Some Boroughs have opted to have a livery where the bonnet and/or boot of the vehicle is a local colour. Whilst this is cheaper to achieve it is not necessarily visually very pleasing.
- 5.11 When asked about preferences, the most preferred colours for a full car colour were yellow (21.7%), black or other dark colour (16.7%) or teal to match the Council's logo (15%).
- 5.12 A large majority of the public are in favour and this support, together with the other benefits set out above, provide strong reasons for adopting a Guildford livery. The only substantive ground to oppose a livery is the financial cost to drivers and this is discussed later.
- 5.13 A cross party group of Councillors was formed to evaluate the livery options including the formal consultation results and feedback from Surrey Coalition for Disabled People and the Guildford Access Group.
- 5.14 A full car livery in the Guildford corporate colour Pantone 321 with the Council Logo and the licensed vehicle number in white lettering has been proposed by the group. A full car livery in an unusual colour was the preferred option as it would achieve the aims of increasing public safety, create a clearer distinction between taxi and private hire vehicles plus would be a strong identity for the Borough's taxi fleet.
- 5.15 Guidance on lettering colour, size and wording was obtained from Surrey Coalition for Disabled People and the Guildford Access Group to ensure the needs of the partially sighted and those with learning difficulties such as dyslexia are met.
- 5.16 The full specification can be found in the draft policy and Appendix 5 provides an illustration of a vehicle.

Timescale for Introduction

- 5.17 There are 178 taxis currently licensed and they will need to change to the new livery over a reasonable period of time to take into account the financial impact on the vehicle proprietor.
- 5.18 Vehicle licences have to be renewed annually and on a practical basis it is suggested that two years is a reasonable period for full compliance for existing vehicles. This gives vehicle proprietors time to plan the cost for complying, but achieves a livery compliant fleet within a sensible timescale.
- 5.19 For new vehicle applications including any change of vehicle by an existing

licence holder, we would expect the vehicle to comply with the requirements from the date the new policy comes into force.

Contribution to cost

- 5.20 This leaves the issue of the cost of this change. The Council could assist existing drivers to achieve the change by contributing towards this cost and to incentivise rapid take up. This would be unusual in that we do not normally provide financial assistance to subsidise business costs and research does not suggest that other Local Authorities have contributed to the cost of livery.
- 5.21 The Licensing Committee recommends that the Council contributes 25% of the total cost, up to £315 for any vehicle that is wrapped in the first seven months after the policy is approved. Based on 178 vehicles the maximum cost would be £56,070. The 2015-16 estimates included a growth bid of £3,000 to provide support to implement the scheme; there is therefore a shortfall of £53,070. The vehicle proprietors would finance the rest of the cost.
- 5.22 A revenue growth bid of £18,000 over the next four years was included as part of the 2015-16 business planning process to provide support to implement the scheme. Of this £3,000 was included in the 2015-16 estimates, and the remainder profiled over the following three years. However, this was based on preliminary costings and would now fund approximately 30% of the proposed Council contribution. The envisaged timescale for compliance is much shorter now than at the time the growth bid was submitted.
- 5.23 The following table summarises the total cost of implementing the proposal and the additional funding approved by the Executive at its meeting on 24 November 2015:

	Per Vehicle	Total
Total cost	£1,250	£222,500
Council contribution towards total cost 25%	(£315)	(£56,070)
Approved revenue growth bid		£3,000
Proposed additional Council contribution – approved by Executive		£53,070
Cost to the vehicle proprietors	£935	£166,430

Livery Implementation

- 5.24 If approved, the Council will provide a list of local livery suppliers for vehicle proprietors to book and pay directly. Vehicles will be in the workshop for between 36 and 48 hours while the livery is applied. The vinyl livery has a 10 year life and upon removal does not damage the original paintwork.

- 5.25 Upon obtaining a receipt and evidence that livery meeting the specification has been applied to a taxi vehicle within the appropriate timeframe, the Council will organise the appropriate refund to be paid.
- 5.26 Following the introduction there will be an opportunity for the Council to promote the taxi livery, particularly the difference between hiring taxis and private hire vehicles because at the moment there is little obvious difference. The results of the public consultation also demonstrated low public awareness of the differences.

6. Taxi Numbers

- 6.1 In 2004, the Council removed a cap on the number of licensed taxis. This means that provided an applicant meets all the relevant requirements there is no preclusion from operating as a taxi purely because a certain number already operate.
- 6.2 Over the 11 years since the deregulation of taxi numbers, there has been an increase from 99 to 178 vehicles although most of this took place in the first three years and has slowed considerably.
- 6.3 The recent Law Commission review of Taxi Licensing concluded that decisions on taxi numbers be left to the discretion of Local Authorities except in London where there are no powers to limit. Most Authorities do not impose quantity restrictions and the Department of Transport regards not doing so as best practice.
- 6.4 To provide evidence of unmet demand or over supply, Vector Transport Consultancy undertook an unmet demand survey on our behalf in March 2015. The findings are set out in Appendix 4.
- 6.5 The study concluded that there was some evidence of unmet demand, through the presence of passenger queues from time to time. However, this was periodic, rather than continuous, and was not sufficient to indicate the presence of significant unmet demand. Therefore, Vector concluded that there is no significant unmet demand.
- 6.6 The question therefore is whether there are adequate reasons for the Council to re-introduce a cap on the number of licensed vehicles. The Department of Transport suggest that the matter should be approached in terms of the interests of the travelling public and expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. The guidance suggests that quantity restrictions should only be introduced or retained if this is of benefit to the travelling public. The Law Commission Report emphasises that the law does not permit a licensing authority to balance unmet demand against other influencing factors in favour of quantity restrictions, such as congestion, over-ranking, or environmental harm.
- 6.7 Taxi drivers expressed concern in the survey about the number of licensed taxis in the Borough and the competition this creates, particularly set against the perception of touting by private hire drivers and vehicles from other Boroughs.

However, Guildford is comparable to other similar Boroughs in terms of the number of vehicles per 1000 head of population.

- 6.8 Previously, consideration has been given to implementing a cap at a number above the current number of taxis and issuing a limited number of additional plates. We have to discount this option as the survey results did not provide evidence of an appropriate number of new licences which should be issued to meet unmet demand and therefore any number determined and imposed would be arbitrary and subject to challenge.
- 6.9 The survey results concluded that there was no significant unmet demand but also did not provide evidence of an over-supply. The report provided evidence of some unmet demand and therefore after evaluation of other relevant factors, it is felt that the market is operating appropriately and introducing a cap on numbers is not justified.
- 6.10 It is proposed that an unmet demand survey be carried out in December 2016 so that the situation can be reviewed. The cost of the survey is recoverable within the taxi licence fees.

7. Wheelchair Accessible Vehicles

- 7.1 In 2004, the Council decided that all taxis would be wheelchair accessible by 2009. Full implementation of the policy was subsequently delayed for existing licence holders with vehicle plates numbers 1-99 and has never been fully implemented. However all new licence holders since the decision in 2004 have been required to provide wheelchair accessible vehicles. Of the 178 taxi vehicles currently licensed 87 are wheelchair accessible.
- 7.2 The recent Law Commission review of Taxi Licensing concluded that decisions on wheelchair accessibility should be left to the discretion of Local Authorities.
- 7.3 The current situation creates a source of friction within the trade. Those who have to provide a wheelchair accessible vehicle feel that this is not a level playing field. They have to provide a vehicle, which costs more to purchase and run, yet the number of customers requiring this is extremely small. There is widespread agreement that customers overwhelmingly prefer to take a saloon rather than a wheelchair accessible vehicle.
- 7.4 Conversely, drivers with vehicle plates 1-99 are happy with the status quo because saloon vehicles are more in demand and there is potential value in trading their vehicle plate privately to another driver.
- 7.5 In the public consultation, 64% of the general public indicated that there should not be a requirement for saloon vehicles to be converted to wheelchair accessible vehicles. Few of the respondents reported that they had a disability (28) however, of those only 39% felt that the Council should make wheelchair accessibility a mandatory requirement in taxi vehicles.

- 7.6 The unmet demand survey indicated that feedback received from elderly, disabled or mobility-impaired representatives suggested that services from taxis generally met their requirements. Most users who rely on licensed vehicles have an existing relationship with a provider and they regularly use this provider.
- 7.6 Only one wheel chair hire was observed during four days of rank observation. The wheel chair user had to let several taxis leave the rank as the vehicles at the head of the vehicle queue were unable to cope with the wheel chair. The nature of the rank configuration is such that it is not feasible for a wheelchair user to access vehicles further back in the queue. The wheel chair user managed to board a taxi after 10 minutes.
- 7.7 In terms of wheelchair accessibility, there are three main options:
- Status quo of a two tier system
 - Fully wheelchair accessible fleet
 - Remove requirement for wheelchair accessible vehicles, but encourage their provision through financial incentives.
- 7.8 The current situation, with an arbitrary part of the fleet wheelchair accessible and part not, is unsustainable. This situation needs correcting. Therefore maintaining the status quo is not felt to be an option.
- 7.9 Evidence from the unmet demand survey indicates that many people with disabilities prefer to travel in a saloon vehicle and the demand for wheelchair accessible vehicles is low and mainly met by pre booked private hire companies.
- 7.10 Whilst requiring all taxis to be wheelchair accessible would provide uniformity across the fleet, it does seem disproportionate given the cost of purchase and running such vehicles and this option has been discounted. Consultation with groups representing disabled people supports the view that a fully wheelchair accessible fleet is not desired.
- 7.11 It is proposed that the requirement for all new taxis to be wheelchair accessible should be removed, but that a financial incentive of a 50% reduction in the vehicle licence fee (excluding the vehicle test fee) should be given to encourage the provision of wheelchair accessible vehicles. A number of proprietors would maintain their wheelchair accessible vehicles as they have contracts with Surrey County Council for transporting wheelchair users on a regular basis.
- 7.12 This proposal, if approved, will need careful monitoring to ensure that proprietors continue to provide wheelchair accessible vehicles. After one year, a formal review will be conducted in liaison with Surrey Coalition of Disabled People and the Guildford Access Group.

8. Financial Implications

Knowledge test

- 8.1 It will cost approximately £10,000 to £12,000 to develop the revised knowledge test software. This sum can be financed from the IT renewals fund and the cost recovered over 3 years and met from knowledge test fees.

Vehicles' appearance

- 8.2 If the Council funded 25% the cost of the livery for 178 vehicles it will cost up to £56,070. As the contribution will only be available for seven months, we estimate that half the cost (£28,035) will fall in 2015-16 and the remainder in 2016-17.
- 8.3 There is a £3,000 budget available in 2015-16 leaving an additional cost of £25,035 for which a supplementary estimate is required. The Executive has agreed that this should be financed from the central inflation budget. There is no budget available in 2016-17 for this purpose and the Executive has therefore approved growth of £28,035 in the outline budget for 2016-17 only.

Wheelchair accessibility

- 8.4 The Council may remit the whole or part of the licence fee if it thinks it appropriate to do so. The Council will need to fund any such remission itself and cannot recover the sum remitted from the fees charged to other licence holders.
- 8.5 The maximum cost of reducing fees for wheelchair accessible vehicle is likely to be £5,000, of which £2,000 will fall in 2015-16 and £3,000 in 2016-17.
- 8.6 The Executive has agreed that the 2015-16 cost is met from the central inflation budget and the 2016-17 amount added as growth to the 2016-17 outline budget.

9. Legal Implications

- 9.1 The basis for key changes within the policy is to protect public safety pursuant to statutory requirements and in light of the Casey report and to encourage a more professional service within the Borough.
- 9.2 The current taxi byelaws remain unchanged.
- 9.3 There is no statutory requirement to have a taxi and private hire licensing policy; however, it is good practice to do so. A policy assists with consistent decision-making; however each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.

- 9.4 In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. This legislation allows the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, allows the Council to refuse a licence to drivers if they are not satisfied that the drivers are fit and proper persons to hold a licence and allows conditions to be attached to licences (with the exception of hackney carriage driver's licences). In respect of vehicles, Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council may attach such conditions to a hackney carriage licence as it considers reasonably necessary and may require any hackney carriage to be of such design or appearance as shall clearly identify it as a hackney carriage.
- 9.5 Section 37 of the Town Police Clauses Act 1847 (as amended by Section 16 of the Transport Act 1985) provides that a Council may only refuse a hackney carriage licence for the purpose of limiting numbers if it is satisfied that there is no significant unmet demand. The Council is not required to limit hackney carriage numbers. A limit on numbers can be removed at any time provided relevant factors are considered.
- 9.6 Section 3 of the Human Rights Act 1998 requires that, so far as possible, legislation must be read and given effect to in a way that is compatible with the Convention rights, and section 6 makes it unlawful for a public authority to act in a way which is incompatible with a Convention right.
- 9.7 The Council must have due regard to the public sector equality duty by consciously thinking about the need to:
- Eliminate unlawful discrimination including harassment, victimisation and any other conduct prohibited by the Equality Act 2010;
 - Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a protected characteristic and people who do not share it.
- 9.8 Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex and sexual orientation.
- 9.9 The requirement to have due regard to the need to advance equality of opportunity between persons who share protected characteristics and those who do not includes having due regard to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and

- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation is disproportionately low.

9.10 The requirement to have due regard to the need to foster good relations between persons includes having due regard to the need to:

- tackle prejudice; and
- promote understanding.

9.11 The Council needs to consider these matters, in particular, in connection with the matter of wheelchair accessible vehicles and the need to provide vehicles which meet the needs of persons with disabilities and other relevant protected characteristics, such as age. In respect of disabled persons, steps may need to be taken to take account of their disabilities. The Council needs to consider all types of disabilities and how the needs of people with these disabilities can be met.

9.12 An Equalities Impact Screening for all the main policy changes identified that a full screening is only required for the proposed wheelchair accessibility changes. There are potential equality implications arising from withdrawing the requirement to provide wheelchair accessible vehicles. A copy of the assessment can be found in Appendix 6.

9.13 The proposal has been discussed with the Surrey Coalition for Disabled People and Guildford Access Group who are broadly supportive of the reasons for change. Together with the findings from the unmet demand survey, the commitment to review the situation on a regular basis and financial incentives to encourage provision of wheelchair accessible vehicles should ensure that any negative impact is minimised.

10. Human Resource Implications

10.1 There are no human resource implications arising from these proposals.

11. Conclusion

11.1 Adoption of the revised Policy and the measures within it will support the statutory position, help to protect public safety and professionalise the taxi trade within the Borough.

12. Background Papers

- Guildford Borough Hackney Carriage and Private Hire Policy - approved 2007
- Report of Professor Jay into Child Sexual Exploitation in Rotherham
- Casey report into Rotherham Metropolitan Borough Council (February 2015)

- Taxi and Private Hire Vehicle Licensing: Best Practice Guidance - Department of Transport March 2010
- Law Commission report 2014 – 'Reforming the regulation of taxis and private hire vehicles'

13. Appendices

Appendix 1: Draft Taxi and Private Hire Licensing Policy

Appendix 2: Consultation questionnaire

Appendix 3: SMSR - consultation feedback report.

Appendix 4: Vector Transport Consultancy - Unmet Demand Survey 2015

Appendix 5: Taxi vehicle livery and private hire vehicle signage design.

Appendix 6: Equality Impact Assessment

Council - 9 December 2015

GUILDFORD BOROUGH COUNCIL

At a meeting of Guildford Borough Council held in the Main Auditorium, Guildford Baptist Church, Millmead, Guildford, on Wednesday 9 December 2015

- * Councillor Nikki Nelson-Smith (Mayor)
- * Councillor Gordon Jackson (Deputy Mayor)

- | | |
|-------------------------------------|------------------------------|
| * Councillor David Bilbé | * Councillor Jennifer Jordan |
| * Councillor Richard Billington | * Councillor Nigel Kearsse |
| * Councillor Phillip Brooker | * Councillor Sheila Kirkland |
| * Councillor Adrian Chandler | * Councillor Nigel Manning |
| * Councillor Alexandra Chesterfield | Councillor Julia McShane |
| Councillor Will Chesterfield | Councillor Bob McShee |
| * Councillor Nils Christiansen | * Councillor Marsha Moseley |
| Councillor Colin Cross | * Councillor Susan Parker |
| * Councillor Geoff Davis | * Councillor Mike Parsons |
| * Councillor Graham Ellwood | * Councillor Dennis Paul |
| * Councillor David Elms | * Councillor Tony Phillips |
| * Councillor Matt Furniss | * Councillor Mike Piper |
| * Councillor Andrew Gomm | * Councillor David Quelch |
| * Councillor Angela Goodwin | * Councillor Jo Randall |
| * Councillor David Goodwin | * Councillor David Reeve |
| * Councillor Murray Grubb Jnr | * Councillor Caroline Reeves |
| * Councillor Angela Gunning | * Councillor Iseult Roche |
| * Councillor Gillian Harwood | * Councillor Tony Rooth |
| Councillor Liz Hogger | * Councillor Matthew Sarti |
| * Councillor Christian Holliday | * Councillor Pauline Searle |
| * Councillor Liz Hooper | * Councillor Paul Spooner |
| * Councillor Mike Hurdle | * Councillor Jenny Wicks |
| * Councillor Michael Ilman | * Councillor David Wright |

*Present

Honorary Alderman K Childs was also in attendance.

C070 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors William Chesterfield, Colin Cross, Liz Hogger, Julia McShane and Bob McShee and from Honorary Freeman Jen Powell and Honorary Aldermen Mrs C F Cobley, Sarah Creedy, Mrs C F P Griffin, Mary Lloyd-Jones, J D Marks, B Parke, Terence Patrick and L Strudwick.

C071 DISCLOSURES OF INTEREST

There were no disclosures of interest.

C072 MINUTES

The Council confirmed, as a correct record, the minutes of the special meeting held on 3 November 2015. The Mayor signed the minutes.

(10)Helen McIntyre (resident of St Martha parish)

(The webcast showing the contributions from each of the public participants and the responses from the relevant Lead Councillors may be viewed [here](#), timed at 00:09:41)

C078 QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

C079 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Council considered a report on the consultation process and feedback received in respect of the draft Taxi and Private Hire Policy. The report made recommendations for a number of key changes to the Policy, and considered the cost benefit of the proposed changes. A copy of the draft Policy, incorporating the proposed changes, was appended to the report

The Policy was important as it sets out the public safety standards required by the Council, and these formed the framework by which the Council undertook its statutory responsibilities in respect of taxi and private hire vehicle licensing. These were particularly important in light of the findings of the report into child sexual exploitation in Rotherham.

The key changes proposed were:

- (a) a more in depth training and assessment for drivers.
- (b) the adoption of a Guildford livery for taxi vehicles.
- (c) removal of the requirement for all new taxi vehicles to be wheelchair accessible whilst encouraging the provision of wheelchair accessible vehicles through financial incentives.

Councillors noted that the report and the draft policy had been considered by the Licensing Committee at its meeting on 18 November 2015, and its recommendations had been incorporated into the recommendations in the report to Council.

At its meeting on 24 November 2015, the Executive considered a separate report on the additional financial implications associated with the Council's proposed contributions towards the cost of livery and the reduced vehicle licence fees, which were approved.

Councillor Graham Ellwood proposed and Councillor Paul Spooner seconded, the adoption of the following motion (which differed from the recommendation in the Council report as indicated by the struckthrough and italicised text below):

***That the Council:**

- (1) adopts the revised Taxi and Private Hire Policy in Appendix 1 to the report submitted to the Council to include the following key changes:
 - (i) the adoption of a Guildford livery for taxi vehicles, with the Council contributing 25% of the total cost, up to £315 for any vehicle that is wrapped in the first seven months after the policy is approved;
 - (ii) the approval of the requirement for new drivers to complete the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) and existing drivers to ~~be exempt complete~~ *complete within three years of adoption of the Policy;*

- (iii) the removal of the requirement for all new taxi vehicles to be wheelchair accessible;
 - (iv) the encouragement of the provision of wheelchair accessible vehicles through the financial incentive of a 50% reduction in the licence fee (excluding the vehicle test fee) and approval of the remission of 50% of the current hackney carriage licence fee for wheelchair accessible vehicles amounting to £134.50 in 2015-16, to take effect from 9 December 2015;
- (2) authorises the Head of Health and Community Care Services, in consultation with the Lead Councillor for Community Safety and Licensing, to make such minor amendments to the Taxi and Private Hire Policy as may be required from time to time."

After the debate on the original motion, Councillor Tony Phillips proposed, and Councillor David Goodwin seconded, the following amendment:

"Delete *"within three years of adoption of the Policy;"* at the end of sub-paragraph (ii) of paragraph (1) of the motion, and insert in its place *"only if the Licensing Regulatory Sub-Committee deems it necessary;"*

As amended, sub-paragraph (ii) of paragraph (1) of the motion would read:

- "(ii) the approval of the requirement for new drivers to complete the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) and existing drivers to complete only if the Licensing Regulatory Sub-Committee deems it necessary."

Following a debate on the amendment, it was put to the vote and was lost.

In considering the original motion therefore, the Council

RESOLVED: That the Council:

- (1) adopts the revised Taxi and Private Hire Policy in Appendix 1 to the report submitted to the Council to include the following key changes:
 - (i) the adoption of a Guildford livery for taxi vehicles, with the Council contributing 25% of the total cost, up to £315 for any vehicle that is wrapped in the first seven months after the policy is approved;
 - (ii) the approval of the requirement for new drivers to complete the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) and existing drivers to complete within three years of adoption of the Policy;
 - (iii) the removal of the requirement for all new taxi vehicles to be wheelchair accessible;
 - (iv) the encouragement of the provision of wheelchair accessible vehicles through the financial incentive of a 50% reduction in the licence fee (excluding the vehicle test fee) and approval of the remission of 50% of the current hackney carriage licence fee for wheelchair accessible vehicles amounting to £134.50 in 2015-16, to take effect from 9 December 2015;

- (2) authorises the Head of Health and Community Care Services, in consultation with the Lead Councillor for Community Safety and Licensing, to make such minor amendments to the Taxi and Private Hire Policy as may be required from time to time.

Reason for Decision:

To provide a framework for the delivery of the taxi and private hire licensing service.

(The webcast showing the debate on this matter may be viewed [here](#), timed at 00:43:55)

CO80 CHILWORTH COMMUNITY GOVERNANCE REVIEW

The Council considered the final report in respect of the community governance review of the Chilworth area, the process for which had been undertaken in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act').

The community governance review of the parish boundary between Shalford and St Martha had run for twelve months and had engaged the electorate from both parishes and other interested parties in two stages of consultation. The first stage of consultation ran for a three-month period from January to March 2015 and attracted a response rate of 11% overall. This Stage 1 consultation provided a choice of three options for future community governance. The majority of responses returned were in favour of Option 1 – the creation of a new parish by merging the existing Chilworth ward of Shalford Parish with the whole of the existing St. Martha Parish.

On 7 July 2015, the Council supported Option 1 as the basis for further consultation on a number of recommendations, which ran from 20 July to 12 October 2015. Within the Stage 2 consultation pack, consultees were asked to respond to twelve questions in respect of the proposed alteration of the parish boundary, the names of the parish councils, the number of parish councillors and number of wards in respect of each parish council, and the ordinary year of elections. The proposed new boundary merging the Chilworth ward of Shalford parish with St Martha parish would bring the new boundary coterminous with the existing Surrey County Council divisional boundary (between the Shalford and Shere electoral divisions).

The report had set out the detailed response to the Stage 2 consultation. The response rate had been double that of the Stage 1 consultation at 22.5% overall. Responses to Question 1, in the Stage 2 consultation, provided a clear indication of those who would wish to see the boundary altered and those who would not. On a straight count of responses to Question 1, there was a majority of 84 opposed to the alteration of the parish boundary. However, comparisons between the electoral areas and the responses received indicated that the views of the residents of Chilworth village differed from residents of the Shalford and Peasmarsh parish wards. Taken together, the response rate from the Chilworth ward and St Martha parish was 31% with a majority of 92 in favour of the change.

The Council noted that a community governance review must conclude within a 12-month period and a decision would need to be taken at this meeting to determine the extent to which the Council would give effect to the recommendations within the Stage 2 Consultation.

The report had set out all the material considerations that the Council was required to take into account in making its decision.

The Deputy Leader, Councillor Nigel Manning proposed, and the Leader, Councillor Paul Spooner seconded the following motion:

"That, having taken into account the statutory considerations, the Council resolves that the existing boundary between the parishes of Shalford and St Martha be maintained."

~~MJF/15~~ MJF/13

Justine Fuller

From: Graham Ellwood
Sent: 24 December 2015 10:34
To: Justine Fuller
Subject: RE: Policy approved at Full Council 12-15 v3

Fine!

Merry Christmas!

Graham

Graham Ellwood
Lead Member for Licensing and Community Safety
Borough Councillor for Merrow

-----Original Message-----

From: Justine Fuller
Sent: Wednesday, December 23, 2015 04:02 PM GMT Standard Time
To: John Martin; Graham Ellwood; Mike Smith
Subject: Policy approved at Full Council 12-15 v3

Dear and Graham

We are currently in the process of amending the webpages to reflect the new policy. During this process we have noticed that the start date for new and change of taxi vehicles need to be amended as the current version states the 1 March 2016 rather than the 9 December 2015.

I have shown the revised version below.

Can you please confirm if you are happy for the change to be made to the policy. If you have any queries please let me know.

Kind regards
Justine

4. Vehicle Appearance

4.1 All taxi vehicles licensed at the commencement of this policy need to fully comply with these requirements by 1 January 2018.

4.2 In addition, all changes of vehicle on existing taxi vehicle licences and taxi vehicles licensed for the first time after 9 December 2015 must meet the requirements.

Justine Fuller

From: John Martin
Sent: 31 December 2015 15:38
To: Justine Fuller
Subject: RE:Policy approved at Full Council 12-15 v3 [UNC]

Hi Justine

As per our discussion, I am happy for this clarification to be incorporated. The Council resolution was clear in terms of timescales from the date of adoption (ie 9 December).

Regards

John

From: Justine Fuller
Sent: 23 December 2015 16:03
To: John Martin; Graham Ellwood; Mike Smith
Subject: Policy approved at Full Council 12-15 v3

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Guildford Borough Council UNCLASSIFIED INTERNAL

~~MJF/16~~
MJF/14



**GUILDFORD
BOROUGH**

Taxi and private hire licensing policy

2015 - 2020

DOCUMENT INFORMATION

Origination/author:	John Martin, Head of Health & Community Care Services
This document replaces:	Hackney Carriage & Private Hire Licensing Policy 2011
Date/detail of consultation:	5 November 2014 – 6 February 2015
Date of Council approval:	9 December 2015
Last reviewed:	9 December 2015
Next review date:	8 December 2020

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1. Introduction

- 1.1 This policy sets out the principles we will use when dealing with taxis, private hire vehicles, private hire operators, taxi drivers and private hire drivers.
- 1.2 We will review it at least every five years and consult on any proposed amendments. If we make any changes, we will then re-publish the policy.
- 1.3 Public consultation on this policy took place between 5 November 2014 and 6 February 2015 and followed our consultation standards (April 2014) and HM Government Consultation Principles (November 2013.)
- 1.4 The policy was approved by the Council on 9 December 2015 and is available via our website on www.guildford.gov.uk/taxi or on request to the Licensing Team, Guildford Borough Council, Millmead House, Millmead, Guildford, Surrey, GU2 4BB.
- 1.5 We have taken into account:
 - a) current legislation in respect of taxi and private hire licensing
 - b) Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance March 2010
 - c) responses from those consulted on the policy
 - d) The Law Commission's report (LAW COM No 347) Taxi and Private Hire Services (May 2014).
 - e) The views expressed by the trade, public, statutory and non-statutory partners.
 - f) An unmet demand survey carried out in 2015

2. Principles

- 2.1 The aim of this policy is to provide a fair, open and transparent framework to ensure that taxi and private hire services in Guildford Borough are accessible and safe for operators and the public. Its objectives are:
 - a) To protect public safety
 - b) To encourage a professional taxi and private hire trade
 - c) To provide access to an effective transport service
 - d) To protect the environment
 - e) To promote the Borough as a place to live work and visit
- 2.2 When applying the policy and guidance we will have regard to the following principles:
 - a) openness
 - b) transparency
 - c) consistency
 - d) fairness
 - e) proportionality
- 2.3 When we deal with taxi and private hire drivers and operators we will endeavour to be:
 - a) courteous
 - b) timely
 - c) responsive
 - d) fair

- 2.4 We expect drivers and operators to act similarly in their dealings with us.
- 2.5 In exercising our regulatory functions, we will have regard to this policy document and the objectives set out above.
- 2.6 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for drivers', vehicles and operators licenses,
 - Existing licensed drivers whose licences are being reviewed,
 - Licensing Officers,
 - Members of the Licensing Committee, and
 - Magistrates' hearing appeals against local authority decisions.

3. General application

Policy guidance

- 3.1 Detailed guidance to underpin this policy framework is set out in appendices 1 - 11 as follows:

	Drivers Licences
Appendix 1	Drivers Licences: applications and renewals
Appendix 2	Relevance of convictions and cautions
Appendix 3	Standard Private Hire drivers licence conditions
	Vehicle Licences
Appendix 4	Vehicle licences: applications and renewals
Appendix 5	Standard Hackney Carriage vehicle licence conditions conditions
Appendix 6	Standard Private Hire vehicle licence conditions
Appendix 7	Vehicle Specifications
	Private Hire Operators
Appendix 8	Private hire operators: applications and renewals
Appendix 9	Standard private hire operator's licence conditions
	Compliance
Appendix 10	Byelaws
Appendix 11	Compliance and Enforcement

- 3.2 The appendices to this policy provide guidance and set out requirements that apply.

Decision making

- 3.3 Except where indicated in the guidance, Officers will normally make decisions under delegated authority whether to grant, refuse, suspend or revoke a licence, or grant any form of exemption.

Refunds of fees

- 3.4 You will not be entitled to a refund of any part of the licence fee if you surrender your licence or if we revoke your licence.

Taxi Fares

- 3.5 We will set fares in accordance with our taxi fares procedure and we will run the fare calculator annually in June, however we may run it more frequently in appropriate circumstances such as significant increases or decreases in fuel prices.

Vehicle Testing

- 3.6 All vehicles must pass the vehicle test as detailed in Appendix 7 no more than one month before the grant or renewal of the licence.
- 3.7 A second vehicle test must be passed no less than five months and no more than seven months from the commencement date of the licence.
- 3.8 If the vehicle has not passed the vehicle test it cannot be used as a licensed vehicle even during the duration of an existing licence.
- 3.9 If the vehicle is changed during the course of the licence an additional vehicle test may be required if the duration of the licence is more than six months.

Wheelchair accessibility

- 3.10 We will encourage the provision of wheelchair accessible vehicles through financial incentives in vehicle application fees. There will be a separate annual fee set for wheelchair accessible taxi vehicles and published in the fees and charges book.

Numbers of taxis

- 3.11 We do not limit the maximum number of taxis or private hire vehicles.

4. Vehicle Appearance

- 4.1 All taxi vehicles licensed at the commencement of this policy need to fully comply with these requirements by 1 January 2018.
- 4.2 In addition, all changes of vehicle on existing taxi vehicle licences and taxi vehicles licensed for the first time after 9 December 2015 must meet the requirements.
- 4.3 All new private hire vehicles licensed after 1 March 2016 must comply with these requirements. Existing private hire vehicles must comply with these requirements from the first renewal date after 1 March 2016.

Hackney Carriages (Taxis)

- 4.4 Vehicles must have a full external Pantone 321 coloured livery.
- 4.5 The words "Licensed Taxi" should be displayed on the front passenger and driver's doors.
- 4.6 The Livery must meet the specification and evidence of this must be provided with the application. The Council will issue the livery specification and graphics to livery

providers.

4.7 The dimensions and specification for the logo are:

Guildford Borough G logo

Colour: White

Font/Dimensions: G logo to be supplied in tiff file

Lettering for 'Guildford Borough Council'

Text: First letter in word capitals

Typeface: Arial

Colour: White

Font/Dimensions: 80

Lettering for 'No: X Licensed Taxi'

Text: First letter in word capitals

Typeface: Arial

Colour: White

Font/Dimensions: 137

Private Hire Vehicles

4.8 We do not prescribe the colour of private hire vehicles, however to protect public safety we want them to be clearly distinguishable from taxis. The following requirements are intended to achieve this:

4.9 The proposed vehicle must not:

- Be similar in appearance to a London style taxi or purpose built taxi.
- Be similar in colour to Pantone 321, the Guildford hackney carriage livery

4.10 A vinyl sign with a background in Pantone 321 with the Guildford Borough Council G logo in white, the words 'pre-book only private hire' and the vehicle number should be directly applied to the front passenger and driver doors in accordance with the criteria laid out below. The signage is to be provided by Guildford Borough Council and a fee is payable.

4.11 The overall dimension of the sign is 45cm in width by 30cm in height.

4.12 The dimensions and specification of the logo and text are:

Guildford Borough G logo

Colour: White

Font/Dimensions: G logo to be supplied in tiff file

Lettering for 'Guildford Borough Council'

Text: First letter in word capitals

Typeface: Arial

Colour: White

Font/Dimensions: 80

Lettering for 'No: X Pre-Book Only Private Hire'

Text: First letter in word in capitals

Typeface: Arial

Colour: White

Font/Dimensions: 137

5. Advertising

5.1 If you wish to use your vehicle for advertising purposes you must:

- Obtain prior written approval from the Licensing Authority.
- Limit advertising to the rear doors or boot of the vehicle only.

5.2 Advertising will not be approved if it:

- Refers to illegal activities
- Is offensive
- Is discriminatory
- Substantially obscures the colour of the vehicle

6. Implementation and review

6.1 This Policy will remain in existence for a period of five years from the date of adoption, but will be kept under review and where necessary revised in accordance with paragraph 1.2.

6.2 The Head of Health and Community Care Services in consultation with the Lead Member for Licensing may make minor amendments to the guidance set out in this policy to reflect administrative changes and will keep a record of those changes. When a full review or any substantive amendments are proposed, these will be considered by the Licensing Committee.

Appendix 1

1 Drivers Licences: applications and renewals

- 1.1 To become a licensed taxi or private hire driver, you must normally be able to show that you:
- are 18 years of age or over
 - have held a full DVLA driver's licence for at least one year
 - have the right to live and work in the United Kingdom
 - can provide your address history for the last 5 years including the month and year of each move. If any of these addresses are outside the United Kingdom refer to paragraph 1.2
 - meet the current medical standards for DVLA Group 2 licence holders
 - have not been convicted of, or cautioned for a relevant criminal or driving offence (see 1.3)
 - do not have any current or spent motoring endorsements on your DVLA driving licence (see 1.3)
 - have passed the relevant DVSA taxi assessment(s)
 - have passed the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (required for all new applicants from 8 December 2015)
 - have passed the Guildford Knowledge test
- 1.2 If you have not lived permanently in the United Kingdom for the last five years, you will need to obtain a letter of good conduct from the relevant embassy or consulate based in the UK for the country in which you were living. There is an exemption for those persons who have been completing UK military service. The date of the letter must be within three months of the date of your application.
- 1.3 If you have a conviction or caution for a relevant offence or any motoring endorsements (points) on your licence this may prevent you from obtaining a licence. Appendix 2 below gives further guidance.
- 1.4 If you are unsure whether you satisfy the above requirements please contact the licensing team.

Driver and Vehicle Standards Agency (DVSA) taxi assessment

- 1.5 The assessments required depends on the type of licence you are applying for:
- Both private hire and taxi driver's applicants must have passed the DVSA standard driving assessment.
 - If you want to drive a wheelchair accessible vehicle, you must have passed the DVSA enhanced assessment, which includes a wheelchair assessment.

Guildford Knowledge test

- 1.6 You must pass the relevant Guildford taxi or private hire driver's knowledge tests not more than 3 months prior to your fully completed application being submitted.
- 1.7 The tests assess your knowledge of local byelaws, taxi law, terms and conditions of

your licence, geographical knowledge of Guildford Borough, customer service and highway code. To book a test and make your payment contact the Council's Customer Service Centre.

BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver

- 1.8 Driver training is an essential part of ensuring drivers of licenced vehicles possess the necessary skills for their role and meet the high standards the public expect of them. You must pass the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver prior to your fully completed application being submitted. Any certificate must have been awarded not more than 3 years prior to your fully completed application being submitted. Please see the Council's website for details of course providers.
- 1.9 Alternative qualifications may be accepted if they are an equivalent standard of the BTEC Level 2 and have a comparable syllabus. Please contact the licensing team if you have any queries.
- 1.10 The Council reserves the right to refuse to accept a qualification certificate as evidence of the qualification if it is not satisfied as to the authenticity of the certificate or the quality and/or reliability of any part of the process that led to the certificate being issued.

Medical test

- 1.11 You will need to complete a medical examination to the DVLA Group 2 standard. This must be carried out by your registered doctor, or a doctor in the same practice with access to your current medical records. The examination must be completed less than 3 months prior to your fully completed application being submitted.
- 1.12 A DVLA Group 2 medical report (GP) is required once up to 45th birthday then every five years up to 65th birthday then annually thereafter. Medical reports may be sent to the Licensing Authority's nominated medical practitioner to determine whether the DVLA Group 2 standard is met.

Making an application

- 1.13 Information on how to make an application is available on the Council's website or from the Council's Customer Service Centre.
- 1.14 Your application will need to be accompanied by the following documents before it can be accepted:
 - a) your completed application form
 - b) payment of the relevant fee (we will only accept a debit or credit card)
 - c) Your full DVLA driver's licence and DVLA mandate
 - d) evidence of your right to live in the United Kingdom
 - e) evidence of your right to work in the United Kingdom
 - f) evidence of your current address and history of where you have lived for the last five years including the month and year that you started living at each address
 - g) your medical form, completed less than 3 months before your application
 - h) a certificate showing you have passed the relevant DVSA taxi assessment(s).
 - i) a certificate showing you have passed the BTEC Level 2 Certificate in the "Introduction to the Role of the Professional Taxi and Private Hire Driver" (required for all new applicants from 8 December 2015).

- j) if applicable, a letter of good conduct from the Embassy or Consulate for the country you were living in (outside the United Kingdom) during the last five years. The date of the letter must be within three months of the date of your application.
- k) An enhanced level DBS certificate with adult and child barred list checks issued within the past 3 months
- l) a digital photograph of you (for your driver's badge).

Renewing a licence

- 1.15 Information on how to apply to renew your licence is available on the Council's website or from the Council's Customer Service Centre.
- 1.16 It is the driver's responsibility to apply in good time so their application can be determined before their existing licence expires. The renewal application should be submitted no less than 4 weeks but no sooner than 8 weeks before the expiry date.
- 1.17 Before you can renew your taxi or private hire driver's licence, you must be able to show that you:
- a) still have the right to live in the United Kingdom
 - b) still have the right to work in the United Kingdom
 - c) still meet the current medical standards for DVLA Group 2 licence holders
 - d) have not been convicted of a relevant criminal offence, relevant driving offence or cautioned for a relevant offence during the term of your licence
 - e) if applicable, a letter of good conduct from the Embassy or Consulate for the country you were living in (outside the United Kingdom) if you lived in another country during the period of your last licence.
 - f) have not received any motoring endorsements on your DVLA driving licence during the term of your licence
 - g) have a current enhanced level DBS certificate
 - h) you will also need to produce your hackney carriage or private hire driver's badge
 - i) a certificate showing you have passed the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (for all renewal applications after 1 January 2019)
- 1.18 Please check our website or contact the licensing team if you are in any doubt about whether you satisfy the above requirements.

Making our decision

- 1.19 Once we have received your application and the results of the various checks/tests, we will then make a decision about your application.
- 1.20 We aim to inform you of our decision within 5 working days from the date we receive all required information. In certain circumstances your application may be referred to the Licensing Regulatory Sub-Committee for determination.
- 1.21 If you have any convictions, cautions, endorsements or additional information is contained on the DBS or DVLA checks, we will consider these in line with the guidance in Appendix 2 and this may delay the decision.

- 1.22 Where there is any doubt as to the medical fitness of the applicant, the council may require the applicant to undergo and pay for a further medical examination or have the medical records reviewed by a doctor appointed by the council. The doctor's recommendation will be final.

Granting your application

- 1.23 If we grant your application, we will usually issue you a licence for three years from the date of our decision. If you are subject to immigration controls as detailed below, we may issue a licence for a shorter period:
- If your current right to live or work in the UK expires during the three-year period beginning on the date your application was determined, we will issue your licence until the date your current right to live or work in the UK expires.
 - If the Home Office is currently determining your right to live or work in the UK, and you are entitled to live and work in the UK pending final determination of that application, we will issue your licence for a maximum of 6 months from the date of our decision.

Refusing your application

- 1.24 If you do not satisfy all the above requirements or your application is incomplete we will generally refuse your application.
- 1.25 If you have convictions, cautions, endorsements or other adverse information is contained within your DBS check we will determine the application in accordance with the guidance in Appendix 2.
- 1.26 A Licensing Regulatory Sub-Committee or an officer with the appropriate delegation will make the decision.
- 1.27 We will make a record of the reasons for our decision and we will provide you with a copy of that document.
- 1.28 You may appeal to the Magistrates' Court within 21 days of our decision. If you intend to appeal the decision, we strongly advise you to seek legal advice.

Operating your licence

- 1.29 As licences are either private hire driver or dual taxi and private hire driver we will grant all licences with the standard conditions attached in Appendix 3. All taxi drivers must comply with the Guildford byelaws set out in Appendix 10.
- 1.30 We will deal with any breach of these conditions or byelaws, in accordance with Appendix 11.
- 1.31 If we granted your licence for less than three years because your right to live or work in the UK was due to expire during the term of the licence and you want to continue to drive, then at least one month before your licence expires you must:
- provide us with written proof of your current right to live in the UK
 - provide us with written proof of your current right to work in the UK
 - make an application to renew your licence and
 - pay the relevant fee (we will only accept a debit or credit card) for a new driver's badge and licence.

1.32 We will then check your status with the Home Office.

1.33 If they confirm your right to live and work in the UK, we will renew your licence, but the expiry date of this new licence will be no more than three years from the original grant of your licence (see paragraph 1.23).

Changing your name and address or operator

1.34 If you change your name, address or operator during the term of your licence, you must inform the licensing team in writing within seven days and pay the fee to amend your licence. We will then make the amendments and update your licence.

Interim Licences

1.35 We will not issue an 'interim' licence (ie a licence pending the determination of your application) unless there are exceptional circumstances beyond your control, which cause a delay in processing your application. Any departure from this policy will be determined on a case by case basis by the Licensing team following a written submission. In all cases the licensing officers decision is final.

Appendix 2

2 Relevance of convictions, cautions and endorsements

- 2.1 The purpose of the guidelines in this policy is to provide guidance on the criteria taken into account by the Licensing Authority when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver's licence and/or private hire operator's licence.
- 2.2 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence was a one-off, where there are mitigating circumstances or alternatively where there are many or continuous offences which show a pattern of offending and unfitness.
- 2.3 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- Remain free of conviction for an appropriate period; and
 - Show adequate evidence that he or she is a fit and proper person to hold a licence, with the onus on the applicant to produce such evidence.
- 2.4 Simply remaining free of conviction may not be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.5 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq* (1998)].
- 2.6 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 2.7 Under the provisions of Sections 51, 55, and 59, Local Government Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence.
- 2.8 However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will consider the following:
- How relevant the offence(s) are to the licence being applied for,
 - The seriousness of the offence(s),
 - When the offence(s) were committed,
 - The date of conviction(s),
 - Circumstances of the individual concerned,
 - Sentence imposed by the Court,
 - The applicant's age at the time of conviction,
 - Whether they form part of a pattern of offending,
 - Any other character check considered reasonable (e.g. personal

references), and

- Any other factors that might be relevant.

- 2.9 Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 2.10 We will determine your application on its individual merits, using the following guidelines to decide whether you are a 'fit and proper' person to hold a licence. In all cases, the key principle and basis for any decision will be the protection of public safety.
- 2.11 These guidelines will also be referred to in assessing the suitability of licensed drivers and operators to continue to hold their licence. In circumstances where an application will normally be refused, any conviction, caution or endorsement acquired by an existing licence holder will normally result in revocation of the licence.

Offences involving violence

- 2.12 We will normally refuse your application if you have been convicted of an offence such as:
- murder
 - manslaughter
 - manslaughter or culpable homicide while driving
 - arson with intent to endanger life
 - terrorism offences or
 - any attempt or conspiracy to commit the above offences
- 2.13 We will normally refuse your application if you have been convicted in the last seven years (or at least three years have not passed since the completion of the sentence, if longer) of an offence such as:
- threats to kill
 - arson
 - any racially aggravated assault
 - grievous bodily harm
 - robbery
 - aggravated burglary
 - possession of a firearm
 - possession of a weapon
 - riot, violent disorder or affray
 - any attempt or conspiracy to commit the above offences
- 2.14 We will normally refuse your application if you have been convicted in the last three years (or at least three years have not passed since the completion of the sentence, if longer) of an offence such as:
- actual bodily harm
 - common assault
 - threatening or disorderly behaviour
 - harassment
 - criminal damage

- assault on police
- resisting arrest
- obstructing a police officer or authorised officer
- any attempt or conspiracy to commit the above offences

Offences involving sex or indecency

2.15 We will normally refuse your application if you have a conviction for an offence such as:

- rape
- assault by penetration
- sexual assault
- indecent assault
- possession of photographs of an indecent nature
- exploitation of prostitution
- trafficking for sexual exploitation
- any attempt or conspiracy to commit the above offences

2.16 We will normally refuse your application:

- if you are currently on the Sex Offenders Register.
- if you have one or more convictions for any sex or indecency offence.
- If you have a conviction for any sex or indecency offence involving children or vulnerable persons

2.17 We will normally refuse your application if you have been convicted in the last seven years (or at least three years have not passed since the completion of the sentence, if longer) of an offence such as:

- indecent exposure
- soliciting (kerb crawling)
- any attempt or conspiracy to commit the above offences

Offences involving dishonesty

2.18 We will normally refuse your application if you have been convicted in the last three years (or at least three years have not passed since the completion of the sentence, if longer) of an offence such as:

- theft
- burglary
- fraud
- forgery
- handling or receiving stolen goods
- deception
- perverting the course of justice
- taking a vehicle without consent
- any attempt or conspiracy to commit the above offences

Offences involving drugs

2.19 We will normally refuse your application if you have been convicted in the last seven years (or at least three years have not passed since the completion of the sentence, if longer) of any offence related to the supply, production or

importation of drugs.

- 2.20 We will normally refuse your application where you have more than one conviction for offences related to the possession of drugs, and have not been free of conviction for five years.
- 2.21 If there is evidence of persistent drug use, misuse or dependency, we may require you to undertake a specialist medical examination to ensure that you meet the DVLA Group 2 medical standards in relation to drug misuse and dependency.
- 2.22 If you have an isolated conviction for an offence related to the possession of drugs within the last three years we may refuse your application. In making our decision, we will have regard to the:
- sentence
 - quantity of drug
 - type of drug

Motoring offences

Involving the loss of life

- 2.23 We will normally refuse your application if you have been convicted in the last seven years (or at least three years have not passed since the completion of the sentence, if longer) of an offence such as:
- causing death by dangerous driving
 - causing death by careless driving whilst under the influence of drink or drugs
 - or any similar offences
- 2.24 We will normally refuse your application if you have been convicted in the last three years (or at least three years have not passed since the completion of the sentence, if longer) of an offence such as:
- causing death by careless driving
 - causing death by driving (when unlicensed, disqualified or uninsured)

Drink driving or driving under the influence of drugs

- 2.25 If you have an isolated conviction for a drink drive offence we may refuse your application. In making our decision we will have regard to the:
- sentence
 - period of disqualification
- 2.26 We will normally refuse your application where you have more than one drink drive conviction, and three years have not elapsed since the restoration of your driving licence.

Endorsable traffic offences

- 2.27 We will normally refuse your application if you have a conviction for a major traffic offence (ie one incurring more than six penalty points) in the last two years.

- 2.28 If you have six or less penalty points, we will not normally refuse your application for this reason alone.
- 2.29 If you have nine or more penalty points, we will not necessarily refuse your application for this reason alone. However, we may require you to complete a driver correctional training course specified by us prior to the grant of your licence.

Illegally plying for hire and touting

- 2.30 We will normally refuse your application if you have been convicted of, or cautioned in the last year (or at least one year has not passed since the completion of the sentence, if longer) for an offence of illegally plying for hire or touting.
- 2.31 We will normally refuse your application where you have more than one conviction or caution in the last five years, for illegally plying for hire or touting.

Other information

Fixed penalty notices

- 2.32 Fixed penalty notices (FPN) are civil, not criminal sanctions. However, the police may issue an FPN for a criminal act and we will therefore consider any FPN when considering your application.

Cautions, restraining orders and other sanctions

- 2.33 Applicants must disclose all warnings, reprimands, ASBOs, Criminal Behaviour Orders, cautions, community service orders and restraining orders whether spent or unspent.
- 2.34 We will take account of warnings, reprimands, ASBOs, Criminal Behaviour Orders, cautions, community service orders and restraining orders whether spent or unspent, but only in so far as they are in respect of offences or behaviour which are relevant to an application for a licence.

Patterns of behaviour

- 2.35 We may refuse your application if your overall offending history shows a pattern of convictions over time and we are satisfied that you could be a danger to public safety.

Other Information not resulting in conviction or caution

- 2.36 We may refuse your application if you have been arrested or charged but not convicted of a relevant offence if we are satisfied that the evidence shows that you could be a danger to public safety. Such offences would include, but are not limited to, serious violent offences, offences involving child sexual exploitation and sex offences. This equally applies to other information, intelligence or complaints received on the basis of which we are satisfied that you could be a danger to the public.

3 Standard private hire driver's licence conditions

3.1 The holder of this licence shall:

- behave in a civil, polite and orderly manner at all times;
- be clean and tidy in appearance and dressed in a manner not to cause embarrassment or give offence to members of the public;
- take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from the vehicle;
- immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been left therein and carry it as soon as possible and in any event within 48 hours to the Council Offices, and leave it in the custody of an authorised officer on his giving a receipt for it;
- not drive a wheelchair accessible vehicle without first passing the DVSA Wheelchair Assessment;
- return forthwith all licences, badges and plates when the licence is revoked, suspended or expired.
- If required, convey at least one suitcase per passenger and assist in loading and unloading luggage from the vehicle;
- if requested by the hirer, provide him/her with a written receipt for the fare paid, including his/her badge and plate number of vehicle driven.

3.2 The holder must notify the Council's licensing team in writing within 7 days of any:

- changes in the particulars given on the application form (e.g. change of address, name, operator);
- illness or injury affecting his or her fitness to drive in any way;
- charges brought against him or her in respect of any criminal offence;
- convictions or formal Police cautions recorded against him or her, including motoring offences and endorsable fixed penalty notices. In the case of criminal convictions, a certificate of conviction should be produced.
- any fixed penalty notice received by the licence holder.
- warnings, reprimands, ASBOs, Criminal Behaviour Orders, cautions, community service orders and restraining orders

3.3 The driver shall not operate the horn as a means of signalling that the vehicle has arrived.

3.4 The holder of the licence must:

- a) advise the council of any deterioration in their health that may affect their driving capabilities and which may negate their ability to pass a Group 2 medical standard examination and
- b) cease driving any licensed vehicle immediately.

Examples of conditions that must be reported include high blood pressure, angina, diabetes, vision disorder, fainting, blackouts, drug taking or alcoholism.

Guidance on suitable dress

The aim of this requirement is to ensure public confidence by presenting a professional image of you as a driver. The following guidance is not exhaustive but is intended to provide advice on what is acceptable.

Trousers

Acceptable: smart plain coloured jeans or trousers.

Not acceptable: jogger bottoms, loungewear bottoms, multi coloured trouser bottoms, combat trousers.

Shorts

In periods of high summer temperatures shorts may be worn.

Acceptable: Plain coloured dress shorts.

Not acceptable: Football or sports shorts

Shirts

Acceptable: plain coloured work shirt, dress shirt or smart polo shirt, which are capable of covering to below the waistline.

Not acceptable: football shirts/strips or heavily patterned t-shirts.

Ripped, torn and dirty clothing is not acceptable.

Vehicle licences: applications and renewals

Pre application requirements

- 4.1 You must normally be able to show that the vehicle meets the following key requirements:
- the vehicle is no more than 5 years old (if you are licensing it for the first time)
 - the vehicle is capable of safely carrying a minimum of 4 passengers, but no more than 8. If the vehicle has more than 8 passenger seats you may need a Public Service Vehicle (PSV) licence. Please contact the Driver and Vehicle Standards Agency (DVSA) for further advice.
 - the vehicle is right-hand drive
 - the vehicle has a minimum 1400cc engine. Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal power output to a 1400cc engine
 - if the vehicle is a saloon/estate type it has four side opening doors
 - if the vehicle is a minibus, transit or people carrier type it has at least three doors, not including any tailgate or rear door
 - the vehicle has a useable seatbelt for each passenger. Each seat belt must be fully compliant with Euro NCAP standards
 - the vehicle must comply with livery requirements as specified in Section 4 of the policy
 - the vehicle's windscreen and front side windows comply with national legal tint specifications. All other windows let enough light through for a person 20 meters away to be able to see the number of passengers in the vehicle in daylight
 - the vehicle is not a category A, B or C write off
 - if the vehicle is a category D or F write off you will need an independent report, to confirm the repairs were carried out to a satisfactory standard and the vehicle must have subsequently passed an MOT test

Making your application

- 4.2 Information on how to make an application is available on the Council's website or from the Council's Customer Service Centre.
- 4.3 Your application will need to be accompanied by the following documents before it can be accepted. You must submit the following:
- a completed application form for a new taxi or private hire vehicle licence
 - payment of the relevant fee (we will only accept a debit or credit card)
 - a written HPI check for the proposed vehicle. This check shows whether a vehicle has been stolen, written-off or has outstanding finance as well as offering a mileage check
 - a valid certificate of motor insurance or a cover note for the proposed vehicle
 - a certificate showing the vehicle has been inspected at a centre nominated by the Council and has passed our vehicle test
 - photographic identification for each proprietor. We will only accept a passport or DVLA driving licence
 - the V5C DVLA registration document (logbook) for the proposed vehicle.

At least one of the proprietors must be the registered keeper of the proposed vehicle. If you have recently bought the vehicle and you do not have a V5C, we will accept the tear off slip.

- a valid MOT certificate (if you are applying for a private hire vehicle licence and the vehicle is more than three years old) or
- a valid MOT certificate (if you are applying for a taxi vehicle licence and the vehicle is more than 12 months old).

Making our decision

- 4.4 If you can show that your vehicle satisfies the requirements in Appendix 7 we will grant your licence. In certain circumstances your application may be referred to the Licensing Regulatory Sub-Committee for determination.
- 4.5 If your vehicle does not satisfy the requirements we will refuse your licence.

Granting your application

- 4.6 If we grant your application, we will usually issue you a licence and plate for 12 months from the date of our decision.

Refusing your application

- 4.7 If we refuse your application, we will make a record of the reasons for our decision and we will provide you with a copy of that document.
- 4.8 You may appeal to the Magistrates' Court (private hire) or Crown Court (taxi) within 21 days of our decision. If you intend to appeal the decision, we strongly advise you to seek legal advice.

Operating your licence

- 4.9 We will grant licences for private hire vehicles with the standard conditions at Appendix 6.
- 4.10 We will grant vehicle licences for hackney carriages with the standard conditions at Appendix 5.
- 4.11 We will deal with any breach of these conditions in accordance with Appendix 11.

Renewing your licence

- 4.12 At least one month (but no more than two months) before your licence expires, you must apply to renew your licence so that we can carry out the necessary checks. It is your responsibility to ensure you apply in good time so your application can be determined before your existing licence expires.
- 4.13 Information on how to make an application is available on the Council's website or from the Council's Customer Service Centre.
- 4.14 You must submit the following documents:
- your completed application form to renew your taxi or private hire vehicle licence signed by each proprietor listed on the existing licence
 - payment of the relevant fee (we will only accept a debit or credit card)
 - a valid certificate of motor insurance or a cover note for the vehicle covering the start date of the new licence

- a certificate showing the vehicle has passed our vehicle test no more than 8 weeks before the date of expiry of the existing licence
- the V5C DVLA registration document (logbook) for the vehicle. At least one of the proprietors must be the registered keeper of the proposed vehicle
- a valid MOT certificate (if you are applying for a taxi vehicle licence)
- a valid MOT certificate (if you are applying for a private hire vehicle licence and the vehicle is more than three years old)
- the vehicle plate

Making our decision (renewal)

- 4.15 If you can show that your vehicle satisfies the requirements in Appendix 7 we will grant your licence. In certain circumstances your application may be referred to the Licensing Regulatory Sub-Committee for determination.
- 4.16 If we grant your application, we will usually issue you a licence and plate for 12 months from the date of our decision.
- 4.17 If your vehicle does not satisfy the requirements we will refuse your licence.

Other Types of Application

Transfer of Interest

- 4.18 If you are buying a private hire vehicle or taxi, which currently has a licence issued by us, the existing proprietor must notify us of your name and address within 14 days of the date of sale.

Change of Vehicle

- 4.19 If you change your vehicle, please check that it complies with the pre-application requirements above before you buy it. If you are unsure, advice is available on the Council's website or from the licensing team.
- 4.20 You will then need to make an application to change your vehicle, following the above process.

Accidents in vehicles – use of replacement or temporary vehicles

- 4.21 If your vehicle is involved in an accident, you must inform us in writing within 72 hours.
- 4.22 If you cannot repair the damage, you may change the vehicle (please see 4.19-4.20 above).
- 4.23 If you want some time to repair the damage you may apply to temporarily licence a different vehicle for a period not exceeding twelve weeks. The replacement vehicle must satisfy the requirements expected of a licensed vehicle, therefore please refer to appendix 4 paragraphs 4.1 to 4.10.

Lost, stolen or damaged licences

- 4.24 If you have lost your paper licence or the vehicle plate or it has been stolen or damaged you will need to request a replacement. There is a fee which must be paid before we issue a replacement.

Exemption from displaying a private hire licence plate

- 4.25 In certain circumstances, we may grant an exemption notice for private hire vehicles. This allows you not to display the standard vehicle plate on the rear of your vehicle.
- 4.26 To apply for an exemption you must supply the following documents;
- A letter explaining why you feel it is appropriate for your vehicle to be issued with an exemption certificate.
 - Evidence that an exemption is required. This should include letters from clients explaining why they want vehicles without plates e.g. a discreet service required by a well-known person seeking as much anonymity as possible.
- 4.27 We will only grant an exemption where we are satisfied that you use the vehicle exclusively or primarily for 'chauffeured' private hire work. This means that you provide the chauffeur and vehicle to a business or person, and the display of a licence plate may affect the dignity or security of the persons you are carrying. We will consider factors such as the list price of the vehicle, specification of vehicle and volume of exclusive or chauffeured work.
- 4.28 If we refuse your request and you want us to consider new relevant information, you may ask us to reconsider our decision within 21 days of that decision. We aim to reconsider your application within 3 working days of receiving your request.
- 4.29 An officer with delegated authority will consider the information before making a final decision.
- 4.30 We will make a record of the reasons for our decision and we will provide you with a copy of that document.
- 4.31 You do not have a further right of appeal to the Magistrates' Court.
- 4.32 If we grant an exemption, we will issue your licence subject to the additional conditions at Appendix 6.
- 4.33 Exemptions are subject to annual review and licence holders must reapply each year. The exemption can be removed at any time if the licence holder cannot prove that the vehicle is used exclusively or primarily for 'chauffeured' private hire work.

Standard Hackney Carriage vehicle licence conditions

5.1 The holder of a hackney carriage vehicle licence shall:

- ensure that the vehicle is kept clean and tidy, free of damage and in good working order at all times;
- Ensure suitable storage for passenger's luggage, ideally separated from the passenger compartment, should be provided. Luggage carried must be suitably secured in place. Estate type vehicles shall have an appropriate guard fitted between the passenger and the luggage compartments.
- inform the Council's licensing team within 72 hours of any accident involving the licensed vehicle;
- notify the Council, in writing, within 7 days, of
 - a) changes to any details provided on the application form e.g. address, name, etc
 - b) changes to insurance for the vehicle;
- notify the Council, in writing, within 14 days of the sale of a licensed vehicle
- ensure the vehicle complies with the vehicle testing requirements and vehicle inspection standard in Appendix 7;
- ensure the Council's licence plate and internal plate are displayed on the vehicle at all times;
- not display advertising on the vehicle without first obtaining the Council's written approval;
- ensure no modifications shall be made to the vehicle without consent from the Council.

Appendix 6

Standard private hire vehicle licence conditions

6.1 The holder of a private hire vehicle licence shall:

- ensure that the vehicle is kept clean and tidy, free of damage and in good working order at all times
- Ensure suitable storage for passenger's luggage, ideally separated from the passenger compartment, should be provided. Luggage carried must be suitably secured in place. Estate type vehicles shall have an appropriate guard fitted between the passenger and the luggage compartments. Inform the Council's licensing team within 72 hours of any accident involving the licensed vehicle
- notify the Council, in writing, within 7 days of any;
 - a) changes to any details provided on the application form e.g. address, name, etc
 - b) change of private hire operator
 - c) changes to insurance for the vehicle
- notify the Council, in writing, within 14 days of any sale of a licensed vehicle
- ensure the vehicle complies with the vehicle testing requirements and vehicle inspection standard in Appendix 7;
- ensure the Council's licence plate and internal plate are displayed on the vehicle at all times (unless an exemption has been granted)
- ensure the door signs as detailed in Section 4 of the policy are displayed at all times
- not display a roof sign on the vehicle
- not display advertising on the vehicle without first obtaining the Council's written approval
- ensure no modifications shall be made to the vehicle without consent from the Council.

Additional private hire vehicle conditions (for vehicles with an exemption from displaying a vehicle plate)

6.2 The holder of this licence shall ensure that:

- the private hire vehicle plate is attached to the vehicle inside the boot lid area
- the internal exemption sticker is displayed in the front windscreen in the left hand bottom corner
- the exemption notice issued by the Council is carried in the vehicle at all times and available at all times for inspection by a police officer or authorised officer

Vehicle Specifications

1 General Specification

- 1.1 In addition to all requirements of the Road Traffic legislation, which relate to all motor vehicles, all licensed vehicles shall comply with the requirements set out below as appropriate for the type of vehicle (Hackney or Private Hire including stretched limousines).
- 1.2 All vehicles shall:
- (i) have an appropriate 'type approval' which is either:
**European Whole Vehicle Type approval; or
Wheelchair accessible UK low volume approval – (for specialist vehicles)****
It is a recommendation that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.
 - (ii) be capable of carrying not less than 4 passengers but no more than 8.
 - (iii) comply with all construction and use/type approval requirements applicable to them.
 - (iv) be either a purpose built taxi, or a 4-door saloon or 5-door estate/multi-passenger vehicle. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors. A purpose built style taxi will not be licensed for Private Hire.
 - (v) when a vehicle is first presented for licensing, the vehicle shall be not more than five (5) years old. A saloon type vehicle (saloon/estate/MPV) will remain available for licensing, subject to passing the inspection process, until it is ten (10) years old. A purpose built hackney carriage will remain available for licensing, subject to passing the inspection process, until it is fifteen (15) years old.
 - (vi) when the vehicle reaches the age limit referred to in (v) it may be eligible for a further licence if the Council deem it to be an 'exceptional vehicle'. This will require the vehicle to pass the vehicle inspection at first inspection and be in good condition, with a fully documented service history.
 - (vii) have a minimum engine capacity of 1400cc (Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal power output to a 1400cc engine).
 - (viii) have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes listed as category A, B or C write offs at any time. Categories D & F will be considered but will require a full engineer's report to confirm repairs to the vehicle are of a high standard.
 - (ix) provide sufficient means by which any person in the vehicle may

communicate with the driver.

- (x) not be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users.

2 Doors

- 2.1 All saloons, estates or purpose-built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.
- 2.2 All vehicles shall be constructed so that the doors open sufficiently widely to allow easy access into and egress from the vehicle.
- 2.3 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door (see 4.1 below).

3 Interior Dimensions

- 3.1 Height inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- 3.2 Knee space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

4 Seats

- 4.1 Passengers need to be able to enter and exit in safety.

5 Seat Belts

- 5.1 All vehicles must be fitted with fully operational seat belts, one for each passenger, except where the law specifically provides an exemption, and fully compliant with British Standards.

6 Passenger Capacity

- 6.1 The carrying capacity of all vehicles shall be at the discretion of the Council having regard to manufacturer's specifications and compliance with dimensions and other safety considerations referred to previously.

7 Ventilation

- 7.1 Windows must be provided at the rear and sides along with means of opening and closing not less than two windows on either side.
- 7.2 Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available for the comfort of the passenger.

8 Vehicles Powered by Liquid Propane Gas (LPG)

- 8.1 An applicant for a licence for a vehicle that has been converted to run on LPG is

required to produce, prior to a licence being issued, a certificate issued by a member of the UK LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice; and that the vehicle is therefore considered safe.

- 8.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

9 Tinted Windows

- 9.1 The windows of any vehicle shall not have been treated so that anything other than the manufacturer's original fitted windows are in use (privacy glass is excluded).
- 9.2 The windows of any vehicle shall not have been treated with any tint other than that originally fitted to the vehicle, i.e. tinting film. All windows let enough light through for a person 20 meters away to be able to see the number of passengers in the vehicle in daylight.

10 Vehicle Inspection

- 10.1 All items contained within the vehicle inspection list, agreed by Guildford Borough Council shall be tested in accordance with the current MOT Testing Guide & Inspection Manual issued by the Vehicle & Operator Services Agency (VOSA) at premises approved by Guildford Borough Council.
- 10.2 Vehicles to be licensed by the Council shall be of the following design:
- (a) A wheeled vehicle constructed or adapted to carry not more than eight passengers exclusive of the driver.
 - (b) Fitted with at least four doors.
 - (c) The engine capacity must be a minimum of 1400cc (Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal power output to a 1400cc engine)

1-7	Lighting and Signalling Equipment	No cracks, splits, stone chips or bulls eyes shall be permitted in any lens. Tape used for the repair of such shall not be permitted.
8	Dash Panel Lights	The dash panel lights shall be capable of illuminating all instruments satisfactorily. All warning lights (including ABS and Management if fitted) must extinguish when engine is running.
10 to 17	Steering and Suspension	Slight deterioration shall not be permitted in any bonded joint. Splits, cracks or deterioration of inner CV boots shall not be permitted. No fluid leaks from shock absorbers shall be permitted.
18 to	Brakes	Any vehicle fitted with ABS shall be deemed to

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22		fail if presented with any component obviously missing.
23 to 25	Tyres and Road Wheels including Spare	<p>Tyres designed with a wear indicator of 1.6 mm level with the tread pattern at the time of the test shall be deemed to fail.</p> <p>The spare wheel carrier shall be in such a condition as to allow the easy removal; i.e. the winding mechanism shall be free of excessive corrosion and/or damage when sited under the vehicle.</p> <p>Wheels including the spare shall be free from defects on rims and hubs.</p>
32 33	Exhaust	The exhaust system shall be deemed to fail if any repair has been attempted. No leaks shall be permitted from the exhaust system including connection joints.
36	Windscreen	No splits, cracks, chips or bulls eyes shall be permitted anywhere in the swept vision.
40	Fuel Tank and Pipes	The fuel system shall be free from any leaks and excessive corrosion.
39	Battery/Wiring	<p>Shall be securely fitted and be of a type suitable for the vehicle.</p> <p>All wiring including that fitted for any ancillary items such as roof signs, radios and meters shall be fitted securely and in such a manner as to be free from accidental interference.</p>
43	Oil Leaks	Oil leaks other than an occasional drip shall not be permitted.
44	Water and/or Coolant Leaks	As for Oil Leaks.
38	Clutch and Throttle	Free from any excessive play and in good smooth working order.
46	General Condition	<p>No defects in any seats or seat covers, carpet or other upholstery that have not been rectified suitably. Covers that have not been tailored to fit front or rear seats shall not be permitted. The use of car blankets as covers shall not be permitted.</p> <p>The entire interior shall be clean, tidy and free from unpleasant odours.</p>
37	Window & Winding Operations	All winding mechanisms shall allow all windows to be opened and closed normally.
42	Mirrors	<p>All vehicles shall have three mirrors fitted in the following manner:</p> <p>A. One fitted internally (rear view)</p>

- B. One fitted to the offside drivers (externally) door**
- C. One fitted to the nearside passenger (externally) door**

All shall be fitted so as to give the driver a good visibility to the rear and be free from cracks, blemishes or other defects. The housing holding the mirrors must also be free from damage and any mechanisms fitted to enable the positioning of the mirrors shall be in working order.

49	Seat Security	All seats must be securely fixed to the vehicle and be properly upholstered.
57	Internal Vehicle Plate	Must be displayed (in a prominent position and clearly visible to passengers) at all times [and correspond with the rear plate].
56	Fare Card HC Only	Must be displayed in a prominent position and clearly visible to passengers at all times.
	Doors	All doors including sliding doors shall open and close from inside and out without the need for excessive force.
44	Fire Extinguisher	A 1kg hand held fire extinguisher, containing no CFC gases and complying with British Standards (BS) EN3, must be kept in good working order either mounted in the driver's compartment or mounted in the boot in such a position as to be readily available for use. The fire extinguisher must display a valid upcoming expiry date or must be fitted with a pressure gauge indicating that the pressure is still within working parameters. The extinguisher must be indelibly marked with the plate number of the vehicle prefixed by either HC/PH (Hackney Carriage/Private Hire) corresponding to the type of hire vehicle and the registration number of the vehicle.
	Exterior Condition	There must be no damage, including dents and scratches. Paint and bodywork must be clean and free from rust. All trim must be securely fastened to the body.
	Advertising & Displays	<ul style="list-style-type: none"> (a) No internal or external advertisement or display shall obscure the driver's vision through any window or mirror of the vehicle. (b) Any proprietor's/operator's own business cards shall be stored in a single storage area not above window level.

Hackney Carriages

- (c) May display any approved advertising that does not obscure the fact that it is a Hackney Carriage (e.g. words stating 'Private Hire' or similar) or livery signage provided it does not infringe on driving safety or the driver's vision.

Private Hire Vehicles

- (a) May display any approved advertising that does not obscure the fact that it is a private hire vehicle (e.g. words stating 'taxi' or similar) or livery signage provided it does not infringe on driving safety or the driver's vision.
 - (b) No advertisement on any Private Hire Vehicle may display any of the following words, 'TAXI', 'CAB', 'HACKNEY CARRIAGE' or 'FOR HIRE'. No other similar words (e.g. 'kab') are to be used.
- 56 Roof Signs (See Appendix 1)
- (a) Hackney Carriages must be fitted with an illuminated roof sign. It must carry the word 'TAXI' in black on the front of the sign together with the title 'Guildford Borough Council' and the words 'Taxi' on the back. The base of the roof sign must be white and it must measure not less than 40 cm long x 15 cm wide x 11 cm high (purpose built taxis may be excluded from this specification if a sign is part of the taxi's structure).
 - (b) The roof sign must be connected to the taximeter so that it works in conjunction with it, i.e. when the meter is not in use the sign is illuminated and when the meter is in use the sign is NOT illuminated.
- 57 Private Hire Identification
- (a) Permanent vinyl signs must be affixed to the front doors on each side of the car and must not be obscured by advertising. The information contained on the front doors must comply with the Vehicle Appearance as set out in section 4 of the Policy.
- 58 Vehicle Licence Plate
- (a) Hackney Carriage Vehicles shall be fitted with a unique white plate bearing

- the number allocated by Guildford Borough Council and information identifying the make and registration mark of the vehicle along with the expiry date.
- (b) Private Hire Vehicles shall be fitted with a unique red plate bearing the number allocated by Guildford Borough Council and information identifying the make and registration mark of the vehicle along with the expiry date.
- (c) In both cases the plate shall be fitted externally at the rear of the vehicle fixed by bolt or screw or on an acceptable bracket, similarly fixed. The plate shall be in a clean and easily readable condition.
- 59 **Registration Number Plates** Both back and front plates shall be clean and free from any defects including splits or cracks and delaminating.
- 61 **Meter** (a) Hackney Carriage: Must be fitted.
(b) Private Hire: Need not be fitted.
(c) The meter, if fitted, shall be securely fastened in a position where the face can easily be seen by passengers and in a position where it will not be dangerous or obscure the driver's vision.
- Items which do not comply with Licensing Authority Requirements (not an exhaustive list) Example:
- (i) Bonnet insulation hanging down onto engine.
- (ii) Fan belt frayed or torn.
- (iii) Fittings and fixtures not maintained in full working order (e.g. interior heater/air conditioning inoperative, windows not winding etc).
- (iv) Where a reversing horn/alert is fitted to the vehicle there must be an isolation switch in order to turn it off at night.

Roof Signs – Purpose Built Taxis

- 10.3 Purpose built taxis may be excluded from carrying a separate roof sign if the taxi has a sign built in that works in conjunction with the taximeter.

11 Additional Specifications for Private Hire Limousines

- 11.1 The vehicle must have one of the following:

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- A UK Individual Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate.

11.2 Vehicles may be left or right hand drive providing that they have proof of full DETR vehicle type approval.

Private Hire Operators

Before making an application

- 8.1 Before we will grant your application to become a private hire operator, you must normally be able to show:
- you do not have a conviction or caution for a relevant criminal offence.
 - you have obtained appropriate planning permission or a certificate of lawful use for the intended operating base. Please contact the relevant planning authority.
 - if the intended operating base is open to the public, that you hold a valid certificate of public liability insurance for the premises.
 - the name of your operating business is not the same (or similar) to a private hire business already licensed by us.
 - the name of your business does not include any reference to 'taxis' or 'cabs'.
- 8.2 If the operating base is not located in Guildford Borough:
- you must be able to produce any operating records in an electronic format.
- 8.3 If you have a conviction or caution for a relevant offence, you should read Appendix 11 regarding relevance of convictions and cautions for further guidance on whether the offence may prevent you from obtaining a licence.
- 8.4 If you intend to open the operating base to the public, please contact the licensing team and we will arrange to visit your premises to advise you on suitability.
- 8.5 Please contact the licensing team if you are in any doubt about whether you satisfy the above requirements.
- 8.6 Information on making an application is available on the Council's website or from the Council's Customer Service Centre.
- 8.7 If you are applying for a new licence, each of the intended operators must attend the meeting in person and bring the following documents with them:
- your completed application form for a new private hire operator's licence
 - payment of the relevant fee (we will only accept a debit or credit card)
 - photographic identification for each applicant. We will only accept a passport or DVLA driver's licence
 - a basic DBS check certificate (or Disclosure Scotland basic disclosure) issued within the last 3 months
 - if the intended operating base is open to the public, a valid certificate of public liability insurance for the premises
 - written planning permission or a certificate of lawful use for the intended operating base
 - a list of vehicle and drivers that you will be operating

Making our decision

- 8.8 We will consider the information you have provided and determine your application.
We will normally inform you of our decision at the meeting.
- 8.9 If you have any convictions or cautions, we will consider these in line with Appendix 11.

Granting your application

- 8.10 If you can show that you satisfy the requirements we will grant your licence.
- 8.11 If we grant your application, we will usually issue a licence for a period of 12 months.

Refusing your application

- 8.12 If you do not satisfy the requirements we will usually refuse your application.
- 8.13 A Licensing Regulatory Sub-Committee or an officer with the appropriate delegation will make the decision.
- 8.14 We will make a record of the reasons for our decision and we will provide you with a copy of that document.
- 8.15 You may appeal to the Magistrates' Court within 21 days of our decision. If you intend to appeal the decision, we strongly advise you to seek legal advice.

Operating your licence

- 8.16 We will grant private hire operator's licences with the standard conditions at Appendix 9.
- 8.17 We will deal with any breach of these conditions, in accordance with Appendix 11.

Renewing your licence

- 8.18 Before you can renew your private hire operator's licence, you must be able to provide:
- a basic DBS check certificate (or Disclosure Scotland basic disclosure) issued within the last 3 months
 - if the intended operating base is open to the public, a valid certificate of public liability insurance for the premises
 - a list of vehicle and drivers that you will be operating
 - written planning permission or a certificate of lawful use for the intended operating base
- 8.19 If you have a conviction for a relevant offence, you should read our convictions policy for further guidance on whether the offence may prevent you from obtaining a licence.
- 8.20 At least one month (but no more than two months) before your licence expires, you must apply to renew your licence so that we can carry out the necessary checks.

8.21 You must provide the following documents:

- completed application form to renew your private hire operator's licence
- payment of the relevant fee (debit or credit card)
- if you do not hold a subscription to the DBS update service, a basic DBS check certificate (or Disclosure Scotland basic disclosure) issued in the last 3 months.
- if the intended operating base is open to the public, a valid certificate of public liability insurance for the premises
- a list of vehicle and drivers that you will be operating

8.22 If you do not provide the above information, we will be unable to process your application.

Making our decision

8.23 We will consider the information you have provided, determine your application and will inform you of our decision.

8.24 If you have any convictions or cautions, we will consider these in line with Appendix 11 (relevance of convictions and cautions).

Granting your application

8.25 If you can show that you satisfy the requirements above, we will grant your licence subject to our standard conditions at Appendix 9.

8.26 If we grant your application, we will usually issue a licence for a period of 12 months.

Standard Private Hire Operators Licence conditions

9.1 The holder of this licence shall:

- provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- ensure that when a vehicle is hired it arrives on time, unless delayed by circumstances beyond the operator's control.
- ensure that any waiting areas for customers are tidy, well lit, heated and ventilated and that there is adequate seating and working telephone facilities.
- keep copies of the current vehicle and driver licences for each driver and vehicle operated by them.
- at all times, keep a copy of the licence and conditions issued to them at any premises used for the private hire business and shall make these available for inspection by any fare-paying customer or authorised officer
- keep a record of any complaints made to them by members of the public and make this record available for inspection by any authorised officer.
- must notify the Council within 7 days, in writing, of any of the following:
 - a) change of company/trading name or addition of new names
 - b) change of telephone number (business or personal) or addition of new numbers
 - c) change of email address or addition of new email address
 - d) any vehicle or driver joining or leaving the company
 - e) a new conviction or caution
 - f) If there is more than one operator, the removal of an operator from the licence or business
- shall keep the following information in a non-erasable form in a suitable log book or electronic format
 - Vehicles:
 - a) names of proprietors/drivers of each vehicle
 - b) registration number, make, model, type, colour and engine
 - c) plate number and expiry date of current licence
 - d) number of passenger seats
 - e) insurance details
 - f) vehicle call signs
 - Drivers:
 - a) names of all drivers
 - b) badge numbers
 - c) call signs
 - d) expiry dates of current driver's licences
 - e) date each driver joined the operator and the date any driver left the operator
 - Bookings:
 - Prior to each journey, the operator shall record the following information:
 - a) date and time and location of pick-up
 - b) name of passenger
 - c) contact details of passenger
 - d) the destination
 - e) time at which the booking was made
 - f) time at which the booking was allocated to the driver

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- g) plate number and badge number of the vehicle and driver undertaking the booking**
- h) price quoted for the booking**
- i) time that the booking was completed**

Appendix 10



**BOROUGH OF
GUILDFORD**

BYELAWS

MADE BY

THE COUNCIL OF THE BOROUGH OF GUILDFORD

WITH RESPECT TO

HACKNEY CARRIAGES

Taxi and private hire licensing policy
2015-20
BOROUGH OF GUILDFORD

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the Borough of Guildford

with respect to

HACKNEY CARRIAGES IN THE BOROUGH OF GUILDFORD

Interpretation

1. Throughout these byelaws 'the Council' means the Council of the Borough of Guildford and 'the district' means the Borough of Guildford.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (b) A proprietor or driver of a hackney carriage shall:
- (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
- (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

3. The proprietor of a hackney carriage shall:
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;

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(b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

(c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;

(d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

5. The driver of a hackney carriage shall:

(a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

(b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer;

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:

(a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;

(b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

(c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;

(d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. The drivers of the first two hackney carriages standing upon a stand appointed by the Council shall be in constant attendance in or near to their carriages ready to be hired at once.

9. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

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10. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
11. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
12. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage. Provided that for the purpose of this byelaw two children under the age of twelve years shall be reckoned as one person and children under the age of three years shall not be reckoned.
14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
15. The driver of a hackney carriage so constructed as to carry luggage, shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
- * 16. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:

Description of Stand	Number of Carriages
(1) High Street, against the kerb of the pavement adjoining Holy Trinity Church	8
(2) High Street, against the kerb of the pavement adjoining Nos 39 to 49 High Street	5
(3) North Street, against the kerb of the pavement adjoining Quaker's Acre and No 76 North Street	3 except Fridays and Saturdays
(4) North Street, at the junction with Friary Street. (Extending for the additional 3 carriages against the kerb of the pavement adjoining Nos 35 to 40 North Street.)	5 Increasing to a total of 8 between the hours of 6.30 pm each day and 8.30 am on the following day
(5) Guildford Park Road, against the kerb of the pavement from the Station Entrance to No 4 Guildford Park Road	6
* (6) Guildford Main Station Yard	20

* Provided that Stand No 6 shall be used only by those Hackney Carriage Proprietors who have obtained permission from the British Railways Board.

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18. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

19. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

(a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;

(b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefor.

Repeal of Byelaws

22. The byelaws relating to hackney carriages which are referred to in the Schedule hereto are hereby repealed.

SCHEDULE

Date Byelaws Made	Authority Making Byelaws	Date of Confirmation	Confirming Authority
30 November 1964	The Mayor, Aldermen and Burgesses of the Borough of Guildford	17 May 1965	One of Her Majesty's Principal Secretaries of State
22 October 1974	The Council of the Borough of Guildford	28 November 1974	One of Her Majesty's Principal Secretaries of State
11 November 1977	The Council of the Borough of Guildford	16 December 1977	One of Her Majesty's Principal Secretaries of State

**Taxi and private hire licensing policy
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THE COMMON SEAL of THE COUNCIL 1

**OF THE BOROUGH OF GUILDFORD was hereunto
affixed this 14th day of November 1978 in the
presence of:**



signed B P TYRWHITT-DRAKE Mayor

signed DAVID WATTS Clerk & Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 15th day of December 1978

signed R F D SHUFFREY

An Assistant Under Secretary

of State

Home Office

LONDON

15 December 1978

signed by authority of the

Secretary of State

GUILDFORD BOROUGH COUNCIL

HACKNEY CARRIAGE STANDS

On 8 June 1981, Guildford Borough Council, Acting by the hand of David Watts, Their Clerk and Solicitor and duly authorised agent for this purpose, and in pursuance of their powers under Section 63, Local Government (Miscellaneous Provisions) Act 1976, made the following amendments to the Byelaws:

- (2) The appointment as a stand for thirteen hackney carriages that part of the north side of North Street Guildford immediately east of its junction with Onslow Street extending for a length of 43.5 metres from the said junction and within the curved traffic island provided by the highway authority.
- (1) The revocation of the deemed appointment of the stand for five hackney carriages (eight between 6.30 p.m. each day and 8.30 a.m. the following day) specified in byelaw 16(4) of the series of byelaws relating to hackney carriages made by the said Council on 14th November 1978 and confirmed by the Secretary of State for the Home Office on 15 December 1978

On 24 May 1982, Guildford Borough Council, Acting by the hand of David Watts, Their Clerk and Solicitor and duly authorised agent for this purpose, and in pursuance of their powers under Section 63, Local Government (Miscellaneous Provisions) Act 1976, made the following amendments to the Byelaws:

A reduction in the number of hackney carriage stands specified in Byelaw 16(5) of the series of Byelaws relating to Hackney Carriages made by the Council on 14 November 1978 and confirmed by the Secretary of State for the Home Office on 15 December 1978 from six stands to two in a south-easterly direction

- (2) A reduction in the number of hackney carriage stands at the stand specified in Byelaw 16(1) of the said Byelaws from eight stands to four away from the junction of High Street with North Street

The revocation of the deemed appointment of the stand for three hackney carriages specified in Byelaw 16(3) of the said Byelaws

- (4) The appointment as a stand for three hackney carriages the east side of North Square facing east.

On 13 February 1991, Guildford Borough Council, Acting by the hand of Helen B Sutherland, Their Clerk and Solicitor and duly authorised agent for this purpose, and in pursuance of their powers under Section 63, Local Government (Miscellaneous Provisions) Act 1976, made the following amendments to the Byelaws:

The appointment as a stand for three hackney carriages that part of the South side of Lower North Street from a point in line with the western kerb line on Woodbridge Road approximately 8.5 metres west of the western building line of Swan Lane, westwards for a distance of 15 metres

- (2) The appointment as a stand for six hackney carriages that part of Upper High Street, Guildford from a line being the property boundary between No. 242 and Bateman's Opticians (No. 240) westwards for a distance of 30 metres.

The appointment for a stand for five hackney carriages that part of Upper High Street at its junction with Epsom Road and London Road in the service road on the south side, west of the Odeon Cinema as follows (a) 3 stands on the south side of the service road (b) 2 stands on the north side of the service road from a line being the property boundary between Rogues, No. 8 Epsom Road and Mann and Co., No. 6 Epsom Road, westwards for a distance of 10 metres.

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Appendix 11

Compliance and enforcement

- 11.1 Public safety is paramount. We will aim to achieve compliance with the law and licence conditions by offering guidance and advice to licence holders. However, we recognise that there may be some instances where we need to take further action to protect the travelling public and others affected by a licensee's action.
- 11.2 We will follow the Regulators Code and the Health and Community Care Enforcement Policy and will base any enforcement action on the seriousness of the breach and the possible consequences arising from it. We will not take enforcement action as a punitive response to minor technical contraventions of legislation or licence conditions.
- 11.3 We may use 'mystery shoppers' to test compliance with the law and taxi and private hire licence conditions.
- 11.4 We aim to achieve and maintain a consistent approach when we make our decisions. In reaching any decision we will consider the following criteria:
- a) seriousness of any offences or breach of conditions
 - b) driver or operator's past history
 - c) consequence(s) of non-compliance
 - d) likely effectiveness of the various enforcement options
 - e) danger to the public
- 11.5 Having considered all relevant information and evidence, the normal options are one or more of:
- a) take no action
 - b) take informal action
 - c) issue statutory notices (stop notices etc.)
 - d) suspend a licence
 - e) revoke a licence
 - f) prosecution
- 11.6 It is essential that licence holders comply with reasonable requests for information or assistance from licensing and/or Police officers. Failure to do so may lead to disciplinary action being taken.

Informal Action

- 11.7 We may take informal action to secure compliance with legislation or other requirements. This includes offering advice, and verbal or written warnings. Such informal enforcement action may be appropriate in any of the following circumstances
- a) the act or omission is not considered serious enough to warrant more formal action
 - b) from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance
 - c) confidence in the operator's management is high
 - d) the consequences of non-compliance will not pose a significant risk to the safety of the public
- 11.8 Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

Statutory notices

- 11.9 If we find a defect in your taxi or private hire vehicle, we may serve notice in writing requiring you to have the vehicle (or the taximeter in the vehicle) examined at the vehicle testing station or taximeter examiner nominated by the Council.
- 11.10 We will only serve this type of notice where we believe that the condition of the vehicle poses a threat to public safety or where we have reasonable grounds to suspect the accuracy of the taximeter.

Suspending or revoking a licence (vehicles)

- 11.11 We will suspend your vehicle licence where we have reasonable grounds to suspect that the condition of the vehicle is dangerous and poses a risk to passengers or other road users. For example, there is damage to the vehicle, the tyre tread is insufficient, the vehicle has been involved in a collision, or its insurance is no longer valid.
- 11.12 We may suspend your licence in addition to requiring you to have the vehicle tested as described above.
- 11.13 We will lift the suspension once we are satisfied that the condition of the taxi or private hire vehicle no longer poses an immediate danger to passengers or other road users.
- 11.14 We may revoke your licence in circumstances where it is dangerous and poses a risk to passengers or other road users and suspension of the licence is not appropriate. For example, if there is no reasonable prospect of repairing the damage, such as an accident write-off.

Suspending, revoking or refusing to renew a licence (drivers)

- 11.15 We may suspend or revoke your driver's licence if:
- a) you are convicted of any offence involving dishonesty, indecency or violence
 - b) you are convicted of an offence under or have failed to comply with the relevant taxi and private hire legislation or
 - c) for any other reasonable cause
- 11.16 Before we make our decision, we will consider the seriousness of your convictions, cautions, endorsements or other information which has been provided to us. We will apply the guidelines set out in Appendix 2 when you have been convicted, cautioned for or charged with any of the offences referred to in that Appendix.
- 11.17 Any other reasonable cause can include, but is not restricted to:
- a) a suspension of your DVLA licence (either due to 'totting up' or disqualification imposed for specific offences)
 - b) other offences not included in 11.15
 - c) a culmination of minor transgressions during the course of your licence, for example breach of licence conditions
 - d) an action that presents a risk to the public
 - e) obstruction of or being abusive towards an authorised officer
 - f) touting

- 11.18** If we suspend your driver's licence, we will do so for a defined period and we will inform you of our reasons. We will only suspend your licence where the relevant behaviour can be addressed within a reasonable timescale. In other cases we will normally revoke the licence.
- 11.19** If we consider it is in the interest of public safety to suspend or revoke your licence with immediate effect, we will do so and we will inform you of our reasons.

Suspending, revoking or refusing to renew a licence (operators)

- 11.20** We will usually revoke your licence if we are satisfied that you are no longer fit to be a licensed operator. For example, if you are convicted of an offence, or have demonstrated that you are using unlicensed drivers or vehicles and we are satisfied that you could be a danger to the public.

Prosecution

- 11.21** We recognise that it is a significant step to prosecute, however, we will consider prosecution in appropriate cases where we have sufficient evidence and we consider it is in the public interest to do so.
- 11.22** In general, the more serious the offence, the more likely we are to consider that prosecution is appropriate. We will take into consideration:
- a) the overall seriousness of the offence and harm caused
 - b) if the offender also encouraged others to commit offences
 - c) the offence was pre-meditated
 - d) the offender showed disregard for the law
 - e) the offender stood to gain from the offence
 - f) the victim, if any, was vulnerable, suffered damage or felt threatened by the offence
 - g) there is significant environmental harm
 - h) the offence had a discriminatory element, for example on the basis of race or religion
 - i) the offender has previous convictions or cautions that are for offences that have some similarity with the current one
 - j) there is likelihood that further offences might be committed.
- 11.23** When we identify circumstances, which may warrant a prosecution, we will consider all relevant evidence and information to enable us to make a consistent, fair and objective decision.
- 11.24** The Executive Head of Governance will make the final decision on whether to prosecute.

Appeals

- 11.25** If we suspend or revoke your licence we will make a record of the reasons for our decision and we will provide you with a copy of that document.
- 11.26** If we decide to suspend or revoke your licence, you may appeal to the Magistrates' Court within 21 days of our decision. If you intend to appeal the decision, we strongly advise you to seek legal advice.