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Contact Officer:

Sophie Butcher, Committee Officer

15 September 2020

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held on **WEDNESDAY 23 SEPTEMBER 2020** at **7.00 pm**. The meeting can be accessed remotely via Microsoft Teams in accordance with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

If for any reason Councillors lose connectivity to the meeting and you are unable to re-join using the link on the Outlook Calendar invitation, please re-join using the telephone number +44 020 3855 4748. You will be prompted to input a conference ID: 132 400 425# and announce that you have re-joined in this way to the meeting. Press *6 to unmute yourself.

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE COMMITTEE

Chairman: Councillor David Goodwin
Vice-Chairman: Councillor Dennis Booth

Councillor Tim Anderson
Councillor Graham Eyre
Councillor Gillian Harwood
Councillor Gordon Jackson
Councillor Ted Mayn,
Councillor Ann McShee
Councillor Bob McShee

Councillor Masuk Miah
Councillor Marsha Moseley
Councillor Maddy Redpath
Councillor Will Salmon
Councillor James Steel
Councillor Catherine Young

QUORUM 5

THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

Three fundamental themes and nine strategic priorities that support our vision:

- | | |
|---------------------|--|
| Place-making | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
| | Making travel in Guildford and across the borough easier |
| | Regenerating and improving Guildford town centre and other urban areas |
| Community | Supporting older, more vulnerable and less advantaged people in our community |
| | Protecting our environment |
| | Enhancing sporting, cultural, community, and recreational facilities |
| Innovation | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need |
| | Creating smart places infrastructure across Guildford |
| | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services |

Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

A G E N D A

1 APOLOGIES FOR ABSENCE

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MINUTES (Pages 5 - 6)

To confirm the minutes of the meeting of the Licensing Committee held on 27 May 2020.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 LICENSING COMMITTEE ITEMS

5.1 **Review of the Taxis and Private Hire Licensing Policy**
(Pages 7 - 164)

5.2 **Business and Planning Act for the Licenced Trade**
(Pages 165 - 186)

6 LICENSING COMMITTEE WORK PROGRAMME (Pages 187 - 190)

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AN ALTERNATIVE FORMAT**

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LICENSING COMMITTEE

- * Councillor David Goodwin (Chairman)
- * Councillor Dennis Booth (Vice-Chairman)

- * Councillor Tim Anderson
- * Councillor Gillian Harwood
- Councillor Gordon Jackson
- * Councillor Nigel Manning
- Councillor Ted Mayne
- * Councillor Ann McShee
- * Councillor Bob McShee
- * Councillor Masuk Miah
- * Councillor Marsha Moseley
- * Councillor Maddy Redpath
- * Councillor Will Salmon
- * Councillor James Steel
- Councillor Catherine Young

*Present

Councillor George Potter was also in attendance.

L1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Jackson, Ted Mayne and Catherine Young.

L2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

No disclosable interests were declared.

L3 MINUTES

The minutes of the Licensing Committee held on 6 January 2020 were confirmed as a true record of the meeting.

L4 ANNOUNCEMENTS

The Chairman had no announcements.

L5 LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY

The Committee considered the draft Statement of Licensing Policy 2021-26 for consultation for a period of twelve weeks.

The Licensing Team Leader explained that the current Statement of Licensing Policy, adopted by Council in December 2015, took effect from 7 January 2016 and was valid for a period of up to five years until 7 January 2021 and was therefore due a review. Following consideration by the Committee of the strategic direction in November 2019 an updated policy had been prepared for consultation. The 'Large Events' section of the policy had been updated to include the principles of the 'Martyn's Law' campaign to improve security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017. The Policy had also been updated in line with the Council's new Corporate Strategy as well as emphasising the importance of retaining the Purple Flag award.

Following public consultation, the Committee would be asked to review the results and approve the Statement of Licensing Policy at its meeting in November 2020 and recommend its adoption by Council at its meeting in December 2020.

The Committee having considered the report;

RESOLVED that the draft Statement of Licensing Policy 2021-26 was approved for consultation for a period of twelve weeks.

L6 UPDATE ON THE TAXI AND PRIVATE HIRE LICENSING POLICY REVIEW

The Committee received an update from the Licensing Team Leader regarding the work being undertaken to review the Taxi and Private Hire Licensing policy. The policy was due for review having been adopted by Council in December 2015. The Committee agreed at its meeting in November 2019 that the policy should include additional measures to improve driver, vehicle and private hire operators' standards. The National Standards for Taxis and Private Hire Standards had not yet been issued and the Lead Councillor and officers felt that it was appropriate to wait until these were published before finalising a new draft policy for consultation.

The coronavirus pandemic had also involved the redeployment of officer time in responding to the provision of key services to residents. In addition, the licensed trade had experienced a significant reduction in trade during this period and may therefore not fully engage with consultation on a new policy at this time.

The Committee having considered the report;

RESOLVED to approve the delay in the review of the Taxi and Private Hire Licensing Policy until September or later depending on publication of the national guidance and resource required to assist with the Council's response to the coronavirus pandemic.

L7 LICENSING COMMITTEE WORK PROGRAMME

The Committee noted its work programme and queried whether the delay in achieving Best Bar None until next year was owing to the coronavirus pandemic. The Licensing Team Leader confirmed that the scoring should have been completed in May but because of the closure of pubs and bars necessitated by the pandemic it had not been possible to undertake this work to date.

The meeting finished at 7.15 pm

Signed

Date

Chairman

Licensing Committee Report

Ward(s) affected: All Wards

Report of Director of Service Delivery

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Lead Councillor responsible: James Steel

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Date: 23 September 2020

Review of the Taxi and Private Hire Licensing Policy

Executive Summary

The Council in its role as the Licensing Authority for the hackney carriage and private hire vehicle trades has a paramount obligation to ensure the safety of the public. The current policy is due for review by January 2021 with the Committee having considered the strategic direction for the Policy review in November 2019. Following the recent publication of Statutory Standards, a draft updated Policy has been prepared for Committee to approve for full public consultation.

Recommendation to Committee

That the Committee approves the draft Taxi and Private Hire Licensing Policy at Appendix A for Public consultation for a period of 12 weeks.

Reason(s) for Recommendation:

To obtain the views of interested parties on the proposed updated Licensing Policy and use these views to formulate any changes to the draft prior to adoption.

Is the report (or part of it) exempt from publication?

No

1. Purpose of Report

1.1 The purpose of this report is to seek the Committee's approval to consult on the revisions to the Council's Taxi and Private Hire Licensing Policy.

2. Strategic Priorities

The review of the Taxi and Private Hire Licensing Policy will contribute to our fundamental themes as follows:

- **Place making** – ensuring safe travel in the Borough through a well-regulated taxi and private hire service.
- **Innovation** – using new ways of working to improve efficiency.

3. Background

- 3.1 Taxi and Private Hire Vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 The current Taxi and Private Hire Licensing Policy 2015-2020 adopted on the 9 December 2015 introduced positive changes to protect public safety by introducing livery for taxis, door signs for private hire vehicles and the requirement for drivers to complete the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver. The Policy was revised on 7 February 2018 to introduce a uniform ‘convictions Policy’ across Surrey, mandatory Safeguarding training for all licensed drivers, and a requirement for all hackney carriages to accept card payments.
- 3.3 On 27 November 2019 the Licensing Committee considered a report concerning the strategic direction for the Taxi and Private Hire Licensing Policy and recommended that Officers develop a Policy incorporating measures proposed under draft Guidance issued by the Secretary of State under section 177 of the Policing and Crime Act 2017 for consultation.
- 3.4 On 21 July 2020 the Department for Transport published Statutory Taxi and Private Hire Vehicle Standards, the final version of guidance issued by the Secretary of State under section 177 of the Policing and Crime Act 2017. This document follows the version consulted upon in 2019 following the publication of the Government’s response to the Task and Finish Group Report. The Task and Finish Group report, together with the Government response are linked in the background papers section of this report.
- 3.5 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in areas such as Rotherham since the 2010 version of the Department’s Best Practice Guidance
- 3.6 The document sets out a framework of standards which licensing authorities “must have regard” to when exercising their functions. The document defines that “Having regard” to the standards requires the Council, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.
- 3.7 The draft Taxi and Private Hire Licensing Policy at Appendix A has been developed following the publication of the Statutory Standards with the aim of setting a standard that is amongst the highest in the country with the intention of both protecting the public and building public confidence in the licensed trade.

- 3.8 The Department for Transport has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers) and expects that Licensing Authorities will have implemented the measures by January 2021.
- 3.9 The Council is also recommended to publish its consideration of the measures contained in the Statutory Standards, and the policies and delivery plans that stem from these. A consideration of the standards and the draft Policy is in section 5 of this report.

4. Proposed Policy Changes

- 4.1 The summary of the draft policy considers the following changes to the Council's Taxi and Private Hire Licensing Policy as follows:

Measures to improve driver standards through:

- requiring drivers to sign up to the Disclosure and Barring Service update service and a check every 6 months
- adopting a robust previous convictions policy
- a code of conduct for drivers

Measures to improve vehicle standards through:

- requiring CCTV in licensed vehicles
- emissions standards for licensed vehicles
- a suitability test for vehicle proprietors
- a transparent policy on executive hires

Measures to improve private hire operator standards through:

- a defined 'fit and proper' test for licensed operators
- Improved staff training and vetting
- Improved procedures for
 - vetting drivers/vehicles allocated bookings
 - advertising
 - sub-contracting
 - tariff display
 - pickup/drop off procedures

- 4.2 The summarised changes above are detailed as follows:

4.3 Hackney Carriage and Private Hire Drivers

Guildford has already adopted a number of measures outlined in the Standards, including requiring an enhanced Disclosure and Barring Service (DBS) certificate (a criminal records check) which checks the barred lists (list of individuals barred from working with adults and/or children), with a robust Policy on previous convictions; a test of the applicant's knowledge, including an understanding of English; safeguarding awareness training; a BTEC qualification which includes equality awareness and use of the NR3 register (National register of drivers whose licences have been refused/revoked by an authority).

Despite these existing measures, the Standards recommend that all drivers are required to subscribe to the DBS update service, and that Authorities check their criminal histories every 6 months. The Standards also recommend that drivers are required to 'self-report' any arrest, charges or conviction within 48 hours (we currently require notification within 7 days) and consequently it is proposed to include these measures in the Policy revision. Additionally, the previous convictions policy in Annexe A of the Statutory Guidance is included. A previous convictions Policy sets out the criteria to be considered by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person based upon any convictions they may hold. The Council is currently signed up to the Surrey-wide convictions policy, which provides a consistent framework across Surrey. The previous convictions template in the Standards is more stringent in some areas to the Surrey template, and it will be for the other Surrey Licensing Authorities to adopt this standard.

Both Private Hire Vehicle and Hackney Carriage drivers holding a dual licence are subject to the Council's Licence conditions with regard to their conduct. Despite this, the Council does receive complaints and occasionally has to take action against drivers who have fallen short of the standards expected to protect the public. As such, a code of conduct which sets out the standards expected would help improve standards and the professional image of the service and would be a more transparent method of taking action against a driver who falls short of the standards expected.

4.4 CCTV in Licensed Vehicles

The Task and Finish Group recommended that all licensed vehicles are fitted with CCTV covering the inside of the vehicle in order to provide greater protection to customers and drivers. The Standards discuss the benefits and risks to using CCTV, concluding that while only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. It is also important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and PHVs will be responsible for the data. It is important that any decision to mandate CCTV fully considers concerns regarding privacy and how systems are configured.

4.5 Licensed Vehicle Age/Emissions

Air quality and climate change has been of increased concern since the Policy was last reviewed and on 23 July 2019 the Council declared a 'Climate Change Emergency' and adopted an Air Quality Strategy, which has reviewing taxi and vehicle emissions standards within its action plan.

The Council currently does not have an emission standard for licensed vehicles, however, has an age limit which is as follows:
Up to five years for a new vehicle, up to a maximum age of 10 years (15 for wheelchair accessible type vehicles).

Whilst the proportion of licensed vehicles makes up a small percentage of traffic in and around Guildford at any one time, it is recognised that licensed vehicles

are used regularly throughout the day on multiple journeys. As such, the Committee are invited to consider any strategic direction for the Policy to improve air quality in the Borough.

Any radical measures to remove diesel vehicles or require a hybrid or electric fleet are considered premature due to the purchase cost of vehicles and lack of charging infrastructure being prohibitive. As such a two-stage policy is proposed:

- Vehicles licensed for the first time from 1 April 2021 (or date policy effective) and all renewal applications from 1 January 2025, must meet or exceed Euro 6 emission standards.
- From 1 January 2030 the Council will only licence hackney carriage and private hire vehicles (new and renewal) which are Ultra Low Emission Vehicles (ULEV).

4.6 'Fit and Proper' Test for Vehicle Proprietors

There is focus in the Standards on the role of vehicle proprietors, who also have an important role in ensuring the safe maintenance of vehicles. Unfortunately, licensed vehicles are regularly presented for inspection in a defective and sometimes dangerous condition. As such officers recommend introducing a policy of allowing action to be taken against proprietors for continued non-compliance.

Additionally, as a licensed vehicle is the ideal cover for illegal activity such as moving vulnerable persons and contraband around in an inconspicuous manner the Standards recommend the introduction of a basic DBS for proprietors and previous convictions policy.

4.7 Private Hire Operators

The Standards also recognises the important role that Private Hire Operators have in protecting the public. The Council already requires Private Hire Operator Licence holders to obtain a Basic DBS. The draft Policy also introduces a 'fit and proper' test for licensed operators, which reflects the important role Operator's have in terms of data protection, but also introduces an expectation that Operators licensed by the Council should utilise vehicles and drivers licensed by Guildford. This is so as to ensure that the licensed trade working in Guildford conform to the standards set by the Council and can be subject of local compliance.

The Standards also recommend that Licensing authorities should be satisfied that PHV operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should request that, as a condition of granting an operator licence, a register of all staff that will take bookings or dispatch vehicles is kept. The operator should be required to evidence that they have had sight of a Basic DBS check on all individuals listed and produce a policy on employing staff with a relevant criminal record.

The Standards also recommend that Operators and their staff should receive similar training to that of drivers around safeguarding and equalities awareness, and that the use of a driver who holds a Public Carriage Vehicle (PCV) licence and the use of a public service vehicle (PSV) such as a minibus to undertake a PHV booking should not be permitted as a condition of the PHV operator's licence.

The Private Hire Operator market has also seen considerable changes since the Policy was last reviewed, with many smaller, local operators merging and the increased popularity of app-based operators. This has created local issues in terms of enforcement, with the current Operator licence conditions still based upon the 'traditional' telephone booking method of operation.

As such, in order to raise standards and improve enforcement, officers recommend the following changes for the Policy review:

Trading names:

Each operator licence can be linked to one trading name – the only exceptions are where all trading names clearly relate to the same business. Any mobile app, websites or advertising used by the operator should clearly give the registered operator name in any links, and Guildford Borough Council licence details must be clearly shown on the app, website or advert. This is so as to ensure that customers know exactly who their booking is with and will enable improved enforcement through preventing one operator having multiple trading names.

If more than one licence is held to accommodate different trading names, the records and contact details for each trading name must be kept separate, and any receipts or correspondence with the customer must clearly relate to the company the booking was made with.

Sub-contracting:

If an operator sub-contracts the booking, whether to another private hire operator or a hackney carriage vehicle, they should inform the customer and fix the price, and if using a hackney taking care not to charge more than the hackney carriage metered rate if the journey starts and ends in the relevant district. A clear record of the sub-contracting and when the customer was informed shall be kept.

Operator Staff:

All staff employed by the operator must be regularly vetted by the operator, and a record of this maintained for each employee. Vetting must include ensuring the staff are fit and proper persons with the right to live and work in the UK.

Operator Procedures:

The operator shall have procedures in place to ensure all drivers and vehicles used have the required licences and are complying with the relevant conditions of the licences. This should include a record of the regular checks done by the operator showing compliance on each licence.

The operator shall have procedures in place to ensure that no bookings are passed to a driver or vehicle without a valid licence, MOT or insurance.

The wording of Licence conditions will be improved to ensure any information a licensed operator is required to hold should be made available to an authorised officer.

Pick up and drop off locations

The operator shall have procedures in place to pick up and drop off customers from locations of safety. This is particularly relevant in the town centre as Officers regularly see drivers waiting for bookings and picking up/dropping off customers in unsuitable (including occasionally illegal and dangerous) locations. These procedures must be reviewed and amended at the request of an authorised officer.

Operator Tariff:

Traditionally operator's fares have matched the hackney carriage fares, until the fare reduction in 2017 when officers experienced a considerable workload in dealing with operator tariffs and questions about hackney carriages undertaking work for operators.

Whilst the Council regulates the fares for hackney carriages, we do not regulate fares for private hire vehicles or operators. Feedback from previous mystery shopping exercises cited confusion from operators who were asked to quote for a local journey, with the response that the journey would be 'on the meter'. This does not provide any clarity for customers about how much a journey may cost them. Additionally, there may be a temptation for a private hire driver to take a journey without a booking as it would be 'on the meter', rather than the customer booking and being quoted for a journey in advance.

Similarly, at every fare review officers experience a considerable increase in work through dealing with private hire vehicles with taxi meters fitted and private hire vehicles displaying the hackney carriage fare chart.

Consequently, it is recommended that in order to put the emphasis on operators to ensure customers are provided with a reliable quote for services in line with current licence conditions, it is recommended that Private Hire Vehicles are prohibited from having taxi meters. Vehicles may still be fitted with a mobile/PDA device which records the journey and generates a fare based upon time and distance, and operators may still use the hackney carriage fare tariff rates as their own tariff, however by removing taxi meters from private hire vehicles, customers are more likely to receive a more reliable quote for journeys and workload for officers would be reduced.

Executive hires:

The current policy allows some vehicles to be 'plate exempt' which means that they are not required to display the mandatory vehicle licence plates or door

signage. As not displaying a plate does not identify the vehicle as being licensed, this should be utilised in only the most discerning of cases, where the safety or integrity of the customer may be compromised by being seen in a licensed vehicle. The current policy should be tightened to reflect that 'plate exemptions' will only be granted in circumstances where the vehicle and client base are 'exceptional' (over and above purely executive specification) to improve decision making, enforcement and public safety.

5. Consideration of Statutory Taxi and Private Hire Vehicle Standards

The Council is also recommended to publish its consideration of the measures contained in the Statutory Standards, and the policies and delivery plans that stem from these. A consideration of the standards and the draft Policy is below.

5.1 Administering the Licensing Regime

Licensing Policy

Guildford has had one cohesive policy document for some time. Both the current policy and updated consultation draft emphasise the importance of the role of licensing in protecting the public. The Council has normally reviewed its licensing Policy every 5 years, with interim updates where appropriate.

Duration of Licences

The Council normally grants drivers' licences for the maximum 3 year and operators' licences for the maximum 5-year duration, unless there is a compelling reason not to, for example in cases where a licence holder has time limited right to work. The updated policy also sets out examples where operator's may be granted a shorter duration licence.

Whistleblowing

The Council has a Whistleblowing policy, which is referred to in the draft policy.

Consultation

See consultation below at section 6.

Changing Licensing Policy Requirements

The draft policy suggests what is considered to be a reasonable time period for implementing some of the suggested changes, particularly to vehicle specification.

Similarly, with respect to driver licensing, the policy sets out that each case will be considered on its own merits.

5.2 Gathering and Sharing Information

The Disclosure and Barring Service

The Council currently requires applicants for a driver's licence to provide an 'enhanced' Disclosure and Barring Service (DBS) certificate, including a check of the barred lists, and sets out that a licence will not be granted without sight of a DBS. The draft policy continues this requirement.

The DBS update service

The draft policy requires licence holders to sign up and maintain subscription to the DBS update service as a condition of licence.

Common law Police disclosure

The Council already maintains close links with Surrey Police with respect to the sharing of information, and has worked with the Force Advisor for CSE on the requirement for mandatory safeguarding training in 2018, and more recently on further improving the sharing of information following publication of the guidance in draft form.

Licensee self-reporting

The Council currently requires licence holders to report arrest/convictions within 7 days. This has been updated to reporting within 48 hours as per the guidance.

Referrals to the DBS and Police

The draft policy sets out that referrals will be made to the DBS and Police where appropriate.

Working with Police

The Council already works with the Police in respect of action taken against licence holders. Officers attend the serious organised crime subgroup organised by the Police and relevant information to the licensed trade is shared.

Sharing information with other licensing authorities

The Council already maintains close links with other licensing authorities with respect to the sharing of information. The Council already uses the NR3 database to record licence holder revocations and refusals.

The Council has already introduced a scheme of joint warranting across the Surrey Licensing Authorities, which most Surrey Authorities have agreed to sign up to and has approached Transport for London for this purpose.

Multi Agency Safeguarding Hub (MASH)

The Council has the means to share information to facilitate the objectives of a MASH via the Surrey Information Sharing Protocol and its close links with the Police and other licensing authorities. Licensing is a key stakeholder in the JAG and Purple Flag. The Council has also sought to engage with the Surrey

Safeguarding Children's Board and Surrey Safeguarding Leads Group in order to further the importance of the licensing function and sharing of relevant information in order to ensure public safety through licensing decisions.

Complaints against licences

The Council's licensing database allows complaints about licence holders to be received and patterns to be identified.

The Council's website allows the public to make a complaint against a licensed driver, vehicle or operator. The current vehicle internal signage sets out where a complaint can be directed to.

The draft Policy improves on information displayed in the vehicle and the process of operator reporting of complaints received.

Overseas convictions

The current policy already requires applicants who have spent 6 months overseas to provide a certificate of good conduct.

The draft policy requires applicants who have spent 3 months overseas to provide a certificate and introduces a licence condition for licence holders who have spent 3 months overseas to notify the Council and provide a certificate of good conduct covering the relevant period.

5.3 Decision Making

Administration of the Licensing Framework

The Council has a clear scheme of delegation specifying which decisions may be taken by Regulatory sub-committees, and which by Officers.

The Council sets taxi and private hire vehicle licence fees to recover costs.

Training decision makers

Members of the Licensing Committee have the opportunity to receive training on the role of decision making in the taxi and private hire context. Refresher training is also provided, and professional updates are also regularly circulated.

Similarly, Licensing staff and Legal advisors all receive initial and refresher training, as well as CPD.

The Council also has hearing procedures for Regulatory Sub-Committee meetings allowing for a fair hearing.

The regulatory structure

The Council has a clear scheme of delegation specifying which decisions may be taken by Regulatory sub-committees, and which by Officers. The draft policy is updated to ensure separation between investigators and decision makers.

Fit and proper test

The draft policy has been updated to include the revised 'fit and proper' test for drivers.

Criminal convictions and rehabilitation

The draft policy has also been updated to include the revised policy on previous convictions.

Criminality checks for drivers

The Council currently requires applicants for a drivers licence to provide an 'enhanced' DBS certificate, including a check of the barred lists, and sets out that a licence will not be granted without sight of a DBS. The draft policy continues this requirement and places a new requirement to maintain subscription to the DBS update service.

Safeguarding awareness

The Council already requires licensed drivers to complete safeguarding awareness training. In addition, the BTEC qualification also covers vulnerable customers and customers who require assistance. Updates and awareness raising is included in the regular newsletter to the trade.

County lines exploitation

The Council already requires licensed drivers to complete safeguarding awareness training. In addition, the BTEC qualification also covers vulnerable customers and customers who require assistance. Updates and awareness raising is included in the regular newsletter to the trade.

Language proficiency

Licensed drivers must currently display a good command of the English language so as to complete the Council's knowledge test and BTEC qualification.

5.4 Vehicle Licensing

Criminality checks for vehicle proprietors

The recommendation to require a DBS check for vehicle proprietors has been included in the draft Policy, together with a 'suitability test' for proprietors.

In vehicle visual and audio recording – CCTV

CCTV is now a natural part of people's daily lives and any concerns about potential cost and privacy are far outweighed by the many benefits to both drivers and the travelling public which a system could have. Consequently, a recommendation for in vehicle CCTV is contained within the draft Policy for consultation.

Stretched limousines

The Council already considers that stretched limousines would fall into scope of PHV licensing and the current policy would not prohibit such a vehicle from being licensed. The updated draft policy continues this approach for limousines and other 'special event' vehicles.

5.5 Private Hire Vehicle Operator Licensing

Criminality checks for private hire operators

The current Policy already required a basic DBS check for private hire operators. The draft policy has been updated to include a requirement that a basic DBS is provided annually and a new 'fit and proper' test for operators.

Booking and dispatch staff

The recommendations to require operators to maintain a register of staff, including having sight of a basic DBS for staff, together with a policy on employment of ex-offenders has been included in the draft policy.

Record keeping

The current Policy already requires operators to maintain records. The draft Policy expands the record keeping requirement for operators with guidance on the format and retention of records, together with improved requirements of procedures expected of licensed operators.

Use of passenger carrying vehicles (PCV) licensed drivers

The recommendation to prohibit use of PCVs to fulfil private hire bookings has been included in the draft Policy.

5.6 Enforcing the Licensing Regime

Joint authorisation of enforcement officers

Guildford has already commenced a scheme of joint warranting across the Surrey Licensing Authorities for the purposes of taxi and private hire enforcement.

Setting expectations and monitoring

The current policy already sets out the expectations of licence holders, with the draft policy building on these expectations.

There is also a transparent method for the public to complain via the Council's website, with the Council's licensing database set up to record all complaints and evidence to enable monitoring of patterns to facilitate licensing decisions.

Suspension and revocations of driver licences

Both the current and draft policy set out circumstances surrounding the suspension or revocation of drivers' licences.

5.7 Summary

Guilford already complies with a significant amount of the new Statutory Standards and all other areas are included in the draft policy so we can fully meet requirements.

Work is continuing to improve information sharing with the Police, and to progress Joint Warranting with all Surrey Licensing Authorities and Transport for London.

6. Consultations

- 6.1 This report seeks the Committee's approval to undertake a three-month public consultation exercise on the draft Taxi and Private Hire Licensing Policy. Consultation will be critical to ensure any changes to the Taxi and Private Hire Licensing Policy are clear and transparent for licence holders and the travelling public.
- 6.2 Section 3.12 of the Statutory Standards suggests Licensing authorities should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers in consultation. Examples include groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women's groups, local traders, and the local multi-agency safeguarding arrangements. The standards also suggest consultation with night-time economy groups (such as Pubwatch) as the Taxi and Private Hire trade is an important element of dispersal from the local night-time economy's activities.
- 6.3 Full, formal consultation will take place with members of the public, community stakeholders, specific groups and individuals as identified in Appendix B. It is envisaged that a consultation webpage with questionnaire will be set up facilitating the capturing of responses, with this being promoted to the public via the Council's Communications team.
- 6.4 Following the consultation exercise, the views of all these bodies will be presented to Licensing Committee on 24 March 2021. At this meeting, Licensing Committee will be invited to consider the results of the consultation and

recommend adoption of the Policy, along with any amendments arising from the consultation, by Full Council on 13 April 2021.

7. Key Risks

- 7.1 The Statutory Standards represent a radical change in approach to taxi and private hire vehicle licensing from the current (2010) Best Practice guidance. The Standards emphasise that the taxi industry is a 'high risk' environment, with the overriding element of the role of the Council being public protection, whereas the Best Practice guidance sought to 'balance' public protection against an individual's right to hold a licence.
- 7.2 This approach, focused on public protection, is to be welcomed by the public who use taxis and those members of the trade who currently do their utmost to look after their passengers. However, it will take some time for others involved in both the trade itself and decision makers to adjust to. Support will be offered to members of the trade via our newsletters and TAG meetings. Officers and Members will also be offered any additional training and supervision.
- 7.3 The Department for Transport has set out that it expects Licensing Authorities to "have regard" to the guidance and adopt the standards unless there is a compelling reason not to. As such, there is a risk that if the Council does not adopt the guidance then there will be a risk of challenge. The Department has requested that Licensing Authorities provide an update on their considerations of the guidance by January 2021. Considering the above timescales and pending any results from the public consultation, it is envisaged that the recommendations will be adopted by April 2021.
- 7.4 The Committee will be aware of the legal challenges which followed the Policy update in 2015. The legal challenges were not a direct challenge to the Policy itself but centred around the decision to adopt a livery for hackney carriages and apply a condition to a vehicle licence requiring livery. Considerable resources were required not only to successfully defend these challenges, but also implement the livery and other requirements of the Policy as Officers spent considerable time advising licence holders on all elements of the Policy, including livery, PHV signage and driver training. There is a risk that some of the measures may be challenged by the licensed trade, by challenging the policy itself or appealing a decision based on the policy, particularly at a time when many businesses are trying to recover from the coronavirus pandemic.
- 7.5 The most notable changes to the Policy are CCTV in licensed vehicles, an emissions standard for licensed vehicles and higher standards for Private Hire Operators. The benefits of CCTV in licensed vehicles are clear to both drivers and passengers. Many of the licensed trade have already installed CCTV and it is envisaged that should the decision to adopt CCTV be made, that the Council would have to undergo a procurement exercise for an approved system and then allow a reasonable transition period. This will take officer time. Similarly, with respect of vehicle emissions, the current age policy means that many vehicles will currently meet Euro 6 emissions standards, with what is considered to be a reasonable adjustment period to meet the low emission criteria in future. With

respect to standards for Private Hire Operators, there are a number of measures proposed which will require some operators to improve standards, with the risk of possible action taken against those that do not meet the new standards following a reasonable period of adjustment.

8. Financial Implications

- 8.1 The Council keeps the fees and charges under review annually and aims to recover as much of the cost of regulating taxi and private hire licensing services as we are legally able, through fees and charges paid by applicants and licence holders.
- 8.2 Any costs associated with preparing and consulting on this policy will be met from existing taxi and private hire licensing budgets. Any additional costs arising from implementing and enforcing this policy will, where possible, be met through changes to taxi and private hire licence fees and charges.
- 8.3 The previous policy review utilised an unmet demand survey, a company to conduct a survey with the citizens panel and sessions with the trade. It is envisaged that these measures will not be used for this review in order to keep costs down.
- 8.4 However, the Council has seen a decline in numbers of licence holders due to the popularity of competitors to the local trade which are not licensed by the Council. The coronavirus pandemic may have also seen numbers of licence holders leave the profession, and as such any officer time spent on developing and adopting the policy will be divided over a smaller number of licence holders with a subsequent increase in this element of the licence fee.
- 8.5 It is hoped however, that the measures proposed for licensed operators, together with the publication of National Standards will require other Licensing Authorities who have historically had lower standards than Guildford to implement measures which Guildford has done for some time, meaning there is less need for 'licence shopping' amongst the licensed trade.
- 8.6 Any decision to adopt CCTV in licensed vehicles may require the Council to undertake a procurement exercise. Whilst it is proposed that licence holders themselves pay for the system, the system will need to be of an approved type which satisfies data protection requirements, meaning that only the Council has access to the recording and as such it is envisaged that the trade will be directed to one supplier nominated following a procurement process.

9. Legal Implications

- 9.1 A Taxi and Private Hire Licensing Policy provides the framework in which the licensing function is administered and sets out the Council's approach to assist with consistent decision-making. However, a Policy does not preclude an applicant who may not meet the criteria from making an application and each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.

- 9.2 The Licensing Authority must now have regard to the Statutory guidance issued under section 177 of the Policing and Crime Act 2017 when drafting its Policy. The Council is also encouraged to publish its consideration of the guidance, which is considered in this report, and its Policy stemming from this. The draft Policy and considerations in this report are Officer's recommendations of the measures which the Council should introduce in its Licensing Policy.

10. Human Resource Implications

- 10.1 Work to review the Taxi and Private Hire Licensing Policy, together with the implementation of the measures approved following consultation will take considerable officer time. It can be managed from within the current licensing resource, although it is recognised that the work is taking place during the Future Guildford review and during the Council's response to the coronavirus pandemic, which has seen implications for other areas of Licensing, including relaxations to alcohol licensing restrictions.
- 10.2 Paragraph 5.2 of the Statutory Guidance requires that Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

11. Equality and Diversity Implications

- 11.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 11.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 11.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty. The implications of changes to the policy will be assessed when along with consultation feedback received from stakeholder during the consultation on the draft policy.
- 11.4 The draft Policy proposes a number of measures which improve safety and standards in the taxi and private hire trades and which would improve access to the service for customers from all groups.

12. Climate Change/Sustainability Implications

- 12.1 The draft Policy considers the introduction of emission standards for licensed vehicles in order to improve air quality. The proposed introduction of vehicle licence plates without expiration dates will also reduce the amount of single use plastic.

13. Summary of Options

- 13.1 After considering the report, the Committee may either:
- Approve the draft Policy at Appendix A for public consultation, or
 - Approve the draft with amendments for consultation

14. Conclusion

- 14.1 The aim of Taxi and Private Hire Licensing is to protect the travelling public, and to ensure that the highest standards within the professional licensed taxi trade are maintained so that the public have confidence to use the service.
- 14.2 The Council's current Policy is due for review. Following publication of Statutory Standards in July 2020, the Council is required to have regard to the Statutory Guidance issued under s.177 of the Policing and Crime Act 2017 when considering any changes.
- 14.3 This report considers the recommendations contained in the Standards and a draft Policy for consultation incorporating the measures is included as Appendix A.
- 14.4 Following the consultation exercise, the views of all those responding will be presented to Licensing Committee on 24 March 2021. At this meeting, Licensing Committee will be invited to consider the results of the consultation and recommend adoption of the Policy, along with any amendments arising out of the consultation, by Full Council on 13 April 2020.

15. Background Papers

[Taxi and Private Hire Licensing Policy 2015-2020](#)

[Statutory Taxi and Private Hire Vehicle Standards \(Department for Transport, 2020\)](#)

[Taxi and Private Hire Vehicle Licensing – Steps towards a safer and more robust system \(Task and Finish Group, 2018\)](#)

[Government Response to the Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing \(Department for Transport, 2019\)](#)

[Taxi and Private Hire Vehicle Licensing: Best Practice \(Department for Transport, 2010\)](#)

[Taxi and Private Hire Vehicle Licensing: Councillor Handbook \(Local Government Association, 2017\)](#)

[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades \(Institute of Licensing, 2018\)](#)

[Minutes of Licensing Committee held 27 November 2019](#)

16. Appendices

Appendix A – Draft Hackney Carriage and Private Hire Vehicle Licensing Policy

Appendix B – List of Consultees

Please ensure the following service areas have signed off your report. Please complete this box and do not delete.

Service	Sign off date
<i>Finance / S.151 Officer</i>	<i>18 August 2020</i>
<i>Legal / Governance</i>	<i>10 August 2020</i>
<i>HR</i>	<i>07 August 2020</i>
<i>Equalities</i>	<i>07 August 2020</i>
<i>Lead Councillor</i>	<i>28 August 2020</i>
<i>CMT</i>	<i>1 September 2020</i>
<i>Committee Services</i>	<i>28 August 2020</i>



GUILDFORD
BOROUGH



Hackney Carriage and Private Hire Licensing Policy



Effective: (date)
Version 1.3 – Final draft for public consultation
September 2020

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Section 1 - Introduction

- 1.1 Guildford Borough Council is the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 responsible for regulating the hackney carriage and private hire trades operating in the Borough.
- 1.2 This policy sets out the principles we will use when dealing with hackney carriage and private hire vehicles; hackney carriage and private hire vehicle drivers and private hire operators.
- 1.3 This policy seeks to set a standard that is amongst the highest in the country with the intention of both protecting the public and building public confidence in the licensed trade. It is designed to promote improved professional behaviour amongst licence holders, to increase their awareness of safeguarding issues, and to allow those that share the Council's commitment to a high standard of service to thrive. The policy will make it extremely difficult for disreputable individuals to operate within the licensed trade.
- 1.4 Following a number of reviews of failures in the licensing process in areas such as Rotherham, South Ribble and Oxford, the subsequent publication of the Task and Finish Group Report, government response and accompanying Statutory Guidance all highlighted the importance, amongst other things, of having effective regulatory and enforcement functions in preventing and disrupting Child Sexual Exploitation. The Taxi licensing function has a key role in this.
- 1.5 At the heart of the policy lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder. We aim to ensure that licensed drivers, operators and vehicles operating in the Borough are of the highest quality and can be held to account for their performance.
- 1.6 The Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel around the borough. In doing so they also have a role in portraying the image of the borough. The Council also recognises that the majority of licence holders operate to a good standard and want to provide the best possible service to their customers. Drivers themselves have a key role as Ambassadors for the Borough and Customers rightly expect that in using licensed vehicles they will be transported in comfort and safety. This will help to ensure that the industry and the local economy thrive.
- 1.7 We will review this policy at least every five years or sooner in light of any significant changes to legislation or guidance and consult on any proposed amendments. If we make any changes, we will then re-publish the policy.
- 1.8 Public consultation on this policy took place between (date) and (date) and followed our consultation standards.
- 1.9 The policy was approved by the Council on (date) and is available via our website on www.guildford.gov.uk/taxi or in electronic format on request to the Licensing Team, Guildford Borough Council, Millmead House, Millmead, Guildford, Surrey, GU2 4BB.
- 1.10 In drafting this policy, we have taken into account:

- Current legislation and case law in respect of hackney carriage and private hire licensing
- Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance March (2010)
- The Freight Transport Association best practice guide to inspection of Hackney Carriage and Private Hire Vehicles (2012)
- The Report of the Task and Finish Group (2018)
- The Government Response to the Task and Finish Group (2019)
- Statutory Guidance Issued by the Secretary of State under section 177 of the Policing and Crime Act 2017 (2020)
- Responses from those consulted on the policy
- The views expressed by the trade, public, statutory and non-statutory partners.

1.11 This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However each application or decision to take enforcement action will be considered on its own merits.

Section 2 - Principles

- 2.1 The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The aim of this policy is to provide a fair, open and transparent framework to ensure that hackney carriage and private hire services in Guildford Borough continuously demonstrate that they meet or exceed the standards set by the Council.
- 2.2 In exercising the principles of protecting the public the Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:
- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,
 - To promote public confidence in the hackney carriage and private hire services through encouraging a professional hackney carriage and private hire trade,
 - The safety and health of the public and drivers,
 - Vehicle safety, comfort and access,
 - Encouraging environmental sustainability,
 - Promoting the vision of Guildford as a place to live, work and visit
- 2.3 These aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the Police, local businesses and local people towards the promotion of the aims and objectives.
- 2.4 When applying the policy and guidance we will have regard to the following principles:
- openness
 - transparency
 - consistency
 - fairness
 - proportionality
- 2.5 When we deal with hackney carriage and private hire vehicle drivers, proprietors and operators we will endeavour to be:
- courteous
 - timely
 - responsive
 - fair
- 2.6 We expect all licence holders and prospective applicants to act similarly in their dealings with us. Where licence holders and prospective applicants do not uphold the expectations placed upon a professional licensed service, consideration will be given to suspending or revoked their licence, or refusing their application. Such examples of unsuitable behaviour can include, but is not limited to, licence holders who are rude and confrontational to staff; not complying in a timely manner with reasonable requests of the Council; avoiding their responsibilities; or any example of other, similar unprofessional conduct towards the Authority or others.
- 2.7 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing, in particular, but not exclusively to:

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Appendix 1

- Applicants for driver, vehicle and operator licenses,
- Existing licence holders,
- Licensing Officers,
- Members of the Licensing Committee,
- The judicial system hearing appeals against local authority decisions, and
- Other Licensing Authorities

Section 3 - Definitions

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) and the Town Police Clauses Act 1847 provide the regulatory framework for Guildford Borough Council (the “Council”) as the Local authority (the “Authority”) to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.
- 3.2 This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force. This policy applies to:
- Hackney Carriages; being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public, or undertake pre-booked work
 - Private Hire vehicles: licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street.
 - Private Hire operators
 - Hackney Carriage and Private Hire drivers
- 3.3 In undertaking its licensing function, the Council will comply with relevant legislative requirements including:
- Town Police Clauses Act 1847 and 1889
 - Local Government (Miscellaneous Provisions) Act 1976
 - Transport Act 1985 and 2000
 - Crime and Disorder Act 1998
 - Environmental Protection Act 1990
 - Equality Act 2010
 - Road Traffic Acts
 - Health Act 2006
 - Human Rights Act 1998
 - Immigration Act 2016
 - The Police and Crime Act 2017
- 3.4 The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents in line with the expectations of a town with the Purple Flag accreditation. These include: the availability of Hackney Carriage and Private Hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at times of peak demand.
- 3.5 The Council will also have regard to the Climate Change emergency declared on 23 July 2019 in formulating this Policy.

Section 4 - General Principles

4.1 Policy guidance

This policy statement sets out the Council's approach to making licensing decisions. It will only be deviated from in exceptional circumstances based upon the merits of those particular circumstances and provided that the overall principles of the Policy are not undermined.

4.2 Submission and processing of applications

The Council aims to process applications as efficiently as possible. However there may be occasions where there are peaks in demand or other pressures placed upon the service.

Applicants and licence holders are expected to allow 10 working days (starting with the first working day after) the submission of a complete, valid application for licences to be processed and issued.

New driver applicants should allow a minimum of 20 working days as additional checks are required. Where the Council has to check an applicant's right to live and work in the UK, the applicant should allow an extra month for this check on top of the timescales above, and be aware no decision will be made until the right to live and work check has been completed.

Applicants can take advantage of the pre-application advice service offered by the Council should they wish to.

The Council will not be held responsible for any delays or periods of expiration associated with the incomplete or late submission of applications.

4.3 Decision making

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.

In cases where revocation of a licence is considered, there will be a clear separation between the investigation of licensing concerns and the management of the licensing decision making process. In addition, the Council has made arrangements for dealing with serious matters that may require the immediate revocation of a licence by delegation of these powers to a senior officer/manager with responsibility for the licensing service.

4.4 Appeals

Where a decision made by the Licensing Authority is appealed, the Council will normally defend the decision and seeks its costs of doing so in full from the appellant.

4.5 Licence Fees

Licence fees will be reviewed annually. Fees will be calculated using the methodology approved by Licensing Committee with the aim of ensuring full cost recovery.

All applications must be accompanied by the appropriate fee.

We will not refund any part of the licence fee if a licence is surrendered, suspended or revoked.

4.6 Hackney Carriage Fares

Hackney Carriage Fares will be set in accordance with the Hackney Carriage Fare Calculator 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.

The Lead Councillor for Licensing has delegated authority to approve the costs input into the Calculator, and to consider any objections received during the statutory consultation.

4.7 Hackney Carriage Stands

The Council provides hackney carriage stands at the following locations:

- Bedford Road – Parking bays adjacent to Bedford Road Surface Car Park for a distance of 36 meters: 7 spaces (18.00 to 08.30 daily)
- North Street – Taxi rank outside the Friary Centre: approx. 14 spaces (24 hour operation)
- North Street – Length of single yellow line outside Cinderella’s Lounge Night Club and TGI Friday for a distance of 50 meters: 11 spaces (24 hour operation)
- North Street – Outside Marks and Spencer and Paperchase for a distance of 30 meters: 6 spaces (24 hour operation)
- High Street (Lower end) – Parking Bays, outside Vision Express Opticians for a distance of 19 meters: 4 spaces (18.00 to 08.30 daily)
- Upper High Street – Parking bays outside Pizza Express and Oxfam for a distance of 26 meters: 5 spaces (18.00 to 08.30 daily)
- Millbrook (A281) – Bus Stop on north-bound carriageway outside the Legion nightclub for a distance of 19 meters: 4 spaces (22:30 to 04:30 daily)

Further additional spaces are available to permit holders at:

- Guildford Railway Station (approx. 10 spaces)
- Guildford (London Road) Railway Station (3 spaces)

Provision of Hackney Carriage Stands was reviewed comprehensively in 2016 with the creation of approximately 30 new spaces. Provision of stands will be reviewed again when there are significant changes to town centre development, or as any other pressing need is identified.

4.7 Vehicle Accessibility

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

4.8 Numbers of vehicles

We do not limit the maximum number of hackney carriage or private hire vehicles.

4.9 Interim Licences

We will not issue an 'interim' licence (ie a licence pending the determination of your application) unless there are exceptional circumstances 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 officer's decision is final.

4.10 Implementation and review

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 1.7.

The Regulatory Services Manager, 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.

4.11 Whistleblowing

The purpose of this Policy is to protect the wider public using taxis and PHVs. However, it is in the application of these policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. It is therefore recommended that any staff follow the Council's Whistleblowing procedures to raise concerns so that these can be dealt with openly and fairly.

Members of the licensed trade are also encouraged to report concerns relating to public safety, and will not face licensing action for bringing concerns to the authorities' attention.

The failure of a member of the trade to report incidents which they are aware of may however call into question their suitability to hold a licence.

4.12 Joint Warranting Arrangements

The Council have delegated the Taxi and Private Hire enforcement functions under the legislation set out below to the other 11 Surrey local licensing authorities, in addition to retaining those functions within the Borough and has similarly received the delegated Taxi and Private Hire enforcement functions from those local authorities.

This enables improved enforcement of the taxi and private hire trade across the County and improves safety within the licensed hackney carriage and private hire vehicle service operating in Surrey

Functions delegated to the Surrey Local Licensing Authorities:

- Local Government (Miscellaneous Provisions) Act 1976
 - Section 53(3)(a): Driver to produce his licence for inspection
 - Section 58: Return of identification plate or disc on revocation
 - Section 60: to suspend and revoke vehicle licences
 - Section 61: to suspend and revoke drivers' licences
 - Section 68: fitness of private hire vehicles
 - Section 73: obstruction of authorised officer

The Surrey Local Authorities named below have delegated (or will delegate) the same functions to Guildford Borough Council. Those authorities have also retained the ability to exercise these functions.

The Surrey Local Authorities:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

4.13 Cross Border Hire

The Council firmly believes in the principle of localism in the licensing of the hackney carriage and private hire trades. As such, the Council believes that the licensed trade operating in the Guildford Borough should be licensed by Guildford Borough Council as Parliament intended.

Through being able to set high standards for the trade operating in the Guildford area and being able to take effective and timely enforcement action without having to rely on others, the Council aims to ensure public safety and confidence in the licensed trade.

This Policy contains the following measures to support this aim:

- **Licensed Drivers**
All licensed drivers are subject to a condition that they are not to wait for bookings outside the Council's licensed area. As such, drivers may travel to any destination to pick up a booking, or receive a booking whilst they are travelling between destinations, however they cannot wait outside of the Borough to receive bookings.
- **Licensed Vehicles**
All licensed hackney carriage and private hire vehicles are required to display strong identification requirements so that customers recognise these as being licensed by Guildford.
- **Private Hire Operators:**

Any private hire operator making provision for the invitation or acceptance of bookings in Guildford needs to hold a private hire operator's licence with Guildford. The Council expects Operators licensed by the Council to utilise vehicles and drivers licensed by Guildford so as to ensure that the licensed trade working in Guildford conform to the standards set by the Council and can be subject of local compliance.

In addition, as part of the Council's 'fit and proper' test, it would not expect an operator to obtain a licence in Guildford to simply make vehicles licensed by another authority available for booking via sub-contracting on a regular basis. As such whilst any licensed vehicle may enter Guildford to pick up or drop off customers, the Council would not expect vehicles licensed outside of Guildford to be waiting in Guildford and be made available for bookings as this diminishes the Council's ability to set local standards and local control. As such, any Operator acting to deliberately reduce the Council's ability for local control would not meeting the required public safety objectives and standards expected of a professional, licensed, fit and proper private hire operator, and may have their licence to make provision to invite or accept bookings in Guildford revoked.

4.14 Lost Property

It is a licence condition that property left in licensed vehicles is handed to the Council.

Any lost property handed to the Council will be dealt with using the procedure in Appendix 12.

Section 5 - Driver Requirements

All drivers must satisfy the Council that they are fit and proper people to be granted a drivers' licence and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process. Existing licence holders are always also expected to act professionally at a time a licence is held and consequently both applicants and existing licence holders must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, arrests, current investigations and pending criminal and civil proceedings.

The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers unless indicated.

5.1 Fit and proper test

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants / licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term "Fit and Proper Person" for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

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

If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

Licensing authorities have to make difficult decisions as to whether a licence should be granted (or retained) but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probabilities. This means that **an applicant or licensee will not be 'given the benefit of the doubt'**. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour including online behaviour
- The conduct as an individual holding a licence, including but not limited to complaints and other information received during the application process or course of the licence
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Whether the applicant has had a licence suspended, refused or revoked by another licensing authority.
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies, and other information/complaints received.

If a driver, acting in their capacity as the holder of a different licence (for example vehicle proprietor's licence or private hire operator's licence) fails to comply with the byelaws or conditions attached to that licence, or has that licence revoked for reasons of being unsuitable to hold that licence, the Council will consider this to reflect on their character as a licensed driver and they should expect to have their licence to drive a vehicle suspended or revoked.

5.2 Application process

This Council issues licences that enable:

- the driving of both Hackney Carriages and Private Hire Vehicles (dual licence), or
- the driving of Private Hire Vehicles only.

The type of licence applied for or held will be determined by which of the Council's knowledge tests the applicant has passed.

Licences will be issued for a maximum period of 3 years but the Council can grant licences for a lesser period if deemed appropriate. This will usually be when the applicant has time limited 'right to work' status with the licence only being granted in line with the time limits dictated by the applicant's immigration status.

Applicants must have a minimum of 1 year of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence should obtain a UK DVLA licence within 1 year of residency. If this document is required it must be produced before the initial licence is issued

The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this.

In addition, a third party service may be used to obtain information on the suitability of applicants and licence holders based on their general behaviour whilst using the internet (in particular social media sites) for the Council's assessment, with the Council likely to consider suspension or revocation should unsuitable behaviour be observed.

Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work will not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies including but not limited to Police, HM Revenue and Customs and other licensing authorities.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty or inappropriate behaviours, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

5.3 Disclosure and Barring Service (DBS)

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.

Both Hackney Carriage and Private Hire drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order"). Accordingly all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate.

All applicants for the grant or renewal of a licence requiring a DBS check will be responsible for the costs of obtaining the DBS certificate.

The Council will only accept DBS certificates which are applied for through Guildford Council's Licensing Service or nominated third party provider. However, DBS certificates that are issued to other local authorities for the same type of role will be accepted if it has been printed within the previous four weeks, is to an enhanced level and has been processed in relation to the child and adult workforce employment position (as specified on the certificate).

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, arrest, current investigations, cautions and fixed penalty notices during the licence period may result in suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service, this will be required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. If a licence holder fails to sign up to the update service, or fails to maintain subscription during the period that the licence is in force, then the licence will be suspended or revoked.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so, which will be at a frequency of not less than once every six months. The council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed.

If an applicant or current licence holder has spent three continuous months or more overseas since the age of 16, the Council will need to see evidence of a criminal record check from the country / countries lived in / visited covering the period that the applicant was overseas. This includes any time spent overseas during the course of a licence.

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy or consulate based in the UK for the country in which they were living. The date of the letter must be within three months of the date of the application. Certificates are required to be translated and certified as a correct translation at the cost of the applicant.

5.4 Relevance of Convictions and Cautions etc.

The Council is committed to ensuring that the licensed trade are fit and proper, this will entail periodic audits of licensed drivers to ensure that material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings, arrests, reprimands and other 'relevant information', the Council has adopted the policy set out in Appendix 2. The terms of this policy will have immediate effect.

The policy at Appendix 2 will be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence during the licence period.

5.5 Knowledge Testing

Applicants for a driver's licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- Literacy and numeracy
- Child / adult safeguarding awareness
- Disability awareness (including physical and sensory disability)
- Road Safety and the Highway Code
- Basic vehicle maintenance
- Customer care / customer awareness
- Local knowledge

Applicants must pass the relevant Guildford taxi or private hire driver's knowledge tests not more than 3 months prior to a fully completed application being submitted.

The Council does not limit the number of times applicants can take the test, however each attempt at the test must be paid for separately, in advance. If applicants fail successive knowledge tests they will be advised although not required, to wait a further month before attempting the test again so that they can undertake the necessary revision.

Any applicant cancelling the test with less than 24 hours' notice will not be refunded the fee.

5.6 Medical Assessment

The Council recognises that licensed drivers should be subject to more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. It therefore requires Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Hackney Carriage and Private Hire drivers.

Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner on first application and every 5 years thereafter until aged 65 years when annual examinations are required. Licence holders with certain medical conditions (for example certain neurological or cardiovascular conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their driver's licence.

Holders of Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, will not be required to undergo a medical examination on first application.

Licence holders must advise the Council of any deterioration or other change in their health that may affect their driving capabilities within 48 hours of the change occurring.

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 by a Medical Doctor appointed by the Council. No licence will be issued, or remain in force until medical confirmation that the DVLA Group 2 standards have been met has been received.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Licensed drivers are under a legal duty to provide assistance to wheelchair users, including loading/securing/unloading the wheelchair and assisting the user in and out of the vehicle, and carrying luggage at the request of the hirer, without additional charge. Drivers who have a medical condition which prevents them from offering this assistance may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Any application for exemption will need to be supported by medical evidence.

5.7 Right of driver to work in the UK

The Council is mandated under the Immigration Act 2016 to require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Office on request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

5.8 Driving Assessment

The Council recognises that licensed drivers should be subject to a more stringent driving assessment than the standard applicable to the normal driving test because they carry members of the public who have expectations of a safe journey and they are on the road for longer hours covering more mileage than most other drivers.

Therefore both private hire and hackney carriage driver's applicants must have passed a driving assessment approved by the Council. A list of assessment providers is available on the Council's website.

The assessment should be no more than 12 months old when first applying to the Council.

5.9 Qualifications

The Council believes all passenger transport drivers whose role demands high standards in driving and customer service would benefit from a nationally recognised qualification that includes customer care, meeting the needs of people with disabilities, road safety, the handling of emergencies and how to defuse difficult situations and manage conflict. Such qualifications equip drivers with the necessary skills for their role so that they can meet the standards the public expect of them.

As such, all applicants for a drivers licence will be required to provide evidence of the following qualifications / skills to the Council before a licence will be issued:

- **Level 2 Certificate (BTEC or NVQ) in the Introduction to Role of the Professional Taxi and Private Hire Driver.**

Alternative qualifications may be accepted provided that they are to an equivalent standard and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.

Existing licence holders will have been required to complete the qualification by 1 January 2019. Any licence holder who does not provide evidence of attaining this qualification upon submitting an application to renew their licence will not have their licence renewed.

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.

- **Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people.**

On 7 February 2018 The Council approved a requirement for mandatory safeguarding awareness training for all drivers as part of the Surrey Safeguarding Children Board Child Sexual Exploitation Strategy and action plan.

All new hackney carriage or private hire drivers must pass the Council's Approved safeguarding awareness training before a licence is granted. Existing licence holders were required to complete the Council's Approved CSE awareness training by 1 May 2019.

5.10 Application Procedure

Information on how to make an application is available on the Council's website or from the Council's Customer Service Centre.

An application will need to be accompanied by the following documents before it can be accepted:

- a completed application form
- payment of the relevant fee (by debit or credit card only)
- full DVLA driver's licence and DVLA mandate
- evidence of right to live and work in the United Kingdom
- evidence of current address and history of residence for the last five years including the month and year that you started living at each address
- medical form, completed by the applicant's registered doctor less than 3 months before application.
- a certificate showing completion of the relevant approved driving assessment(s) within the last 12 months.
- a certificate showing completion of each of the required qualifications within the timescales identified for each
- a criminal record check and/or a letter of good conduct from the Embassy or Consulate for the country of residence (if living outside the United Kingdom for a continuous period of three months or more since the age of 16) The date of the documents must be within three months of the date of application, and any documents not in English need to be accompanied by a translation that has been certified as a true translation of the original document.
- An enhanced level DBS certificate with adult and child barred list checks, completed for the required role of working with vulnerable adults and children in the capacity as a taxi driver, issued within the past 3 months
- Completed DBS update service mandate allowing the Council to access this record during the course of the licence
- a digital photograph to passport standards.

5.11 Renewing a licence

Information on how to apply to renew a licence is available on the Council's website or from the Council's Customer Service Centre.

It is the driver's responsibility to apply in good time so their application can be determined before their existing licence expires. A completed, valid renewal application should be submitted no less than 10 working days, but no sooner than 8 weeks before the expiry date.

An applicant making an application to renew a hackney carriage or private hire driver's licence must:

- still have the right to live and work in the United Kingdom
- still meet the current medical standards for DVLA Group 2 licence holders
- have not been convicted of a relevant criminal offence, relevant driving offence or cautioned for a relevant offence during the term of their licence
- have complied with licensing conditions and licensing policy, including meeting the expectations of licence holders in terms of conduct
- if applicable, a letter of good conduct from the Embassy or Consulate if the licence holder has spent more than 3 months outside the UK during the period of their licence.
- have not received any motoring endorsements on their DVLA driving licence during the term of the licence
- have a current enhanced level DBS certificate which the Council is able to access via maintained subscription to the DBS update service
- hold the required qualifications

Licence holders are advised to check the Council's website or contact the licensing team if they are in any doubt about whether they satisfy the above requirements.

5.12 Making our decision

Once the Council has received a completed application and the results of the various checks/tests, we will then make a decision about your application.

We aim to inform an applicant of our decision within 10 working days from the date we receive all required information. In certain circumstances an application may be referred to the Licensing Regulatory Sub-Committee for determination. It will be for officer's to use their discretion as to whether to refer an applicant to Committee.

If an applicant (or licence holder) has any convictions, cautions, endorsements or additional other relevant information, we will consider these in line with the guidance in this Policy and this may delay the decision.

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 their medical records reviewed by a doctor appointed by the Council. The doctor's recommendation will be final.

5.13 Granting your application

If we grant an application, we will usually issue a licence for three years from the date of our decision. If a licence holder is subject to immigration controls as detailed below, we will issue a licence for a shorter period:

If a licence holder's current right to live or work in the UK expires during the three-year period beginning on the date their application was determined, we will issue a licence until the date their current right to live or work in the UK expires.

If the Home Office is currently determining a licence holder's right to live or work in the UK, and they are entitled to live and work in the UK pending final determination of that application, we will issue a licence for a maximum of 6 months from the date of our decision.

Under section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions that it considers 'reasonably necessary' to private hire driver's licences. This includes dual licensed hackney carriage and private hire driver's, as well as holders of private hire driver (only) licences. Applications are normally granted subject to the Council's Standard Licence Conditions contained within this Policy, however further, additional conditions may be attached on a case by case basis.

The decision to attach conditions to a licence may be appealed to the Magistrates Court.

5.14 Refusing your application

If an applicant does not satisfy all the above requirements or the application is incomplete we will normally refuse the application.

A Licensing Regulatory Sub-Committee or an officer with the appropriate delegation will make the decision.

The Council will make a record of the reasons for our decision and will provide the applicant with a copy of that document.

Any decision to refuse an application may be appealed to the Magistrates' Court within 21 days of our decision. If applicants intend to appeal the Council's decision, we strongly suggest that they seek legal advice.

The Council will normally defend any appeal and look to recover the full costs of doing so from the appellant.

5.15 The National Register of Revocations and Refusals

The Council will check all new and renewal applications against the national register.

If a licence holder has been refused/revoked by another authority, this will not debar an applicant from holding a licence, however the Council will give weight to the decision made by that authority in considering the application. Additionally, if an applicant has had another licence refused/revoked which is not declared to the Council, this will raise concerns about the honesty and integrity of the applicant and is likely to lead to refusal.

The Council will record all decisions to refuse and revoke a driver's licence on the National Register, and will provide details of the reasons for each decision to another licensing authority following receipt of the necessary data sharing request.

5.16 Conditions and Byelaws

The Council may attach such conditions to a Private Hire / Hackney Carriage driver's licence as are considered reasonably necessary. The Council's standard conditions are set out in Appendix 3.

The Council has also made byelaws that are specifically applicable to Hackney Carriage drivers / proprietors. The existing Hackney Carriage byelaws are set out in Appendix 1. These byelaws will be reviewed from time to time.

Drivers are expected to familiarise themselves with licence conditions and comply with the requirements associated with being a professional licence holder. Drivers who do not comply with byelaws / conditions can expect to have their licences suspended or revoked.

5.17 Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of a professional licensed transport service, and Guildford in general. Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that not only are the above objectives met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set. This is provided in Appendix 4. It is a condition of the licence that all drivers adhere to this policy.

Employees working for companies operating their own dress codes will still be required to comply with the Council's standard.

5.18 Driver Code of Conduct

It is essential that all customers (including young, elderly and other vulnerable people), are safeguarded and protected whilst being transported in a licensed vehicle. It is also important that other road users and other individuals who interact with the licensed trade are dealt with in a professional manner and with courtesy.

Accordingly a specific Code of Conduct for drivers has been adopted and must be complied with. This is provided at Appendix 5. It is a condition of the licence that all drivers adhere to this policy.

The hackney carriage byelaws require a hackney carriage driver to behave in a civil and orderly manner, and the code of conduct helps to define the Council's understanding of what a civil and orderly manner entails. If a hackney carriage driver is not complying with the code of conduct they will be considered as not acting in a civil and orderly manner.

5.19 Updating the Council

It is essential that the Council has up to date contact details for licence holders. It is also vital that the Council is notified of any change in circumstances which may compromise the applicant's suitability at the earliest opportunity.

If a licence holder changes their name, address, other contact details (including telephone number or email address) or operator during the term of their licence, they must inform the licensing team in writing within seven days.

If a licence holder receives a conviction, caution, fixed penalty notice or is subject to arrest or criminal proceedings of any sort then they must notify the Council within 48 hours.

If a licence holder's medical status changes then they must notify the Council within 48 hours.

Licence holders who fail to keep the Council up to date as required are likely to be considered unsuitable to continue to hold a licence.

5.20 Display of driver's identification

It is a legal requirement that licensed drivers wear their drivers badge in a conspicuous position where it can be seen by passengers. The Council has provided lanyards for this purpose.

Drivers will be issued with an identification 'badge' and paper counter part. Drivers will also be issued with a second 'driver identification notice' which must be displayed in a clearly visible, safe position in the vehicle for customers to see.

Section 6 - Hackney Carriages and Private Hire Vehicles

6.1 Vehicle requirements

The Council will consider all applications for vehicle licences based on vehicles meeting the specifications in this Policy. Upon application and renewal, applicants for vehicle licences will be expected to show:

- the vehicle meets the Council's Age/Emissions Policy
- the vehicle complies with the Council's livery policy for hackney carriages, and signage policy for private hire vehicles.
- the vehicle is capable of safely carrying a minimum of 4 passengers, but no more than 8.
- 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:
 - a purpose built full hybrid, or plug in hybrid must have a minimum range of 16km (10 miles) using battery power only
 - a full electric vehicle must have a minimum range of 112km (70 miles).
- 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's seating and interior dimensions offer suitable accommodation for passengers and their luggage to ride in comfort and safety
- 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 and have no additional 'tint' applied
- the vehicle has sufficient means by which any person in the vehicle may communicate with the driver
- the vehicle has not been written off

6.2 Making your application

Information on how to make an application is available on the Council's website or from the Council's Customer Service Centre.

Any application will need to be accompanied by the following documents before it can be accepted. The application must be made on the correct application form and all supporting documents completed in full.

- a fully completed application form
- payment of the relevant fee (by 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 covering the appropriate licence type for carrying of passengers for hire and

reward. The policy must be valid for the date that the licence is due to commence.

- a certificate showing the vehicle has been inspected at a centre nominated by the Council and has passed the vehicle test
- photographic identification for each proprietor. We will only accept a passport or DVLA driving licence
- a basic DBS certificate for each proprietor dated within the last 12 months, if the proprietor is not a licensed driver with the Council
- 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. If the vehicle is to be licensed as a hackney carriage, the V5C should state the colour of the vehicle as 'turquoise'.
- 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).

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

6.3 Suitability test for proprietors

The Council considers that licensed vehicle proprietors are in a position of trust, by virtue of the fact that they are responsible for ensuring the maintenance of vehicles which are used to transport members of the public. Licensed vehicles can also travel with a considerable degree of inconspicuousness and as such can be used as cover for illegal transportation. Therefore the Council must ensure that applicants / licence holders are suitable persons that will ensure that they will maintain their vehicles so that they are roadworthy at all times, and not allow the vehicle to be used for criminal or other unacceptable purposes.

In determining whether a person is suitable to hold a vehicle proprietor's licence, those tasked with determining applications are effectively asking the following question of themselves:

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

If the answer to the question is an unqualified 'yes', then the person can be suitable. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

Licensing authorities have to make difficult decisions as to whether a licence should be granted (or retained) but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the

balance of probabilities. This means that **an applicant or licensee will not be 'given the benefit of the doubt'**. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is suitable to hold a licence having considered the above test, they should not hold a licence.

Vehicle licences may be applied for by a company or partnership and as such the above test will be applied to each of the directors or partners in that company or partnership.

In order to assess the suitability of an applicant for a vehicle licence (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Right to work
- General conduct / standards of behaviour including online behaviour
- The conduct as an individual holding a licence, including but not limited to complaints and other information received during the application process or course of the licence
- The individual's history of vehicle maintenance, including passing of MOT and vehicle test without initial failures
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Whether the applicant has had a licence suspended, refused or revoked by another licensing authority.

In relation to the consideration of convictions, cautions, warnings, arrests, reprimands and other 'relevant information', the Council has adopted the policy set out in Appendix 2. The terms of this policy will have immediate effect.

The policy at Appendix 2 will be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence during the licence period.

However, it is important to acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. As the Council undertakes DBS checks for drivers it will not require those licensed drivers seeking to licence a vehicle to provide a basic DBS check as part of the application process and instead will rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic DBS certificate should be required immediately.

Similarly in cases where a proprietor exercises their right to transfer a vehicle a licence, the Council will require the new proprietor to obtain a basic DBS certificate, if they are not already a licensed driver.

If a proprietor, acting in their capacity as the holder of a different licence (for example a driver's licence or private hire operator's licence) fails to comply with the byelaws or conditions attached to that licence, or has that licence revoked for reasons of being unsuitable to hold that licence, the Council will consider this to reflect on their character as a licensed proprietor and they can expect to have their proprietors licence suspended or revoked.

6.4 Grant of licences

If vehicles and/or proprietors meet the Council's requirements, vehicle licences will be issued for a one year period, commencing on the date that the licence is issued.

If vehicles and/or proprietors do not satisfy the requirements we will refuse the application.

We will grant vehicle licences for hackney carriages with the standard conditions at Appendix 6. The Council has also made byelaws that are specifically applicable to Hackney Carriage drivers / proprietors. The existing Hackney Carriage byelaws are set out in Appendix 1.

We will grant licences for private hire vehicles with the standard conditions at Appendix 7.

Proprietors are expected to familiarise themselves with licence conditions and comply with the requirements associated with being a professional licence holder. Proprietors who do not comply with the conditions can expect to have their licences revoked.

6.5 Renewal of Licences

Information on how to apply to renew a licence is available on the Council's website or from the Council's Customer Service Centre.

It is the proprietor's responsibility to apply in good time so their application can be determined before their existing licence expires. A completed, valid renewal application should be submitted no less than 10 working days, but no sooner than 8 weeks before the expiry date.

An applicant making an application to renew a hackney carriage or private hire vehicle licence must provide:

- a completed application form
- payment of the relevant fee by 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)

6.6 Refusal of applications

If we refuse your application, we will make a record of the reasons for our decision and we will provide the applicant with a copy of that document.

An applicant may appeal the Council's decision (within the statutory time period) to:

- the Magistrates' Court (for refusal of private hire applications, or refusal to renew hackney carriage vehicles), or
- Crown Court (for refusal to grant a new hackney carriage).

We would recommend that appellants seek legal advice.

The Council will normally defend the decision and seek full recovery of its costs from the appellant.

6.7 Updating the Council

It is essential that the Council has up to date contact details for licence holders. It is also vital that the Council is notified of any change in circumstances which may compromise the applicant's suitability at the earliest opportunity.

If a licence holder changes their name, address, other contact details (including telephone number or email address) or operator during the term of their licence, they must inform the licensing team in writing within seven days.

If a licence holder receives a conviction, caution, fixed penalty notice or is subject to arrest or criminal proceedings of any sort then they must notify the Council within 48 hours.

Licence holders who fail to keep the Council up to date as required are likely to be considered unsuitable to continue to hold a licence.

6.8 Other Types of Application

6.8.1 Temporary Vehicle Licence

The Council will issue a temporary 3 month licence for a hackney carriage or private hire vehicle. The vehicle must still meet the criteria and application process for licensed vehicles as laid out in this policy.

6.8.2 Transfer of Interest

If an existing proprietor sells (or transfers) a hackney carriage or private hire vehicle currently licensed by the Council, they must notify us of the name and address of the new proprietor within 14 days of the date of transfer.

6.8.3 Change of Vehicle

If an existing proprietor wishes to change their licensed vehicle, please check that it complies with the pre-application requirements above before completing a purchase. The Council is not responsible for applicants purchasing vehicles which are unsuitable.

You will then need to make an application to change your vehicle, following the above process for a new application.

6.9 Accidents in vehicles

If at any time the vehicle is involved in an accident, however minor, the proprietor must inform the Council of this fact as soon as possible and in any event in writing within 72 hours. An accident report form will then need to be completed and submitted to the Council within this timeframe.

If a vehicle is still being used following an accident, it will normally be required to be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place. The appointment must be arranged and paid for by the proprietor. Failure to present the vehicle for inspection following an accident may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination. Vehicles with only very minor bodywork damage, such as small dents/scratches may only need to be seen by a licensing officer rather than being tested. If the licensing officer has any concerns that the damage is anything more than very minor the vehicle will have to be tested as detailed above.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council via the accident form and provide photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination. The proprietor must advise the Council once it is repaired and being used again, supplying proof that the vehicle has been repaired to the required standard by providing the necessary receipts/reports.

If the vehicle is not going to be repaired, the proprietor is responsible for removing the external plate, internal plate and door stickers for private hire, and returning these to the Council. If the vehicle is a taxi the proprietor is responsible for removing the wrap and supplying proof of this to the Council.

6.10 Lost, stolen or damaged licences

If a proprietor loses a paper licence or the vehicle plate, or the plate has been stolen or damaged they will need to notify the Council within 48 hours of discovery, and request a replacement. There is a fee which must be paid before a replacement is issued.

6.11 Display of vehicle licence plates

The Council issues a vehicle licence plate which must be securely fitted to the rear of the vehicle by means of a screw, bolt or bracket secured by the same means. This will be required by condition of the licence and means that the plate must be fixed to the vehicle at all times.

White plates are issued to hackney carriage vehicles. White plates with a red trim are issued for private hire.

The plate always remains the property of the Council and must be returned upon expiry, surrender, suspension or revocation of the licence. Should the vehicle be changed or the plate lost, a fee will be charged for a replacement.

The Council also issues internal vehicle licence plates which must be displayed inside the windscreen on the top of the near side (passenger side).

Failure to abide by the requirement to display a plate correctly, or failure to return a plate upon request may lead to sanction, including a consideration as to the licence holder's suitability.

From 1 April 2021 the Council intends to issue plates without an expiry date. The plate will display the make/model/colour of vehicle, the number of passengers which the vehicle is licensed for, and the licence number of the vehicle.

6.12 Exemption from displaying a private hire licence plate

The Licensing Authority recognises operators may wish to cater for an 'exclusive' or important corporate client base and provide a vehicle of a prestige model and specification without the display of a licence plate or vehicle signage. An operator may apply for an exemption to the requirement to display a licence plate for the following approved work only:

- Exclusive chauffeured work where the dignity or security of the person would be affected if they were to be seen in a plated licensed vehicle, or
- Other 'special' journeys where the client specifically requests a vehicle of a prestige make and specification at the time of booking and pays a recognisably higher fee for that service compared to that charged for a non exempt vehicle displaying corporate identity.

For clarification the Policy requires that in order to be considered for a 'plate exemption' the vehicle must carry out exclusively chauffeured or other special work and as such there is a distinguishing feature between 'chauffeured' work and taking a business person to the airport for example.

To apply for an exemption you must supply the following documents:

- completed private hire vehicle plate exemption application form, detailing the reasons for exemption
- letters from clients demonstrating the vehicle is required for chauffeured work and why the display of a plate (and door signs) would be detrimental to the client, for example a discreet service required by a well-known person seeking as much anonymity as possible.
- three months of booking records for all operators the driver works for, demonstrating that the vehicle is primarily used for chauffeured work (for new applications, three months of booking records must be provided after the plate exemption has been given).
- invoices for each named client who has supplied a letter in support of your application for the same period as the booking records (for new applications, three months of booking records must be provided after the plate exemption has been given)

The Council will also consider factors such as the list price of the vehicle, specification of vehicle and volume of exclusive or chauffeured work as detailed in section 7.19.

An exemption will only be granted where the Council is satisfied that the vehicle will be used exclusively or primarily for 'chauffeured' private hire work. It is expected that 'primary use' means at least 90% of the work, as evidenced via booking records. The Council may undertake an audit of booking records at any point during the exemption to ensure that the vehicle is being used for chauffeured work.

Exemptions may be withdrawn at any time by the Council and if the licence holder cannot prove that the vehicle is used exclusively or primarily for 'chauffeured' private hire work.

Exemptions are subject to annual review and licence holders must reapply each year.

If an exemption request is refused or withdrawn, the operator may ask for the Council to reconsider the decision by providing new, relevant information within 21 days of that decision. The Council aims to reconsider any such application within 10 working days of receipt.

An officer with delegated authority will consider the information before making a final decision.

The Council will make a record of the reasons for the decision and provide the operator with a copy of that document. There is no right of appeal to the Magistrates' Court.

If we grant an exemption, we will issue your licence subject to the additional conditions at Appendix 8.

6.13 Vehicle Testing

All vehicles must pass the vehicle test as detailed in Appendix 9 no more than eight weeks before the grant or renewal of the licence.

A second vehicle test must be passed no less than five months and no more than seven months before the expiry date of the licence.

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 and any existing licence will be suspended.

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.

6.14 Failure of vehicle tests

Vehicle tests are necessary to ensure that licensed vehicles remain safe, roadworthy and compliant with the Council's Policy and licence conditions. Vehicle tests should not be used as a mechanism for identifying faults to be rectified. As such, the Council takes a serious view of proprietors who fail to present their vehicle for inspection in a satisfactory condition.

If the vehicle fails an inspection due mid-term or upon renewal, this will demonstrate to the Council that the proprietor is not complying with vehicle maintenance and

licence conditions. The proprietor will initially be given a formal warning about the vehicle standards.

If there are further failures in the next licence periods (next interim and next renewal) then this will demonstrate to the Council that the proprietor has a history of failing to maintain the vehicle and comply with conditions. The Council will then take further action, which will normally be to revoke an existing licence or refusal to renew a licence.

Section 7 - Vehicle Specifications

7.1 Vehicle age and exhaust emissions

Environmental protection legislation (Part IV Environment Act 1995) requires local authorities to review and assess air quality on a regular basis. Where air quality falls below the national standards, the Council is required to declare an Air Quality Management Area (AQMA) and develop a plan which identifies how air quality standards will be improved.

In Guildford, vehicle exhaust emissions are a principal source of air pollution and this has resulted in the creation of two AQMAs at: The Street (B3000), Compton and The Street (A281), Shalford.

In these areas of Guildford, the levels of annual mean nitrogen dioxide do not comply with EU and national law. There is potential for the UK Government to be fined for breach of the EU limit values post 2015, and infraction proceedings have already been instigated by the European Commission.

There are approximately 20-25 residents in Guildford's designated AQMAs. The Public Health England report of 2014 "Estimating Local Mortality Burdens associated with Particulate Air Pollution" estimates that a total of 577 life years are lost in Guildford Borough across the whole population as a result of air pollution, including that from vehicles and 5.7% of deaths are attributable to long term exposure to particulate air pollution.

Details of work to improve air quality from transport and public transport are shown in the respective AQAP (Air Quality Action Plans) for each AQMA and more strategically in the Guildford Borough Council Air Quality Strategy 2017-2023. As with other forms of public transport, emissions from the Hackney Carriage / Private Hire fleet are among the sources which can be regulated and to be addressed with the aim of reducing levels of air pollution and helping to improve public health.

On 23 July 2019 the Council declared a 'Climate Change Emergency' and following this declaration services have been required to examine measures which can contribute to addressing climate change. Whilst the proportion of licensed vehicles makes up a small percentage of traffic in and around Guildford at any one time, it is recognised that licensed vehicles are used regularly throughout the day on multiple journeys.

As such the Council has included the measure of improving the Hackney Carriage and Private Hire fleet by setting minimum emission standards for vehicles licensed in the borough. The Council aims to ensure that Hackney Carriages and Private Hire vehicles are of a good standard. It recognises that the high mileage and general wear and tear sustained by vehicles will have an impact on their continued serviceability over a period of time.

In the interests of passenger safety and comfort and in support of these policies, the Council will introduce both vehicle emission standards and age requirements for licensed Hackney Carriage and Private Hire vehicles as part of the licensing process. It is viewed that this is justifiable to ensure the sustained improvement of Guildford's fleet and the impact on the health and environment in the Borough.

The Council's policy in relation to the age of vehicles and the standard of emissions is set out below:

7.1.1 Age Policy

From the date of implementation of this policy, licences will not normally be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 5 years prior to the date that the application was made.

From the date that the policy is introduced, licences will not normally be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date of renewal (or 12 years in the case of purpose-built wheelchair accessible vehicles). This applies to the renewal of licences only.

A vehicle may be considered for licensing beyond these upper age limits if it is in 'exceptional condition'. The criteria for 'exceptional condition' are set out below.

7.1.2 Exceptional Condition Criteria

A vehicle may be considered to be in 'exceptional condition' if all of the following apply:

- The vehicle must not have failed the Council's vehicle inspection or standard MOT within the previous five years. Additional weight will be given if a vehicle has failed on any significant item, defined as any item that would make the vehicle fail to meet the requirements during a standard MOT test, or an advisory on the same item on more than one consecutive occasion.
- The vehicle passes the Council's vehicle inspection at first presentation.
- The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- The general paint condition (including livery material and signage) should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
- The interior trim, panels, controls, dashboard, seating, carpets, ceiling and upholstery are in excellent condition, clean and free from damage and discolouration. This includes the driver's compartment.
- The boot or luggage compartment is in good condition, clean and undamaged.
- Passenger areas are free from damp or any other odours that may cause passenger discomfort.
- The vehicle is in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.

- The vehicle must have a complete service record covering the period it has been a licensed vehicle to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.

7.1.3 Emissions Policy

In order to impact on emissions it is important to set standards that are common to all within the taxi fleet, to ensure consistency and a level playing field for proprietors, operators and drivers. The age of vehicles and the exhaust emission specification are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the licensed fleet, standards relating to the exhaust emissions will be introduced in addition to the requirements regarding the age of vehicles.

In terms of expected emission standards it requires that all licensed vehicles which are submitted for:

Licensing for the first time from 1st April 2021 (or date policy effective) and all renewal applications from 1 January 2025, must meet or exceed Euro 6 emission standards (Euro 6 compliant being registered on or after 6 Feb 2014).

From 1 January 2030 the Council will only licence hackney carriage and private hire vehicles (new and renewal) which are Ultra Low Emission Vehicles (ULEV), as defined by the Vehicle Certification Agency: <https://www.vehicle-certification-agency.gov.uk/fcb/ulev.asp>

7.2 Identification of vehicles as Private Hire Vehicles or Hackney Carriages

The Council requires licensed Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles.

Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage and types of vehicle, together with colour of the vehicle, can achieve this.

7.2.1 Hackney Carriages (Taxis)

Vehicles must have a full external Pantone 321 coloured livery. The livery is achieved by wrapping the vehicle in pre-printed cast vinyl wrap in pantone 321 (PMS 321c) meeting the Council's material specification.

Livery must be applied to the entire painted body of the vehicle visible with the doors closed. Body coloured parts (e.g. mirror, handles and bumpers) must also have the livery applied.

All manufacturer badges (e.g. Volkswagen Passat) model/engine information (e.g. TDI, Bluemotion) and any other fittings (e.g. roof signs) are to be removed and reapplied over the top of the wrapped body.

Vehicle proprietors must provide documentary evidence upon initial application that an approved supplier has completed the livery to the standard detailed in the specification.

Vehicle proprietors must update the V5C document so the vehicle colour is recorded as 'Turquoise'.

The words "Licensed Taxi" should be displayed on the front passenger and driver's doors.

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

7.2.2 Private Hire Vehicles

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:

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

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.

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

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

7.2.3 Maintenance of livery and signage

The specification of vehicle livery and signage is mandated as a licence condition on all hackney carriage and private hire vehicle licences. The licence conditions require vehicles to be maintained to a good standard, and this includes the livery and vehicle signage which like vehicle paintwork and bodywork should be free from scratches, tears, dents and be securely fitted.

It is also a licence condition that the signage is displayed on vehicles at all times and must not be removed. As per case law, once a vehicle is licenced, it remains a licensed vehicle unless the licence expires, is surrendered or revoked and as such must comply with the Council's Policy and licence conditions at all times. Simply removing the licence plate or other identification does not remove the licence.

7.2.4 Removal of livery and signage

Livery and signage is intended to improve public safety and confidence in the licensed trade. As such, it is important that if vehicles are no longer licensed that any identifying signage is removed.

The Council expects vehicle proprietors to ensure that any vehicle identification is removed if the vehicle is no longer licensed. Upon application proprietors are required to sign a declaration that they will do so. Failure to do so will mean that the Council may consider the proprietor unsuitable to hold other licences with the Council, including a driver's licence.

7.3 Insurance

It is required that all insurance documents must be shown before a licence is issued. This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward.
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.

The council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

7.4 Safety Equipment

All licensed vehicles are required to carry the following safety equipment at all times:

7.4.1 Fire extinguishers

All vehicles are required to be equipped with a fire extinguisher that conforms to the following specification, which is also stated in the Council's conditions:

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.

Fire Extinguishers must be replaced every 5 years from the date of manufacture.

7.4.2 First Aid Kit

A first aid kit must be carried within the interior of the vehicle and readily available to passengers on request. The identification number of the vehicle must be painted on the body of the kit. The contents of the first aid kit must be compliant with British Standard BS 8599-2 and hold suitable content for the number of passengers.

The first-aid kit must be maintained in full and proper order with items replaced before expiry.

7.4.3 Replacement auto lamps

Replacement auto lamps (bulbs) must be carried for each standard bulb light fitting.

7.5 Meters and Fare Charts

7.5.1 Hackney Carriages

All Hackney Carriages must be fitted with a taxi meter. Meters used to calculate fares must be accurate, display the correct time and be capable of displaying the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force and sealed by the meter agent.

Meters will be checked for accuracy by a measured mile distance or by waiting time during the vehicle test, or upon request by an authorised officer.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey and positioned in a manner so as not to obstruct the view of the driver.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must

have been resealed and calibrated by an approved meter company and presented to the Council for inspection.

The Council's fare chart must be displayed clearly in the vehicle at all times for passengers to view.

7.5.2 Private Hire Vehicles

From 1 April 2022, all Private Hire vehicles must not have a taxi meter fitted. Private Hire Vehicles presented for application from this date with a taxi meter fitted will not be licensed.

A digital mobile device which calculates fares using GPS is not considered to be a taxi meter and for clarity these devices are permitted in private hire vehicles.

Should the operator charge a tariff, then this must be displayed clearly in the vehicle at all times for passengers to view.

7.6 Roof signs

7.6.1 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 hackney carriages may be excluded from this specification if a sign is part of the taxi's structure.

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.

7.6.2 Private Hire vehicles are not permitted to roof signs.

7.7 Card Payment Terminals

All hackney carriages must be equipped with a card payment terminal which can accept payment by credit/debit card, including contactless and print a receipt.

The device must be connected, maintained and working at all times to ensure customers are able to pay by card.

Private Hire Vehicles are also permitted to carry payment terminals although the Council does not mandate a specification.

7.8 Seating and interior dimensions

7.8.1 Seating and comfort and safety

Licensed vehicles should have a rear seat with a width of no less than 1220 mm (measured at the leading edge) and be of a "bench seat" type, and in the case of a mini-bus, have a minimum seat width of 407 mm per person.

Licensed Vehicles should have rear headroom that is adequate for passengers to sit comfortably and in any event for their head not to touch the ceiling above them;

Licensed Vehicles should have rear legroom that is adequate for passengers to sit comfortably and in any event for their knees not to touch the seating in front of them

Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.

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

7.8.2 Vehicles with a third row of seats

All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.

In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.

The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.

All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.

7.9 Tyres

Tyres are the vehicle's only point of contact with the road, and as such it is essential that they are in good condition.

The Council requires that all licensed vehicles adhere to the following provisions with regard to tyres:

Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 1.6 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre, as per MOT requirements.

Tyres fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:

- be compatible with the types of tyres fitted to the other wheels,
- not have any lump, bulge or tear caused by separation or partial failure of the structure,

- not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
- not have any part of the ply or cord exposed.
- be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.

All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.

The fitting of part worn tyres to licensed vehicles is not permitted.

7.10 Spare wheels

All vehicles must carry as a minimum a space-saver spare wheel, to be used as a means of conveying the vehicle to a place where the tyre can be changed in the result of a puncture.

'Space saving' spare wheels are intended to allow a vehicle to continue its journey to a place of safety where a replacement tyre can be fitted and as such must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

Vehicles need not carry a spare wheel if all wheels are fitted with a suitable 'run flat' tyre mechanism on all four wheels. In the case of a 'run flat' tyre getting a puncture, the tyre must be replaced at the earliest opportunity or in any case on or before the maximum number of miles recommended by the manufacturer is travelled.

7.11 'No Smoking' Signs

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed, thus smoking remains prohibited when the vehicle is not hired or not for hire.

Every licensed vehicle is required to carry appropriate signage under the Smoke-free (Signs) Regulations 2007. Guidance and signs are available from: <http://www.smokefreeengland.co.uk/resources/guidance-and-signage/>.

In order to avoid any doubt and promote a professional image of the licensed trade, the use of electronic or vaporising devices is not permitted in licensed vehicles at any time.

7.12 Wheelchair accessibility

In addition to all other licensing conditions, any applicants seeking the grant of a vehicle (either Hackney Carriage or Private Hire) licence, in which it is intended to carry passengers who are seated in a wheelchair must present a vehicle which has:

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA)

- Suitable fittings for the securing of the wheelchair and any passengers seated in them
- access and egress via suitable side or rear doors.

The Council 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.

7.13 Taxi Cameras

From 1 April 2023, a secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant (or renewal) of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.

The system must be capable of recording both audio and video and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times.

Activation of audio recording must be triggered by the driver pressing a switch / button. Audio recording will continue until such time as the button / switch is pressed again. This switch will activate / deactivate audio recording independent of the passenger's audio activation button / switch.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so. Activation of audio recording must be triggered by the passenger pressing a switch / button. Audio recording will continue until such time as the button / switch is pressed again. This switch will activate / deactivate audio recording independent of the driver's audio activation button / switch.

Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated.

There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that audio recording is taking place.

At the end of the journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle. If appropriate it must be reactivated should either the driver or passenger feel it appropriate to do so in relation to this new journey.

Details of the Councils CCTV Specification can be seen at Appendix 11.

7.14 Operator Advertising

Operators are strongly encouraged to display company signage on their vehicle to promote the licensed services in Guildford. Advertising must be limited to the rear doors and/or boot of the vehicle only.

Operators wishing to advertise must submit their request in writing to the Council, providing an illustration of the proposed advertising.

7.15 Other Advertising

Other limited advertising is allowed on licensed vehicles subject to the approval of the Council.

Proprietors wishing to advertise must submit their request in writing to the Council, providing an illustration of the proposed advertising.

Advertising must be limited to the rear doors and/or boot of the vehicle only. Advertising will not be approved if it:

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

7.16 Dual Licensing of Vehicles

A vehicle, once licensed by Guildford Borough Council as either a hackney carriage or private hire vehicle is not permitted to be licensed with another local authority.

7.17 Display of driver identification

The Council issued driver identification notice must be displayed clearly in the vehicle at all times for passengers to view.

7.18 Limousines and Special Event Vehicles

Any limousines or 'special event' vehicles with 8 seats or less which are used to transport passengers for hire or reward must be licensed as Private Hire Vehicles. Hire and reward has a wide definition in case law which goes further than the simple test of paying a fee for the journey.

The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- decommissioned emergency service vehicles
- vintage vehicles
- sporting or performance vehicles
- courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs
- other non-standard type converted vehicles used for special events.

The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the

Council will have regard to the general requirements for Private Hire vehicles contained within this policy and relevant appendices.

All vehicles used for these purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will require M1 ECVTA. Any subsequent changes to the vehicle will invalidate this approval.

When a vehicle has been imported into this country, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

Drivers of limousines and special event vehicles must complete the licensing application process in the same way as any other licensed driver.

7.19 Vehicle specification for a plate exemption

The approval of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle and the fact that it will not resemble a non-exempt private hire vehicle licensed to undertake the 'normal' day to day role.

Each application will be considered on its individual merits however consideration will only be given to vehicles which meet the following specification:

- Saloon, hatchback and estate vehicles to be licensed for 4 passengers only plus the driver allowing sufficient space for adult passengers to travel comfortably. The vehicle will be fitted with 'premium' extras such as leather seating, individual climate control showing the hallmarks of executive/prestige specification.
- A range of vehicles capable of carrying in excess of 4 passengers will be considered provided they meet the higher specification and original list price required.
- Vehicles seating more than 4 passengers will be licensed only for sufficient numbers of passengers to travel comfortably. Each seat must be adequate dimensions and must permit direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. No vehicle modifications from the manufacturer's specification are accepted.
- Engine size indicatively 2000cc or greater (or equivalent power output for alternative fuel vehicles).
- The original list price of any vehicle must be a minimum of £40,000. This minimum price will be exclusive of any extras added at the time of purchase. Evidence of the original new list value will be obtained at the time of application. The Licensing Authority must be satisfied the evidence provided verifies the original list value.

Section 8 - Private Hire Operators

8.1 Rationale for Licensing

A Private Hire Operator means a business or person who makes provision for the invitation or acceptance of bookings for private hire vehicles. A licensed private hire vehicle must only be booked through and despatched to a customer by a Private Hire operator, who must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence. This authority must be the same authority that issued the operator's licence and this is known as the 'trinity' of licences.

Any person who makes provision for inviting or accepting bookings in the Guildford Borough, or who dispatches private hire vehicles licensed by Guildford Borough Council must first obtain a Private Hire Operator's Licence from the Council.

The objective in licensing Private Hire operators is the safety of the public, who will be using operators' premises, and vehicles and drivers, arranged through them. Operators also hold a considerable amount of information about customers, and as such the operator, and any staff they employ must not use their position to take advantage of this information.

All Private Hire Operators must satisfy the Council that they are fit and proper people to be granted a Private Hire Operators licence and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of an operator will be monitored and assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process. Existing licence holders are also expected to act professionally at all times a licence is held and consequently both applicants and existing licence holders must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, arrests, current investigations and pending criminal and civil proceedings.

The Council aims to ensure that Private Hire (and Hackney Carriage) services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The Council would also expect Operators licensed by the Council to utilise vehicles and drivers licensed by Guildford so as to ensure that the licensed trade working in Guildford conform to the standards set by the Council, and can be subject of local compliance.

8.2 Fit and proper test

The Council considers that licensed operators are in a position of trust, and therefore the Council must ensure that applicants and licence holders are and remain fit and proper to hold a licence. This requirement is contained within Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term “Fit and Proper Person” for the purposes of Private Hire Operator licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining applications are effectively asking the following question of themselves:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or other unacceptable purposes? Would I also be confident that this person would operate a professional and reliable service, at a time it is needed, and take reasonable steps to safeguard both passengers and the ability of the local licensing authority to protect the public if required?”

If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

Licensing authorities have to make difficult decisions as to whether a licence should be granted (or retained) but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probabilities. This means that **an applicant or licensee will not be ‘given the benefit of the doubt’**. If the committee or delegated officer is only “50/50” as to whether the applicant or licensee is ‘fit and proper’, they should not hold a licence.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- General conduct / standards of behaviour including online behaviour
- The conduct as an individual holding a licence, including but not limited to complaints and other information received during the application process or course of the licence
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Whether the applicant has had a licence suspended, refused or revoked by another licensing authority.
- Business practices demonstrated by the applicant (for example standard of record keeping, procedures, training and vetting of staff, compliance with other regulatory requirements, financial practices etc)
- Awareness of safeguarding, equalities and public safety matters, and procedures to ensure promotion of the same through the operation
- Policies and practices to promote the safety and welfare of drivers under their control

The Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies, and other information/complaints received.

In addition, although the Council recognises the legality of sub-contracting, the Council would not expect a professional licensed, fit and proper operator to obtain a licence in Guildford to simply make vehicles licensed by another authority available for booking via sub-contracting on a regular basis. As such whilst any licensed vehicle may enter Guildford to pick up or drop off customers, the Council would not expect vehicles licensed outside of Guildford to be waiting in Guildford and be made available for bookings as this diminishes the Council's ability to set local standards and local control. As such, any Operator acting to reduce the Council's ability for local control would not meet the required public safety objectives and standards expected of a professional, licensed, fit and proper private hire operator.

By way of guidance, the Council would expect that at least 75% of journeys received by a Guildford licensed operator commencing or finishing in Guildford in a 3 month period to be completed by Guildford licensed private hire vehicles (or Guildford licensed hackney carriage vehicles doing pre-booked work).

If an operator, acting in their capacity as the holder of a different licence (for example driver's licence or vehicle proprietor's licence) fails to comply with the byelaws or conditions attached to that licence, or has that licence revoked for reasons of being unsuitable to hold that licence, the Council will consider this to reflect on their character as a licensed operator and they can expect to have their licence to operate suspended or revoked.

8.3 Right of operator to work in the UK

The Council is mandated under the Immigration Act 2016 to require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Office on request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

8.4 Application process

Licences will be issued for a maximum period of 5 years but the Council can grant licences for a lesser period if deemed appropriate. This will usually be when the applicant has time limited 'right to work' status with the licence only being granted in line with the time limits dictated by the applicant's immigration status.

Additionally, or if the operator intends to operate using a new or innovative technological method subject to potential changes, or if there are changes or concerns identified about the regulatory practices of an operator, then a shorter licence may be granted to ensure compliance with the Council's requirements over a shorter period before a full 5 year licence is granted.

Applicants must provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work will not be issued an operator's licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies including but not limited to Police, HM Revenue and Customs and other licensing authorities.

8.5 Disclosure and Barring Service (DBS)

A criminal record check on an operator is seen as an important safety measure. If an application is received from a person who is not a driver currently licensed by Guildford Borough Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service.

All applicants for the grant or renewal of a licence requiring a DBS check will be responsible for the costs of obtaining the DBS certificate.

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, arrest, current investigations, cautions and fixed penalty notices during the period of the licence will likely result in suspension or revocation of the licence.

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. This will be required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. If a licence holder fails to sign up to the update service, or fails to maintain subscription during the period that the licence is in force, then the licence will be suspended or revoked.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so, which will be at a frequency of not less than once every six months. The council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full DBS check will be required before a licence is renewed.

If an applicant or current licence holder has spent three continuous months or more overseas since the age of 16 the Council will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas.

Because of the potential lifetime relevance of some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

8.6 Relevance of Convictions and Cautions etc.

The Council is committed to ensuring that the licensed trade are fit and proper. This will entail periodic audits of licensed operators to ensure that material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings, arrests, reprimands and other 'relevant information', the Council has adopted the policy set out in Appendix 2. The terms of this policy will have immediate effect.

The policy at Appendix 2 will be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence during the licence period.

8.7 Application procedure

Information on how to make an application is available on the Council's website or from the Council's Customer Service Centre.

An application will need to be accompanied by the following documents before it can be accepted. Where there is more than one applicant for the operator's licence, or the application is made by a partnership, or in the case of a limited company, each director and the company secretary) each applicant must provide:

- a completed Private Hire Operator (new) application form (signed by each applicant)
- payment of the relevant fee (by debit or credit card only)
- evidence of right to live and work in the United Kingdom
- photographic proof of identification
- evidence of current address and history of residence for the last five years including the month and year that you started living at each address
- a certificate showing completion of the Council's approved safeguarding awareness course
- if applicable, a letter of good conduct from the Embassy or Consulate for the country of residence (if living outside the United Kingdom) as detailed in 8.5 above. The date of the letter must be within three months of the date of application.
- A DBS Certificate as 8.5
- Completed DBS update service allowing the Council to access this record during the course of the licence

- evidence that the applicant has obtained appropriate planning permission or a certificate of lawful use for the intended operating base from the relevant planning authority.
- if the intended operating base is open to the public, a valid certificate of public liability insurance in place for the premises.
- The name of the business, and any advertising complies with the policy on trading names as outlined in paragraph 8.13
- Policies and procedures for operating as outlined in 8.15 commensurate with the size and nature of the operator

8.8 Renewing a licence

Information on how to apply to renew a licence is available on the Council's website or from the Council's Customer Service Centre.

It is the operator's responsibility to apply in good time so their application can be determined before their existing licence expires. A completed, valid renewal application should be submitted no less than 10 working days, but no sooner than 8 weeks before the expiry date.

An applicant making an application to renew a private hire operator's licence must be able to demonstrate that they still meet the application requirements in 8.6 above.

Licence holders are advised to check the Council's website or contact the licensing team if they are in any doubt about whether they satisfy the above requirements.

8.9 Making our decision

Once the Council has received a complete application and the results of the various checks/tests, we will then make a decision about your application.

We aim to inform an applicant of our decision within 10 working days from the date we receive all required information. In certain circumstances an application may be referred to the Licensing Regulatory Sub-Committee for determination. It will be for officers to use their discretion as to whether to refer an applicant to Committee.

If an applicant (or licence holder) has any convictions, cautions, endorsements or additional other relevant information, we will consider these in line with the guidance in this Policy and this may delay the decision.

8.10 Granting your application

If we grant an application, we will usually issue a licence for five years from the date of our decision. If a licence holder is subject to immigration controls as detailed below, we will issue a licence for a shorter period:

If a licence holder's current right to live or work in the UK expires during the five-year period beginning on the date their application was determined, we will issue a licence until the date their current right to live or work in the UK expires.

If the Home Office is currently determining a licence holder's right to live or work in the UK, and they are entitled to live and work in the UK pending final determination

of that application, we will issue a licence for a maximum of 6 months from the date of our decision.

Under section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions that it considers 'reasonably necessary' to private hire operator's licences. Applications are normally granted subject to the Council's Standard Licence Conditions contained within this Policy, however further, additional conditions may be attached on a case by case basis.

The decision to attach conditions to a licence may be appealed to the Magistrates Court.

8.11 Refusing your application

If an applicant or licence holder does not satisfy all the above requirements or the application is incomplete we will generally refuse your application.

A Licensing Regulatory Sub-Committee or an officer with the appropriate delegation will make the decision.

The Council will make a record of the reasons for our decision and we will provide you with a copy of that document.

Any decision to refuse an application may be appealed to the Magistrates' Court within 21 days of our decision. If applicants intend to appeal the Council's decision, we strongly suggest that they seek legal advice.

The Council will normally defend the decision and seek recovery of its full costs from the appellant.

8.12 Updating the Council

It is essential that the Council has up to date contact details for licence holders. It is also vital that the Council is notified of any change in circumstances which may compromise the applicant's suitability at the earliest opportunity.

If a licence holder changes their name, address, other contact details (including telephone number, email address, website address or social media account) during the term of their licence, they must inform the licensing team in writing within seven days.

If a licence holder receives a conviction, caution, fixed penalty notice or is subject to arrest or criminal proceedings of any sort then they must notify the Council within 48 hours.

Licence holders who fail to keep the Council up to date as required may be considered unsuitable to continue to hold a licence.

8.13 Trading Names and Advertising

The names of any private hire operator business must not:

- be the same (or similar) to a private hire business already licensed by the Council, or

- include any reference to 'taxis' or words with a similar meaning.

Each operator licence can be linked to one trading name. The only exceptions are where all trading names clearly relate to the same business, for example: 'ABC Cars' and 'ABC Executive'. In all other cases if the operator wishes to benefit from the use of more than one trading name, then a separate licence application will be required for each name.

Any mobile app, websites or advertising used by the operator should clearly give the registered operator name in any links, and Guildford Borough Council licence details must be clearly shown on the app, website or advert. This is to ensure that customers know exactly who their booking is with, and will enable improved enforcement through preventing one operator having multiple trading names. In the case of a 'national' operator, there must be clear separation for this purpose.

If more than one licence is held to accommodate different trading names, the records and contact details for each trading name must be kept separate, and any receipts or correspondence with the customer must clearly relate to the company the booking was made with.

8.14 Record keeping

Private Hire Operators licensed by the Council must maintain records covering the following information, and provide these records to the Council upon request:

Vehicles:

- names of proprietors/drivers of each vehicle
- registration number, make, model, type, colour and engine size
- plate number and expiry date of current licence
- number of passenger seats
- insurance details
- vehicle call signs
- expiry date of vehicle road tax
- expiry date of MOT

Drivers:

- names of all drivers
- badge numbers
- call signs
- expiry dates of current driver's licences
- date each driver joined the operator and the date any driver left the operator
- all vehicles driver is linked to
- right to work

Bookings:

Prior to each journey, the operator shall record the following information:

- name of passenger
- contact details of passenger
- number of passengers
- details of any luggage
- whether the passenger has any disability, especially if they have an assistance dog or wheelchair

- the destination, including any multiple pick ups, drop offs or requested stops during the journey
- date and time at which the booking was made
- date and time at which the booking was allocated to the driver
- plate number and badge number of the vehicle and driver undertaking the booking
- date, time and location of the pick up
- price quoted for the booking
- date, time and location that the booking was completed
- date and time of any subsequent cancellation or amendment
- the signature (or in the case of a computer system, the identity) of the person taking and dispatching the bookings)

Format and Retention of Records

- If the operating base is not located in Guildford Borough, the operator must be able to produce any operating records in an electronic format at the request of the Council.
- The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected.
- Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not be removed.
- All such records must be in English, permanent, legible and preserved for a period of not less than 24 months following the date of the last entry.
- Records must be kept in one of the following forms:-
- a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
- on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or
- a computerised recording system which automatically generates a permanent entry onto a computer hard drive, a recordable CD or DVD or other approved server at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamperproof; and once, inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council. Any removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.
- No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other

private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.

- The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises if so required.
- The operator must have capacity to send records electronically (by email) to an Authorised officer upon request.
- The Operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

8.15 Private Hire Operator Policies and Procedures

Private Hire Operators licensed by the Council are expected to provide the following policies and procedures upon application/renewal. Compliance with these will be a condition of the operator's licence. Any changes must be agreed in writing by the Council and must be reviewed at the request of the Council. Any information arising from the application of these procedures (such as staff training records, or complaint records) must also be provided to the Council upon request.

8.15.1 Procedures for accepting bookings

Bookings for a private hire vehicle can be made by a number of different methods, many of which are far removed from those envisaged by the 1976 Legislation. Consequently, the invitation of bookings by an operator which are then 'accepted' by a driver via a PDA or smartphone app, under strict interpretation of the Act, means that the driver accepting the booking also needs an operator's licence. Clearly this is not what the legislation was intended for and as such operators will need to detail their procedures for accepting bookings demonstrating compliance with the legislation.

8.15.2 Procedures for Vetting Staff

The Operator's staff may also take bookings (be it by phone or in person). A vehicle controller decides which driver to send to a user, a position that could be exploited by criminals. It is therefore appropriate that all staff that have contact with PHV users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

Operators or applicants for a licence are also required to provide a written policy regarding their employment of ex-offenders in roles that have contact with the public, access to booking records and/or customer information, and/or oversee the dispatching of vehicles.

As with the threshold for obtaining a PHV operators' licence, those staff with a conviction for offences detailed in our Conviction policy, attached at Annexe 2, (other than those relating to driving) may not be suitable to handle the sensitive information the public may provide (e.g. that their home is likely to be empty between certain dates) or to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Operators must hold and maintain a register of all staff that have contact with the public, access to booking records and/or customer information, and/or oversee the dispatching of vehicles and be able to evidence that they have had sight of a Basic DBS check on all individuals listed, and that this register is compatible with their policy on employing ex-offenders. The register must also include ensuring the staff have the right to live and work in the UK.

8.15.3 Staff Training

Operators must also ensure that all staff employed in a role which has contact with PHV users, access to booking records and/or customer information and PHV drivers have undergone training, and a record of this is maintained for each employee.

Training records of all staff must be maintained, and refresher training provided at appropriate intervals covering the following areas:

- Data Protection
- Emergency Procedures
- Break down Procedures
- Operator's Tariff
- Pick up and drop off procedures
- Customer Complaints
- Lost Property
- Young and Vulnerable Customers
- Equalities

8.15.4 Sub-contracting

If an operator sub-contracts a booking, whether to another licensed private hire operator or a hackney carriage vehicle, they should inform the customer and fix the price, and if using a hackney taking care not to charge more than the hackney carriage metered rate if the journey starts and ends in the relevant district. A clear record of the sub-contracting and when the customer was informed shall be kept.

The Council would expect that the operator receiving and undertaking the sub-contracted booking is subject to the same standards as operators licensed by Guildford Borough Council, and that the Guildford licensed operator receiving the original booking will have taken steps to ensure the sub-contracting operator upholds these standards.

8.15.5 Use of Public Service Vehicles

The use of public service vehicles (PSV) licensed drivers and vehicles to fulfil bookings accepted under a Private Hire Operator Licence is strictly forbidden.

Members of the public are entitled to expect when making a booking with a PHV operator that they will receive a PHV licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a PHV booking are not permitted as a condition of a PHV operator's licence. Drivers of PSVs who are PCV licence holders are not subject to the same checks as PHV drivers, as the work normally undertaken, i.e. driving a bus or coach, does not present the same risk to passengers.

Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check

8.15.6 Licensing Compliance Procedures

The operator shall have procedures in place to ensure all drivers and vehicles used have the required licences and are complying with the relevant conditions of the licences. This should include a record of the initial verification and of the regular checks done by the operator showing compliance with each licence.

The operator shall have procedures in place to ensure that no bookings are passed to a driver or vehicle without a valid licence, MOT, road tax, Council vehicle test or insurance.

8.15.7 Pick up and drop off locations

The operator shall have procedures in place to direct drivers to pick up and drop off customers from locations of safety. This is particularly relevant in Guildford town centre as officers regularly see drivers waiting for bookings, and picking up/dropping off customers in unsuitable (including occasionally illegal and dangerous) locations.

These procedures must be reviewed and amended at the request of an authorised officer and include the requirement to direct drivers under their control and customers making bookings to any dedicated pick up or drop off location nominated.

8.15.8 Operator Tariff

Whilst the Council regulates the fares for hackney carriages, it does not regulate fares for private hire vehicles or operators. Feedback from previous mystery shopping exercises cited confusion from operators who were asked to quote for a local journey, with the response that the journey would be 'on the meter'. This does not provide any clarity for customers about how much a journey may cost them. Additionally there may be a temptation for a private hire driver to take a journey without a booking as it would be 'on the meter', rather than the customer booking and being quoted for a journey in advance.

Similarly at every fare review officers experience a considerable increase in work through dealing with private hire vehicles with taxi meters fitted and private hire vehicles displaying the hackney carriage fare chart.

From 1 April 2022 Private Hire Vehicles will no longer be permitted to be fitted with taximeters. Consequently, the emphasis is on operators to ensure customers are provided with a reliable quote for services in line with current licence conditions.

Operators may still provide a mobile/PDA device which records the journey and generates a fare based upon time and distance, and operators may still use the hackney carriage fare tariff rates as their own tariff.

Operators must provide the Council with a copy of their procedures for calculating fares, and a copy of any tariff.

Where the operator uses a tariff to calculate fares by time and distance using a PDA device, the operator must ensure that this is on display in the vehicle for customers to see.

8.15.9 Complaints and Lost Property

Operators must keep a record of complaints and any lost property and have procedures to resolve these. Records of complaints received, investigations undertaken and any disciplinary action must be made available to the licensing authority or Police officer upon request. If an operator terminates the use of a driver, then this information including full reasons must be provided to the Licensing authority in writing within 48 hours.

8.15.10 Data protection

Operators have a duty under data protection legislation to protect the information they record and as such must have written procedures for protecting the information they hold. The Information Commissioner's Office provides comprehensive guidance on registering as a data controller and how to meet legal obligations.

8.15.11 Driver Risk assessment

Operator's have a duty to ensure the safety of their customer by ensuring that licensed drivers under their control do not pose risk to the public. Whilst the Council will only grant a driver's licence to a fit and proper person, the Council has limited control over a driver's working hours, or other employment held. As such Operators should complete a risk assessment, commensurate to the size of their operation, identifying drivers who may be 'at risk' from working long hours (for example being logged on for long periods of time) or from other activities (for example holding a 'day job' and working nights as a licensed driver).

Operator's must provide the results of any risk assessment, together with actions taken to reduce risk, to the Council upon request.

8.15.12 Driver Welfare policies

Regardless of any terms of contract or employment between drivers and operators; operators have a duty towards the welfare of their drivers. Drivers must be awake, alert, efficient, well and not in a rush. As such operators have an obligation through their business practices to ensure public safety through drivers not having to work long hours, or evade their own obligations (for example including but not limited to driving dangerously, picking up/dropping off inappropriately or attempting to negotiate a different fare with passengers), which carries public safety risks to both themselves and the public.

Operators must provide a policy covering driver welfare, driver remuneration, driver working conditions, driver working hours, and drivers being adequately incentivised to provide a service when needed throughout the day.

8.16 Insurance

Before an application for a Private Hire operator's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed if this premises is open to the public. Where necessary, operators must also hold employer's liability insurance.

8.17 Use of operator name following revocation of licence

Where an operator's licence is revoked by the Council, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

8.18 Reporting of key events

Key events which may affect the safety of the public must be reported to the licensing authority within 48 hours.

Such events may include, but are not limited to, system changes, system faults (such as the ability to drive without a licence, insurance, mot, tax), serious offences and complaints, suspensions, data breaches or losses, investigations and action taken by other regulators (including criminal investigations and the suspension/revocation of any Private Hire Operator's licence held with another licensing authority).

8.19 Operator's responsibility in relation to vehicles / drivers that are operated

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business.

The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions or operator processes may also be detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator, including conduct around waiting areas and pick up and drop off locations
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).

Section 9 - Compliance and enforcement

- 9.1 The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. In doing this, the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated, and promoting confidence in the service in the eyes of those who use it.
- 9.2 We will follow the [Regulators Code](#) and the Council's Enforcement Policy and will base any enforcement action on the seriousness of the breach and the possible consequences arising from it. A range of tools and powers, including mystery shopping, to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator is a "fit and proper" person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.
- 9.3 The Council has a procedure whereby the general public can submit service requests / complaints / concerns about licensed drivers and operators. This is accessible via the submission of a report form via the Council's website. In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account. In addition if anyone wishes to complain about the service provided by the Council there is a Complaints procedure available on the website.
- 9.4 Where appropriate referrals will be made to other agencies such as the Police, Disclosure and Barring Service, HM Customs & Excise and both Adult and / or Child safeguarding teams. The Council will respond to complaints made by the public and referrals from other agencies & bodies. In addition officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations.
- 9.5 Licensing decisions are taken on the 'civil' standard of proof and in line with the statutory guidance, the benefit of the doubt will **not** be given to the licence holder when making any decision.
- 9.6 We aim to achieve and maintain a consistent approach when we make our decisions.
In reaching any decision we will consider the following criteria:
- seriousness of any offences or breach of conditions
 - licence holder's past history, including previous advice and warnings issued
 - consequence(s) of non-compliance
 - likely effectiveness of the various enforcement options
 - danger to the public
- 9.7 Having considered all relevant information and evidence, the normal options are one or more of:
- take no action
 - take informal action
 - issue statutory notices (stop notices etc.)
 - suspend a licence
 - revoke a licence

- prosecution
- 9.8 As well as complying with legislation and licence conditions, 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.

9.9 Informal Action

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

- the act or omission is not considered serious enough to warrant more formal action
- from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance
- confidence in the operator's management is high
- the consequences of non-compliance will not pose a significant risk to the safety of the public

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.

9.10 Statutory notices

If a defect in a licensed vehicle is found, including a breach of licensing conditions or vehicle specification, we may serve notice in writing requiring the vehicle (or the taximeter in the vehicle) to be examined at the vehicle testing station or by a taximeter examiner nominated by the Council.

If a defect in a licensed vehicle is found upon inspection which causes the vehicle to fail the MOT then a statutory notice may be served preventing the vehicle from being used until the defect is remedied and the vehicle passes the test.

9.11 Suspending or revoking a licence (vehicles)

We may suspend a vehicle licence where:

- the Council has reasonable grounds to suspect that the condition of the vehicle is dangerous or poses a risk to passengers or other road users. For example, there is damage to the vehicle, the tyre tread is insufficient, or the vehicle has been involved in a collision
- the insurance is no longer valid.
- the vehicle has not completed the vehicle test at the required interval, or failed the test
- the vehicle is non-compliant with its licence conditions or other licensing policy requirement

The suspension will be lifted once we are satisfied that the reason for the suspension has been addressed and the vehicle complies with the Council's policy requirements.

We may revoke a vehicle licence where:

- The proprietor regularly presents a vehicle for inspection which is in unsatisfactory condition
- The proprietor is no longer considered suitable to hold a licence
- The vehicle 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.

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

We may suspend or revoke a driver's licence if the licence holder:

- is convicted of any offence involving dishonesty, indecency or violence
- is convicted of an offence under or has failed to comply with the relevant taxi and private hire legislation or
- for any other reasonable cause

Before we make our decision, the Council will consider the seriousness of the conviction, caution, endorsement or other information which has been provided to us.

We will apply the guidelines set out in Appendix 2 when a licence holder is convicted, cautioned for or charged with any of the offences or information (including complaints from the public) is received to indicate that the licence holder has conducted themselves in a way outlined by the offence. For example, if a complaint has been received about a licence holder which has not resulted in a conviction, in the interest of public safety the policy and sanction for that offence will still be applied.

Any other reasonable cause can include, but is not restricted to:

- a suspension of your DVLA licence (either due to 'totting up' or disqualification imposed for specific offences)
- a medical issue
- other offences not included in Appendix 2, but still indicating that the licence holder is of unsuitable character
- a culmination of minor transgressions or continual non-compliance with licensing requirements
- any action that presents a risk to the public or is likely to undermine public confidence in the licensing regime
- obstruction of or being abusive towards an authorised officer, or disregarding the advice, warnings or sanctions of an authorised officer

If a driver's licence is suspended this will normally be for a defined period and the Council will inform the licence holder of our reasons. The Council will normally only suspend a licence where the relevant behaviour can be addressed within a reasonable timescale. In other cases the licence will normally be revoked. However the Council reserves the right to utilise suspensions as a punitive measure so that drivers can have a defined period to reflect on their conduct.

If we consider it is in the interest of public safety to suspend or revoke a licence with immediate effect, we will do so and we will inform the licence holder of our reasons.

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

We may suspend, revoke or refuse to renew a private hire operator's licence:

- if the licence holder commits any offence under or fails to comply with relevant taxi and private hire legislation or
- there is any conduct on the part of the operator, including convictions, which falls below the standards expected by the Council of professional, licensed private hire operators, or
- there is any material change of the circumstances of the operator on the basis of which the licence was granted, or
- the operator seeks to negate local control by not using vehicles and drivers licensed by the Council within its jurisdiction, or
- for any other reasonable cause

Before we make our decision, the Council will consider the seriousness of the conviction, caution, endorsement or other information which has been provided to us.

We will apply the guidelines set out in Appendix 2 when a licence holder is convicted, cautioned for or charged with any of the offences or other information (including complaints from the public) is received to indicate that the licence holder has conducted themselves in a way outlined by the offence. For example, if a complaint has been received about a licence holder which has not resulted in a conviction, in the interest of public safety the policy and sanction for that offence will still be applied.

Any other reasonable cause can include, but is not restricted to:

- other offences not included in Appendix 2, but still indicating that the licence holder is of unsuitable character
- a culmination of minor transgressions or continual non-compliance with licensing requirements
- any action that presents a risk to the public or is likely to undermine public confidence in the licensing regime
- using unlicensed drivers or vehicles
- using uninsured or unsafe vehicles
- obstruction of or being abusive towards an authorised officer, or disregarding the advice, warnings or sanctions of an authorised officer

If an operator's licence is suspended this will normally be for a defined period and the Council will inform the licence holder of our reasons. The Council will normally only suspend a licence where the relevant behaviour can be addressed within a reasonable timescale. In other cases the licence will normally be revoked. However the Council reserves the right to utilise suspensions as a punitive measure so that operators can have a defined period to reflect on their conduct.

9.14 Decision making

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.

In cases where revocation of a licence is considered, there will be a clear separation between the investigation of licensing concerns and the management of the licensing decision making process. In addition, the Council has made arrangements for dealing with serious matters that may require the immediate revocation of a licence by delegation of these powers to a senior officer/manager with responsibility for the licensing service.

9.15 Prosecution

The Council recognises that it is a significant step to prosecute, however, will consider prosecution in appropriate cases where there is sufficient evidence and it is in the public interest to do so.

In order to protect public safety and promote public confidence in the licensing regime, the Council will generally consider that prosecution is appropriate in the majority of cases, but will take into consideration:

- the overall seriousness of the offence and harm caused
- if the offender also encouraged others to commit offences
- the offence was pre-meditated
- the offender showed disregard for the law
- the offender stood to gain from the offence
- the victim, if any, was vulnerable, suffered damage or felt threatened by the offence
- there is significant environmental harm
- the offence had a discriminatory element, for example on the basis of race or religion
- the offender has previous convictions or cautions that are for offences that have some similarity with the current one
- there is likelihood that further offences might be committed.

9.16 Appeals

If the Council suspends, revokes or refuses a licence, a record of the reasons for our decision will be made and we will provide the licence holder with a copy of that document.

The licence holder may appeal to the Magistrates' Court within 21 days of the decision. We would recommend that appellants seek legal advice.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the Magistrates Court in order to challenge the council's decision. There is no other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

The Council will normally defend any appeal and seek full recovery of its costs from the appellant.

Hackney Carriage Byelaws



**BOROUGH OF GUILDFORD
BYELAWS**

MADE BY

**THE COUNCIL OF THE BOROUGH OF GUILDFORD
WITH RESPECT TO**

HACKNEY CARRIAGES

BOROUGH OF GUILDFORD BYELAWS

Made under Section 68 of the Town Police C 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;
 - (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.

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

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

THE COMMON SEAL of THE COUNCIL 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:

1. 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.
2. 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:

1. 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.
3. 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:

1. 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.
3. 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.

6/91 CSAD348A

Relevance of convictions, cautions, endorsements and other information

1. Introduction

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

(Part II)

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

- 1.8 There is no judicially approved test of fitness and propriety and, accordingly the Council has set out its tests for applicants and licence holders in its Licensing Policy document.
- 1.9 In determining suitability of the applicant/licence holder the Council will take into account all matters concerning that applicant or licence holder. The Council is not simply concerned with that person's (or company's) behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament and approach to regulatory compliance.
- 1.10 The Council will undertake such checks as it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:
- Criminality
 - Number of endorsed DVLA driving licence penalty points
 - The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
 - The previous licensing history of existing / former licence holders.

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

- 1.10 In this policy, the word "applicant" refers to new applicants, existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.
- 1.11 In this policy, the word "conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information, including officer observations and complaints received.
- 1.12 The Council reserves the right to reconsider a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.
- 1.13 A common misunderstanding is that if the offence was not committed when the driver was driving a taxi, or if it was in a taxi but not when passengers were aboard, it is much less serious. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public

at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 1.14 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 1.15 Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

2. General Policy

- 2.1 Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- Remain free of conviction for an appropriate period as detailed below; and
 - Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not always be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.
- 2.2 As the licensing authority will be looking at the entirety of the individual's record, in many cases the individual's suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 2.3 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3. Powers

- 3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the applicant/licence holder has, since the grant of the licence, been convicted of an

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

- 3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to take into account all convictions recorded against an applicant for, or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared, and failure to do so (either upon application or during the course of a licence) will call into question the suitability of the individual. In the case of operator's or vehicle proprietors, the Council can only consider unspent convictions.

4. Consideration of disclosed criminal history

- 4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence or Operator's licence is a "fit and proper" person to hold such a licence. Although there are no statutory criteria for vehicle licences, the authority has a discretion and will apply these requirements to vehicle proprietors in so far as they are relevant.

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

- 4.3 Where an applicant has been convicted of a criminal offence, the licensing

authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

- 4.4 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.
- 4.5 Existing holders of driver's licences are required to notify the council in writing within 48 hours of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 48 hours of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.
- 4.6 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required in the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.7 Any offences or behaviour not expressly covered by this Policy may still be taken into account in appropriate circumstances. The decision whether to consider any information will be with the overarching regard to ensure public protection.

5. Options when determining an application/licence

- 5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council has the following options:
- grant the licence
 - grant the licence with or impose additional conditions
 - refuse, revoke, or suspend the licence
 - issue a warning
 - take no further action
- 5.2 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given to the suspension or revocation of their licence.
- 5.3 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

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

6. Offences and time periods for consideration

The periods given below should be taken as a starting point before a licence should be granted or renewed in all but truly exceptional circumstances. The Council's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

In addition to the nature of the offence or other behaviour, the quantity of matters over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause a greater concern than isolated occurrences as such patterns demonstrate a propensity for such conduct. Where a person has more than one conviction, this indicates a pattern or trend of repeated offending which raises serious concerns about a person's suitability.

6.1 Crimes resulting in death

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

6.2 Exploitation

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

6.3 Offences involving violence

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

6.4 Possession of a weapon

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

6.5 Sex and indecency offences

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

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

6.6 Dishonesty

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

6.7 Drugs

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

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

6.8 Discrimination

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

6.9 Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction of a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or PHV driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence. However, should licence holders receive multiple minor traffic offences this may be indicative of an intentional disregard for traffic limits and/or failure to learn from previous mistakes and such will call into question the licence holders suitability.

More serious traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this will be increased to 3 years.

In cases where a DVLA licence has been lost due to 'totting up', 3 years should elapse (after the restoration of the DVLA driving licence), before an applicant would be granted a Hackney Carriage or Private Hire driver's licence.

6.10 Drink driving/driving under the influence of drugs

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

6.11 Using a hand-held telephone or hand held device whilst driving

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

6.12 Licensing and other Regulatory Offences

Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 5 years has passed since conviction.

6.13 Insurance Offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance (including incorrect insurance), or allowing a person to drive whilst uninsured. Where an applicant has a conviction for insurance offences, a licence will not be granted until at least 3 years have elapsed since the completion of any sentence or driving ban imposed.

7. People banned from working with children and vulnerable adults

A licence will not be granted if an applicant has been found unfit to work with children or vulnerable adults.

8. Outstanding Charges or Summonses

If the individual is the subject of an outstanding charge or summons, then in the interests of public safety the application may be put on hold, with the applicant's agreement until proceedings are concluded or the licence may be refused.

9. Non-conviction information

The Council will take into account intelligence which has not led to a conviction. This may include but is not limited to background information where there has been an acquittal, where a conviction has been quashed due to a technicality, such as misdirection of the jury, where the decision was taken not to prosecute, where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public.

In considering the most appropriate action to take following the receipt of information, the credibility of both the witness / complainant and the licence holder will be taken into account.

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration will be given to refusing the application or revoking an existing licence.

10. Summary

- 10.1 There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk may reduce over time. In light of that, the timescales above are intended to reduce the risk to the public to an acceptable level.
- 10.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 10.3 Ideally, all those involved in the hackney carriage and private hire trades would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 10.4 If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public, caution will be exercised and the applicant will not be afforded the benefit of the doubt.

Appendix 3

Standard Private Hire Driver and Dual Hackney Carriage Driver Licence Conditions

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and apply to both licensed private hire drivers and dual licensed hackney carriage drivers.

1. DRIVER LICENCE

The licence holder must not assign or in any way part with the benefit of the licence which is personal to the licensee.

2. DRIVER BADGE

- a. The licence holder must always when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.
- b. The licence holder must always when driving a licensed vehicle for hire or reward, display the driver's identification card issued by the Council in a prominent visible place in the vehicle for passengers to view.
- c. The driver's badge and identification card remain the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge and card must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- d. The badge and card must be returned to the Council immediately on demand if the licence is suspended or revoked.

3. CONDUCT OF DRIVER

- a. The driver must comply with the Guildford Borough Council Driver Code of Conduct
- b. The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- c. The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver must offer all reasonable assistance to passengers leaving the vehicle, including assisting them with luggage or any disability aids or wheelchair.
- d. The driver must take particular care with unaccompanied children and vulnerable adults, including remaining alert to concerns over the safeguarding of passengers.
- e. The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability, and comply with instructions issued by the Licensing Authority or Private Hire Operator about locations to be used for waiting for, picking up and setting down passengers.
- f. The driver shall not permit the vehicle he/she is driving to be stationed on the Highway in unsuitable, dangerous or illegal locations.
- g. The driver of a private hire vehicle shall not await bookings when out of the Guildford Borough.
- h. The driver shall not drive a licensed vehicle unless he/she understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
- i. The driver shall not operate the horn as a means of signalling that the vehicle has arrived.

- j. The driver must not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006. The driver must also not use an electronic cigarette, vaporising or similar device in a licensed vehicle at any time.
- k. The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- l. The driver must ensure that the vehicle is maintained in a roadworthy and clean condition.
- m. The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- n. The driver of a private hire vehicle must if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
- o. Where there is a reasonable cause to believe that there is a need to assess a licence holder's English language literacy and numeracy skills or knowledge of licensing requirements because of a substantiated complaint, or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense within such timescale as the officer prescribes.
- p. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / hackney carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all signage and notices that are required by Guildford Borough Council licensing conditions are appropriately fixed / attached to the vehicle.
- q. The driver must ensure that the vehicle's taxi camera system is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).
- r. The driver must not tamper or otherwise interfere with the camera system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

4 FARES AND FARECARDS

- a. The driver of a private hire vehicle must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and operator before commencement of the journey. When a fare scale is used that fare scale must be clearly displayed and must give an accurate reflection of the charge, including any specific additions (i.e. night tariff or Bank Holiday) the customer may be expected to pay.
- b. The driver must not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

- c. The driver must not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- d. The driver must, if requested by the hirer, provide a written receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

5. PASSENGERS

- a. The driver must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons than the number of persons specified in the licence issued in respect of that licensed vehicle.
- b. The driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.
- c. The driver must not allow to be conveyed in the front of a licensed vehicle:-
 - i. more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
 - ii. subject to paragraph iv below, any child under the age of 10 years old,
 - iii. subject to paragraph iv below, any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.
 - iv. Paragraphs ii and iii above do not apply in cases where it is not reasonably practicable for the child to sit in the rear of the vehicle due to them having impaired mobility or some other impairment that would mean that it is safer for them to sit in the front seat. The impairment must be confirmed by an appropriate adult (who is independent of the driver). The adult must be familiar with the child's specific needs and confirm that it is not reasonably practicable for the child to sit in the rear seat as a result of that impairment. In these cases a record must be made of the adult's name and contact details and this record must be retained by the driver for at least 28 days.
- d. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- e. The driver must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 at section 165 places the following duties on licensed drivers driving designated vehicles, however the Council expects compliance with these requirements from a driver of any vehicle, unless they have an exemption certificate:-
 - i. to carry the passenger while in the wheelchair;
 - ii. not to make any additional charge for doing so;
 - iii. if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - iv. to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - v. to give the passenger such mobility assistance as is reasonably required.
 - i. to enable the passenger to get into or out of the vehicle;
 - ii. if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - iii. to load the passenger's luggage into or out of the vehicle;
 - iv. if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle (if the vehicle is capable of carrying the passenger in a wheelchair).

- f. Duty to carry guide dogs and assistance dogs
- i. The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.
 - ii. Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle. Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

6. FOUND PROPERTY

The driver must, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property belonging to the hirer(s) 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, unless an alternative arrangement has been made with the owner of the property via the Private Hire Operator.

7. MEDICAL CONDITION(S)

- a. The licence holder must notify the Council in writing within 48 hours of any change in medical condition.
- b. The licence holder must at such time as the Council reasonably requires, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

8. CONVICTIONS, CAUTIONS, ARREST ETC.

- a. The licence holder must notify the Council in writing within 48 hours of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence and must provide full details.
- b. What should be reported:-
 - i. Any conviction (criminal or driving matter);
 - ii. Any caution (issued by the Police or any other agency);
 - iii. Issue of any Magistrate's Court summons;
 - iv. Issue of any fixed penalty notice for any matter;
 - v. Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
 - vi. Arrest for any offence (whether or not charged)
 - vii. Any acquittal following a criminal case heard by a court

9. DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE

- a. All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.
- b. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

10. CHANGE OF OPERATOR

The licence holder must notify the Council in writing within 7 days of any change of operator through whom he/she works. This includes occasions where a driver joins or leaves the employment of an operator.

11. CHANGE OF CONTACT DETAILS

The licence holder must notify the Council in writing within 7 days of any change of his/her contact details taking place during the period of the licence, whether permanent or temporary. The driver's contact details include:

- Name
- Address
- Telephone number
- Mobile phone number
- Email address

12. TIME SPENT OVERSEAS

- a. The licence holder must notify the Council in writing within 7 days if they have spent three or more continuous months out of the UK. Such notification must include the list of countries visited and relevant dates.
- b. The licence holder must provide a Certificate of Good Conduct for any countries visited/lived in for three or more continuous months upon their return to the UK.

13. WORKING HOURS

Licensed drivers must not drive when their ability to do so is impaired by having worked excessive hours.

14. CUSTOMER AND OTHER PERSONAL INFORMATION

- a. Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- b. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- c. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing or personal calls).

15. DUTY TO COOPERATE ON REGULATORY MATTERS

Licensed drivers must co-operate with authorised officers of Guildford Borough Council and any other Licensing Authority or Police Force in all matters relating to the regulation of the licensed vehicle trade.

16. DRESS AND APPEARANCE OF DRIVER

- a. The driver must dress in accordance with the Guildford Borough Council Licensed Driver Dress Code at all times when acting in the capacity as a licensed driver
- b. The driver must be clean and tidy in appearance and maintain a good standard of personal hygiene so as not to cause embarrassment or give offence to members of the public

- c. If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council (paying the required fee) at the earliest opportunity and supply an updated photograph that is an accurate portrayal of their current appearance

17. ACCIDENTS

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 3 working days (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

18. ADHERENCE TO BOOKINGS

The holder of a licence who has agreed, or whose vehicle has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place, ensuring the place is in accordance with the operator and Council instructions as to where pick-ups can occur.

NOTES

- a. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- b. Any person who commits an offence against any of the provisions of the Act of 1976 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided by the Act. The licence holder should ensure compliance at all times.
- c. The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- d. A child can travel in a licensed vehicle without a child car seat, however the following must be observed: a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt
- e. If at any time the conduct of the driver causes concern to the Council as to whether they remain fit and proper to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper the driver licence may be suspended or revoked.
- f. Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.
- g. ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.
- h. ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN.

THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.

- i. ANY PERSON AGGREIVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE ISSUE OF THE LICENCE.

Licensed Dual Hackney Carriage and Private Hire Dress Code

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

Appendix 5

Licensed Dual Hackney Carriage and Private Hire Code of Conduct

The Guildford Borough Council code of conduct applies to all licensed drivers when working with all passengers, with particular attention required when working with vulnerable passengers.

A vulnerable passenger is a passenger whose age, disability or other impairment means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person, or somebody with learning difficulties. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with all passengers including those who are vulnerable, in the taxi or private hire trade.

The following principles should be embedded into driver working practice, in addition to compliance with Policy requirements and licence conditions:

1. Drivers must carry photo ID at all times and wear it in accordance with the conditions of licence.
2. A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
3. When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
4. If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
5. Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions.
6. Drivers must remain professional at all times and should not make offensive or inappropriate comments or gestures (such as the use of swearing or sexualised or discriminatory language) or behave in a way that may make a passenger feel intimidated, threatened, harassed, bullied, or act in a confrontational or aggressive manner to any person at any time.
7. The driver shall not drive a vehicle in such a manner so as to cause distress to a passenger or so as to be dangerous or potentially dangerous to passengers, pedestrians, other road users or the general public.
8. Drivers must not use or attempt to misuse personal details obtained via the business about a person
9. The driver shall not engage in any sexual or inappropriate activity with customers or make any advances, touching, inappropriate comment or action that could be construed, or perceived to be an attempt to procure any special relationship, sexual or otherwise, with the customer

10. A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.
11. Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
12. If a driver/operator is concerned about someone else's conduct, they should report their concerns to the council's licensing department, police (101) or Crimestoppers (0800 555111).
13. The driver shall dress in accordance with Guildford Borough Council's licensed driver Dress Code and the driver shall at all times be clean and respectable in his/her dress and person.
14. The driver of a private hire vehicle shall not park on, drop off or pick up at any taxi rank for any reason during the operational times of such rank.
15. The driver of a private hire vehicle shall not ply for hire on any public or private road, or tout or solicit any person to hire or to be carried in his/her private hire vehicle. The driver shall not accept any offer of immediate hire whilst the driver or vehicle is on the road or in any other public place.
16. The driver of a private hire vehicle shall not await bookings when out of the Guildford Borough.
17. A driver who has agreed, or whose vehicle has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place, ensuring the place is in accordance with the operator and Council instructions as to where pick-ups can occur.

Appendix 6

Standard Hackney Carriage vehicle licence conditions

1. MAINTAINENCE OF VEHICLE

- a. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition in accordance with the hackney carriage byelaws and all relevant statutory requirements.
- b. The vehicle must be maintained in good working order, including being serviced in line with manufacturer recommendations at all times. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.

2. ALTERATION OF VEHICLE

No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage.

3. GLAZING

All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows post manufacture are not permitted.

4. GENERAL CONDITION, CLEANLINESS AND APPEARANCE

- a. Every vehicle must be maintained in a safe and clean condition at all times.
- b. Seats must be fully 'sprung', free of stains, tears, cigarette burns, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style. Seatbelts must be maintained to ensure there is no deterioration and that they are fully operational.
- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. The proprietor must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts.

5. IDENTIFICATION PLATE, SIGNS, NOTICES ETC.

- a. The following must be in place at all times:
 - A licence plate permanently affixed to the rear of the vehicle
 - A licence sign permanently displayed in the front windscreen of the vehicle
 - The approved full body livery and door signage as set out in the Council's Policy
 - No smoking signs, as required by the Health Act 2006
 - A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
 - A notice, clearly visible from the passenger seats / compartment, detailing how any complaint about the driver/vehicle can be made.

- b. The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.
- c. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever must be displayed on, in or from the vehicle except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions, provided however, that this condition will not apply to any indication on a taximeter fitted to the vehicle.

6. EQUIPMENT AND FITTINGS

- a. The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council. All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. The licence number of the vehicle must be permanently and legibly marked on the extinguisher.
- c. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency. The licence number of the vehicle must be permanently and legibly marked on the first aid kit.
- d. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-
 - It must be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
 - it must not be changed in any way from its original design and must remain free of damage;
 - it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
 - it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
 - the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- e. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.
- f. Estate type vehicles shall have an appropriate guard fitted between the passenger and the luggage compartments.

7. METERS, FARES AND FARECARDS

A meter must be fitted to the vehicle and installed in accordance with the manufacturer's instructions. The meter must be calibrated to the Council's table of fares and sealed by the meter agent, who will provide a certificate. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter.

8. SEATS AND PASSENGERS

- a. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- b. Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- c. All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards.

9. VEHICLES WITH A THIRD ROW OF SEATS

- a. All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.

10. WHEELCHAIR PASSENGERS

- a. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

11. COMMUNICATION EQUIPMENT

Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

12. DRIVERS

- a. Any person who drives the vehicle for any purpose whatsoever, must hold a drivers licence issued by Guildford Borough Council, even when the vehicle is not being used for hire/reward. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by Guildford Borough Council by examining each driver's licence.
- b. Proprietors must ensure that all driver(s) of the hackney carriage are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.

13. ADVERTISING

No advertisement, including operator signage may be displayed on the vehicle unless the Council has provided written approval to the proprietor.

14. ROOF SIGNAGE

- a. The vehicle 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.
- b. Purpose built hackney carriages may be excluded from this specification if a sign is part of the taxi's structure.
- c. 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.

15. LIVERY

Vehicles must have a full external Pantone 321 coloured livery as required by the Livery Policy. The livery must be maintained to a good standard and be free from scratches, tears, dents and be securely fitted. Upon expiry, surrender or revocation of the licence, the proprietor must ensure the livery is removed from the vehicle.

16. CARD PAYMENT TERMINAL

The vehicle must be equipped with a card payment terminal which can accept payment by credit/debit card, including contactless and print a receipt. The device must be connected, maintained and working at all times to ensure customers are able to pay by card.

17. CONVICTIONS, CAUTIONS, ARREST ETC.

- a. The licence holder must notify the Council in writing within 48 hours of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence and must provide full details.
- b. What should be reported:-
 - Any conviction (criminal or driving matter);
 - Any caution (issued by the Police or any other agency);
 - Issue of any Magistrate's Court summons against you;
 - Issue of any fixed penalty notice for any matter;
 - Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
 - Arrest for any offence (whether or not charged)
 - Any acquittal following a criminal case heard by a court

18. DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE

- a. All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.
- b. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

19. CHANGE OF OPERATOR OR DRIVER

The licence holder must notify the Council in writing within 7 days of any change of operator through whom he/she works, or any change of driver using the vehicle. This includes occasions where a vehicle joins or leaves the employment of an operator, or where a driver starts or ends a hire of the licensed vehicle.

20. CHANGE OF CONTACT DETAILS

The licence holder must notify the Council in writing within 7 days of any change of his/her contact details taking place during the period of the licence, whether permanent or temporary. The licence holder's contact details include:

- Name
- Address
- Telephone number
- Mobile phone number
- Email address

21. CUSTOMER AND OTHER PERSONAL INFORMATION

- a. Proprietors must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- b. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- c. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the proprietor after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing or personal calls).

22. DUTY TO COOPERATE ON REGULATORY MATTERS

Licensed vehicle proprietors must co-operate with authorised officers of Guildford Borough Council and any other Licensing Authority or Police Force in all matters relating to the regulation of the licensed vehicle trade.

23. VEHICLE TESTING

- a. The proprietor must ensure the vehicle complies with the vehicle testing requirements and vehicle inspection standard in Appendix 7;
- b. An interim vehicle test must be passed no less than five months and no more than seven months before the expiry date of this licence.
- c. If the vehicle has not passed the vehicle test for any reason it cannot be used as a licensed vehicle even during the duration of an existing licence.
- d. A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Guildford Borough Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

24. ACCIDENTS

If at any time the vehicle is involved in an accident, however minor, the proprietor must inform the Council of this fact as soon as possible and in any event within 3 working days (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident

occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

25. INSURANCE

At all times the proprietor must, during the currency of this Licence:-

- a. keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- b. On being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

26. TRANSFER OF LICENCE

- a. If the proprietor of a hackney carriage licensed by the Council transfers his interest in the vehicle to a person not named in the licence, he must within fourteen days after such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the hackney carriage has been transferred.
- b. Following transfer, the new proprietor(s) must to obtain a basic DBS certificate and meet the Council's Policy on suitability, if they are not already a licensed driver.

27. CCTV CAMERAS

- a. Taxi camera equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The system must meet or exceed the council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).
- b. The system must not be changed in any way from its original design, must be free of damage and be maintained in working condition;
- c. The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
- d. The recording system and memory card (or other image memory recording system) must be securely stored within the vehicle and away from public access.
- e. Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- f. The information contained in the recording device must only be downloaded by an Authorised Officer of the Council or Police Officer. Proprietors must present their vehicle for the purposes of downloading information within 24 hours of the request of an authorised officer.

28. PARKING

- a. The licence holder shall not permit the vehicle to be stationed on the Highway in unsuitable, dangerous or illegal locations.
- b. The licence holder shall not permit the vehicle to be parked on a taxi rank where the driver is not in attendance.

29. DUAL LICENSING

The vehicle is not permitted to be licensed as a hackney carriage or private hire vehicle with any other licensing authority.

NOTES

- a. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- b. Any person who commits an offence against any of the provisions of the Act of 1976 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided by the Act. The licence holder should ensure compliance at all times.
- c. The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- d. A child can travel in a licensed vehicle without a child car seat, however the following must be observed: a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt
- e. ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.
- f. ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.
- g. ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE ISSUE OF THE LICENCE.

Standard Private Hire vehicle licence conditions

1. MAINTAINENCE OF VEHICLE

- a. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition in accordance with all relevant statutory requirements.
- b. The vehicle must be maintained in good working order, including being serviced in line with manufacturer recommendations at all times. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.

2. ALTERATION OF VEHICLE

No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle.

3. GLAZING

All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows post manufacture are not permitted.

4. GENERAL CONDITION, CLEANLINESS AND APPEARANCE

- a. Every vehicle must be maintained in a safe and clean condition at all times.
- b. Seats must be fully 'sprung', free of stains, tears, cigarette burns and not be threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style. Seatbelts must be maintained to ensure there is no deterioration and that they are fully operational.
- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. The proprietor vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts.

5. IDENTIFICATION PLATE, SIGNS, NOTICES ETC.

- a. The following must be in place at all times:
 - A licence plate permanently affixed to the rear of the vehicle
 - A licence sign permanently displayed in the front windscreen of the vehicle
 - The approved door signage as set out in the Council's Policy
 - No smoking signs, as required by the Health Act 2006
 - A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
 - A notice, clearly visible from the passenger seats / compartment, detailing how any complaint about the driver/vehicle can be made.

- b. The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.
- c. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever must be displayed on, in or from the vehicle except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions.

6. EQUIPMENT AND FITTINGS

- a. The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council. All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. The licence number of the vehicle must be permanently and legibly marked on the extinguisher.
- c. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency. The licence number of the vehicle must be permanently and legibly marked on the first aid kit.
- d. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-
 - It must be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
 - it must not be changed in any way from its original design and must remain free of damage;
 - it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passenger's visibility;
 - it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
 - the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- e. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.
- f. Estate type vehicles shall have an appropriate guard fitted between the passenger and the luggage compartments.

7. METERS, FARES AND FARECARDS

The vehicle is not permitted to have a meter fitted (from 1 April 2022).

Should the operator use a fare tariff, this must be displayed in the vehicle in such a position as to be visible to passengers.

8. SEATS AND PASSENGERS

- a. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- b. Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence are fitted in the vehicle

whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.

- c. All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards.

9. VEHICLES WITH A THIRD ROW OF SEATS

- a. All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.

10. WHEELCHAIR PASSENGERS

- a. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

11. COMMUNICATION EQUIPMENT

Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

12. DRIVERS

- a. Any person who drives the vehicle for any purpose whatsoever, must hold a drivers licence issued by Guildford Borough Council, even when the vehicle is not being used for hire/reward. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by Guildford Borough Council by examining each driver's licence.
- b. Proprietors must ensure that all driver(s) of the vehicle are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.

13. ADVERTISING

No advertisement, including operator signage may be displayed on the vehicle unless the Council has provided written approval to the proprietor.

14. ROOF SIGNAGE

The vehicle must not be fitted with a roof sign of any type.

15. PRIVATE HIRE VEHICLE SIGNAGE

Vehicles must display the approved private hire vehicle signage. 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 must be directly applied to the front passenger and driver doors at all times. The signage must be maintained to a good standard and be free from scratches, tears, dents and be securely fitted. Upon expiry, surrender or revocation of the licence, the proprietor must ensure the signage is removed from the vehicle.

16. CONVICTIONS, CAUTIONS, ARREST ETC.

- a. The licence holder must notify the Council in writing within 48 hours of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence and must provide full details.
- b. What should be reported:-
 - Any conviction (criminal or driving matter);
 - Any caution (issued by the Police or any other agency);
 - Issue of any Magistrate's Court summons;
 - Issue of any fixed penalty notice for any matter;
 - Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
 - Arrest for any offence (whether or not charged)
 - Any acquittal following a criminal case heard by a court

17. DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE

- a. All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.
- b. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

18. CHANGE OF OPERATOR OR DRIVER

The licence holder must notify the Council in writing within 7 days of any change of operator through whom he/she works, or any change to the licensed driver. This includes occasions where a vehicle joins or leaves the employment of an operator, or where a driver starts or ends a period of hiring the vehicle.

19. CHANGE OF CONTACT DETAILS

The licence holder must notify the Council in writing within 7 days of any change of his/her contact details taking place during the period of the licence, whether permanent or temporary. The licence holder's contact details include:

- Name
- Address
- Telephone number
- Mobile phone number
- Email address

20. CUSTOMER AND OTHER PERSONAL INFORMATION

- a. Proprietors must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- b. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- c. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the proprietor after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing or personal calls).

21. DUTY TO COOPERATE ON REGULATORY MATTERS

Licensed vehicle proprietors must co-operate with authorised officers of Guildford Borough Council and any other Licensing Authority or Police Force in all matters relating to the regulation of the licensed vehicle trade.

22. VEHICLE TESTING

- a. The proprietor must ensure the vehicle complies with the vehicle testing requirements and vehicle inspection standard in Appendix 7;
- b. An interim vehicle test must be passed no less than five months and no more than seven months before the expiry date of this licence.
- c. If the vehicle has not passed the vehicle test for any reason it cannot be used as a licensed vehicle even during the duration of an existing licence.
- d. A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Guildford Borough Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

23. ACCIDENTS

If at any time the vehicle is involved in an accident, however minor, the proprietor must inform the Council of this fact as soon as possible and in any event within 3 working days (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

24. INSURANCE

At all times the proprietor must, during the currency of this Licence:-

- a. keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- b. On being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

25. TRANSFER OF LICENCE

- a. If the proprietor of a hackney carriage licensed by the Council transfers his interest in the vehicle to a person not named in the licence, he must within fourteen days after such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the private hire vehicle has been transferred.
- b. Following transfer, the new proprietor(s) must to obtain a basic DBS certificate and meet the Council's Policy on suitability, if they are not already a licensed driver.

26. CCTV CAMERAS

- a. Taxi camera equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The system must meet or exceed the council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).
- b. The system must not be changed in any way from its original design, must be free of damage and be maintained in working condition;
- c. The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
- d. The recording system and memory card (or other image memory recording system) must be securely stored within the vehicle and away from public access.
- e. Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- f. The information contained in the recording device must only be downloaded by an Authorised Officer of the Council or Police Officer. Proprietors must present their vehicle for the purposes of downloading information within 24 hours of the request of an authorised officer.

27. PARKING

The licence holder shall not permit the vehicle to be stationed on the Highway in unsuitable, dangerous or illegal locations.

28. ADHERENCE TO BOOKINGS

The holder of a licence who has agreed, or whose vehicle has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place, ensuring the place is in accordance with the operator and Council instructions as to where pick-ups can occur.

29. DUAL LICENSING

The vehicle is not permitted to be licensed as a hackney carriage or private hire vehicle with any other licensing authority.

NOTES

- a. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- b. Any person who commits an offence against any of the provisions of the Act of 1976 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided by the Act. The licence holder should ensure compliance at all times.

- c. The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- d. A child can travel in a licensed vehicle without a child car seat, however the following must be observed: a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt.
- e. ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.
- f. ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.
- g. ANY PERSON AGGREIVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE ISSUE OF THE LICENCE.

Appendix 8

Additional licence conditions for private hire vehicles benefiting from a plate exemption

1. This exemption exempts the vehicle from displaying its rear vehicle licence plate and private hire door signage. All other signage required by the council on the exterior or interior of the vehicle must be displayed at all times.
2. All other licence conditions relating to private hire vehicles remain in force.
3. The private hire vehicle licence plate and exemption notice issued by the Council must be carried in the vehicle at all times and available at all times for inspection by a police officer or authorised officer.
4. An exemption will only be granted and remain valid where the Council is satisfied that the vehicle will be used exclusively or primarily for 'chauffeured' private hire work. Primary use means at least 90% of the work, as evidenced via booking records. The Council may undertake an audit of booking records at any point during the exemption to ensure that the vehicle is being used for chauffeured work.
5. Exemptions may be withdrawn at any time by the Council and if the licence holder cannot prove that the vehicle is used exclusively or primarily for 'chauffeured' private hire work.
6. Exemptions are subject to annual review and licence holders must reapply each year.

Vehicle Testing Specifications

This specification and the Guildford Licensed Vehicle inspection deliberately seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in the [MOT Inspection Manual – Private Passenger & Light Commercial Vehicle Testing issued by VOSA](#) (now DVSA) and the [FTA best practice guide](#) which provides additional testing requirements to those in the MOT Inspection Manual.

The purpose of the HC and PHV test is to confirm vehicles meet these more stringent standards for the carriage of passengers. Vehicles must be submitted fully prepared for the test and the vehicle test is not intended to be used in lieu of a regular preventative maintenance programme. If, in the opinion of the vehicle examiner, the vehicle has not been fully prepared, the test will be terminated and a further full test will be required, with a further fee payable.

It is an offence under the road traffic regulations to use an unroadworthy vehicle on the public highway. It is also a breach of licence condition to use a vehicle which has failed the inspection.

The vehicle test standard is publicly available for the licensed trade and wider public who may find it useful as it details the standards that vehicles are subjected to. The guide also explains the reasons why a vehicle presented for inspection, has not been issued with a pass certificate. In assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC and PHV test.

Lighting, Switches 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. Any obligatory, additional or optional lights fitted must operate correctly and be fitted securely. No insecurity or malfunction of a switch controlling an obligatory light
Dash Panel and Illumination	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. The speedometer must be operational. The milometer must record accurate mileage.
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. No deterioration of shock absorbers or any suspension component shall be permitted. Steering wheel hub, cover, rim, spokes should not be deteriorated. No excessive movement at centre of steering wheel in

	<p>line with steering column (end float). No flexible coupling or universal joint deteriorated, worn or insecure. No coupling clamp bolt or locking device loose or missing. No welding repairs to coil springs.</p>
Brakes	Any vehicle fitted with ABS shall be deemed to fail if presented with any component obviously missing.
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. Part worn tyres are not permitted. The spare wheel if carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturer's and British Standards may be fitted to the underside of the vehicle. 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. Wheels including the spare shall be free from defects on rims and hubs.</p>
Exhaust	<p>The exhaust system shall be deemed to fail if any unsuitable repair has been attempted. Like for like parts must be used in any repair or replacement of the exhaust system. No leaks shall be permitted from the exhaust system including connection joints. No heat shield missing, insecure or inadequate.</p>
Windscreen	No splits, cracks, chips or bulls eyes shall be permitted anywhere in the swept vision.
Fuel Tank and Pipes	<p>The fuel system shall be free from any leaks and excessive corrosion. No filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling. Temporary/emergency fuel caps are not permitted. No damaged, chafed, insecure pipes or pipes so positioned that there is a danger of them fouling moving parts. Fuel pipes not immediately adjacent to or in direct contact with electrical wiring or exhaust system.</p>
Battery/Wiring	<p>Shall be securely fitted and be of a type suitable for the vehicle. Wiring not to be fitted along fuel lines, positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective. Wiring to show no evidence of overheating or heavy oil contamination. All wiring including that fitted for any ancillary items such as roof signs, communication devices, payment</p>

	terminals, and meters shall be fitted securely and in such a manner as to be free from accidental interference.
Oil Leaks	No oil leak from any assembly, which deposits fluid underneath the vehicle whilst stationary. No leak which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would contaminate areas or potentially cause a health, safety or fire risk.
Water, Coolant or other Fluid Leaks	As for Oil Leaks.
Clutch and Throttle	Free from any excessive play and in good smooth working order.
Transmission	No loose or missing flange bolt(s) or flange which is cracked, or loose on the transmission shaft. No excessive wear in shaft bearing. No bearing housing, cracked, fractured or insecure to its fixing. No excessive wear in a universal joint. No deterioration of a transmission shaft flexible coupling or damaged, cracked or bent shaft. No deterioration of a flexible mounting of a bearing housing. No evidence of fouling between any transmission shaft and an adjacent component.
General Condition - Exterior	No insecure or missing body panel, trim, step or accessory. No sharp edge whatsoever which may cause injury. No heavy scuffing, abrasions or deformation to front and rear bumper No dull, faded paintwork which has lost its gloss finish or paint miss-match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle Exterior bodywork and paintwork, including livery material and vehicle signage should be free from scratches, tears, dents, chips and be securely fitted. Evidence of poor repairs and or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle is not permitted. No obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs. No loose or weakened or insecure bumper bar or mounting. No fractured mounting bracket or mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. No bumper bar secured by wire or other temporary means No bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near

	<p>the vehicle. The vehicle must not be fitted with ‘bull bars’ or other modification that increases the risk to passengers, pedestrians or other road users.</p>
<p>General Condition - Interior</p>	<p>No missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats in such a condition that they are likely to soil or damage passengers’ clothing or luggage. 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. The entire interior shall be clean, tidy and free from unpleasant odours. No insecure and loose fixtures, fittings or accessories. No inoperative interior lights (all lights must illuminate if they are part of the manufacturer’s standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated. A system(s) which does not function correctly, or any part is missing including vents, controls and switches. Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess. A grill/partition which is insecure or has sharp edges which may cause injury to passengers or driver. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and/or carpets, loose items stored in boot (ie spare wheel tools and equipment etc)</p>
<p>Window & Winding Operations</p>	<p>All winding mechanisms shall allow all windows to be opened and closed normally. An opening window that is inoperative or difficult to open and or close mechanism broken/missing is not permitted. All windows must be of approved safety glass type. Windows which leak are not permitted. No additional tinting permitted to windows. No cracks, chips, surface damage or discolouration to windows.</p>
<p>Doors</p>	<p>All doors including sliding doors shall open and close from inside and out without the need for excessive force. A door or emergency exit must latch securely in the closed position.</p>

	<p>A door or emergency exit must be openable from both the inside and outside the vehicle from the relevant control in each case. No missing, loose or worn handles, lock or striker plate. Any markings describing the presence and method of opening an emergency exit should not be missing, illegible or incorrect. A door stay catch or device missing, excessively worn or not fulfilling its function is not permitted.</p> <p>For accessible vehicles: any door which does not open to a full 90 degrees and cannot be secured in the open position; or twin doors which do not open to a full 180 degrees and cannot be secured in the open position are not permitted.</p>
Mirrors	<p>All vehicles shall have three mirrors fitted in the following manner: One fitted internally (rear view) One fitted to the offside drivers (externally) door One fitted to the nearside passenger (externally) door</p> <p>All shall be fitted so as to give the driver 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.</p>
Seat Security	<p>All seats must be securely fixed to the vehicle and be properly upholstered.</p>
Luggage/Load Space	<p>Load restraint system, if required, to be present. No load restraint system to be faulty or unserviceable.</p>
Wheelchair Access and Equipment (if fitted)	<p>A wheelchair restraint must not be defective, worn or missing. Wheelchair anchorage systems and devices should conform to European Directive 76/115 EEC (as amended). Ramps must not be missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing. The installed ramp must have a visible reference to a maximum safe working load or certification to BS 6109. Wheelchair access equipment must not be fitted to the offside access door of the vehicle. All wheelchair tracking must be fit for purpose, free from debris and structurally sound.</p> <p>A purpose designed wheelchair lift shall conform to the LOLER Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time</p>

	<p>of the vehicle inspection. Vehicles presented for inspection with a wheelchair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.</p> <p><i>Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months</i></p>
Internal Vehicle Plate	Must be displayed (in a prominent position and clearly visible to passengers) at all times and correspond with the rear plate.
Fare Card (HC Only)	Must be displayed in a prominent position and clearly visible to passengers at all times.
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.
First Aid Kit	<p>The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, ie in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p> <p>The identification number of the vehicle must be painted on the body of the kit. The contents of the first aid kit must be compliant with British Standard BS 8599-2 and hold suitable content for the number of passengers.</p> <p>The first-aid kit must be maintained in full and proper order with items replaced before expiry.</p>
Replacement Auto Lamps	Replacement auto lamps (bulbs) must be carried for each standard bulb light fitting.
Advertising & Displays	<p>No internal or external advertisement or display shall obscure the driver's vision through any window or mirror of the vehicle.</p> <p>Any proprietor's/operator's own business cards shall be stored in a single storage area not above window level.</p> <p><u>Hackney Carriages</u></p> <p>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.</p>

	<p><u>Private Hire Vehicles</u></p> <p>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.</p> <p>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.</p>
Roof Signs	<p>Hackney Carriages must be fitted with an illuminated roof sign. It <u>must</u> 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).</p> <p>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.</p> <p>Private Hire Vehicles must not be fitted with a roof sign.</p>
Private Hire Identification	<p>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 Council's Policy.</p>
Vehicle Licence Plate	<p>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.</p> <p>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.</p> <p>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. The plate must not obscure or partially obscure the registration plate.</p>
Registration Number Plates	<p>Both back and front plates shall be clean and free from any defects including splits or cracks and delaminating.</p>
Meter	<p>Hackney Carriage: Must be fitted and 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</p>

	<p>dangerous or obscure the driver's vision. All security anti tamper seals must be present and secured without any sign of disturbance in any way. Private Hire: Must not be fitted.</p>
Card Payment Terminals	<p>Hackney carriages must carry a card payment terminal to the Council's specification which is operational and able to print a receipt.</p>
Other Signage and Notices	<p>Vehicles must display a 'no smoking' sign in a prominent position on the glazing of each of the rear passengers doors. CCTV Driver badge.</p>
Items which do not comply with Licensing Authority Requirements (not an exhaustive list)	<p>Example: Bonnet insulation hanging down onto engine. Fan belt frayed or torn. Fittings and fixtures not maintained in full working order (e.g. interior heater/air conditioning inoperative, windows not winding etc). All systems on the vehicle to that of the original specification and standard and to operate as originally intended. Where a reversing horn/alert is fitted to the vehicle there must be an isolation switch in order to turn it off at night.</p>

Standard Private Hire Operators Licence conditions

1. OPERATOR LICENCE

- a. The operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public and staff/drivers under the control of the operator.
- b. Application must be made in writing in relation to any intended change of business premises and approval obtained before being so used.
- c. The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 7 days.
- d. The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
- e. A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.

2. CONDUCT OF OPERATORS

- a. 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.
 - not undermine the Council's ability for local licensing control by making vehicles licensed by another authority available for booking in the Guildford Borough via sub-contracting or otherwise on a regular basis. By way of guidance, the Council would expect that at least 75% of journeys received by a Guildford licensed operator commencing or finishing in Guildford in a 3 month period to be completed by Guildford licensed private hire vehicles (or Guildford licensed hackney carriage vehicle doing pre-booked work).
- b. The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.
- c. The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers that is licensed to carry.
- d. The operator must not allow a person in a public place to be solicited by any method to hire any of the licensed vehicles under their control.
- e. Operators must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Council.
- f. Operators must produce, at the request of the Council, documented risk assessments to ensure the safeguarding of customers. Such risk assessment should include use of designated pick up/drop off/waiting locations, ride sharing, hot spots, driver welfare.

3. OPERATOR BUSINESS PREMISES

- a. The Operator must only conduct business from the Office at the address specified on the Licence. Any operator wishing to conduct business from any additional

address(es) (e.g. secondary booking offices) must make application in writing to the Council, and await approval from the Licensing Office before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.

- b. The Operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.
- c. If the premises is open to the public, the Operator must provide at the business premises an area to which the public have access for the purpose of making a booking for the services of a licensed private hire vehicle, and for the purpose of awaiting the arrival of such vehicle subsequent to any booking. The operator shall ensure that any waiting areas for customers are tidy, well lit, heated and ventilated and that there is adequate seating and working telephone facilities. This condition will not apply if the business premises is the residential address of the licensed operator.
- d. If the licensed operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements.
- e. The Operator must ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £1 million. Certification must be produced on demand to the Licensing Office or any Authorised Officer.
- f. The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to: Regulatory Services, Guildford Borough Council, Millmead House, Millmead, Guildford, GU2 4BB; Tel: 01483 505050; Email: regulatoryservices@guildford.gov.uk.
- g. Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.

4. CONVICTIONS, CAUTIONS, ARREST ETC.

- a. The licence holder (or directors of a limited company) must notify the Council in writing within 48 hours, providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.
- b. What should be reported:-
 - Any conviction (criminal or driving matter);
 - Any caution (issued by the Police or any other agency);
 - Issue of any Magistrate's Court summonses against you;
 - Issue of any fixed penalty notice for any matter;
 - Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
 - Arrest for any offence (whether or not charged)
 - Any acquittal following a criminal case heard by a court

5. DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE

- a. All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.
- b. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

6. CHANGE OF DRIVERS OR VEHICLES

The licence holder must notify the Council in writing within 7 days of any change of driver or vehicle under their control. This includes occasions where a driver and/or vehicle joins or leaves the employment of an operator.

7. CHANGE OF CONTACT DETAILS

The licence holder must notify the Council in writing within 7 days of any change of his/her contact details taking place during the period of the licence, whether permanent or temporary. The contact details include:

- Name
- Address
- Telephone number
- Mobile phone number
- Email address
- Website or other social media/advertising platform addresses used
- Company directors, including the contact details for any directors.

8. CUSTOMER AND OTHER PERSONAL INFORMATION

- a. Operators must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- b. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- c. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing or personal calls).
- d. Operators must provide a written procedure for data protection which must not be amended in any way unless agreed in writing by the Council.
- e. Operators must report any breach of data protection to the Council (in addition to any requirement from the Information Commissioner) including any actions taken, within 7 days of the incident. Failure to report a breach or to investigate and resolve the matter may render the operator unsuitable to hold a licence.

9. DUTY TO COOPERATE ON REGULATORY MATTERS

- a. Licensed operators must co-operate with authorised officers of Guildford Borough Council and any other Licensing Authority or Police Force in all matters relating to the regulation of the licensed vehicle trade.
- b. Licensed operators must ensure that any request for booking records or other information from a Licensing Authority or Police Force is provided within 24 hours.

- c. Where operators utilise the use of electronic communication (including text messages, emails, notifications, GPS data) to drivers or passengers, such information must be provided to the Council upon request.

10. TRADING NAMES AND ADVERTISING

- a. A private hire operator may only use one trading name. The only exceptions are where all trading names clearly relate to the same business, for example: 'ABC Cars' and 'ABC Executive'. In all other cases if the operator wishes to benefit from the use of more than one trading name, then a separate licence application will be required for each name.
- b. Any mobile app, websites or advertising used by the operator must clearly give the registered operator name in any links, and Guildford Borough Council licence details must be clearly shown on the app, website or advert. In the case of a 'national' operator, there must be clear separation for this purpose.
- c. The operator must supply a copy of advertising materials and any website addresses and social media accounts to the Council for recording on file.
- d. If more than one licence is held to accommodate different trading names, the records and contact details for each trading name must be kept separate, and any receipts or correspondence with the customer must clearly relate to the company the booking was made with.

11. RECORD KEEPING

- a. Licensed operators must maintain records covering the following information in a non-erasable form and provide these records to the Council within 24 hours upon request:

Vehicles:

- names of proprietors/drivers of each vehicle
- registration number, make, model, type, colour and engine size
- plate number and expiry date of current licence
- number of passenger seats
- insurance details
- vehicle call signs
- expiry date of vehicle road tax
- expiry date of MOT

Drivers:

- names of all drivers
- badge numbers
- call signs
- expiry dates of current driver's licences
- date each driver joined the operator and the date any driver left the operator
- all vehicles driver is linked to
- right to work

Bookings:

Prior to each journey, the operator shall record the following information:

- date and time and location of pick-up
- name of passenger
- contact details of passenger
- number of passengers

- details of any luggage
 - whether the passenger has any disability, especially if they have a assistance dog or wheelchair
 - the destination, including any multiple pick ups, drop offs or requested stops during the journey
 - date and time at which the booking was made
 - date and time at which the booking was allocated to the driver
 - plate number and badge number of the vehicle and driver undertaking the booking
 - date, time and location of the pick up
 - price quoted for the booking
 - date, time and location that the booking was completed
 - date and time of any subsequent cancellation or amendment
 - the signature (or in the case of a computer system, the identity) of the person taking and dispatching the bookings)
- b. The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected.
- c. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.
- d. All such records must be in English, permanent, legible and preserved for a period of not less than two years following the date of the last entry.
- e. Records must be kept in one of the following forms:-
- a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
 - on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or
 - a computerised recording system which automatically generates a permanent entry onto a computer hard drive, a recordable CD or DVD or other approved server at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamperproof; and once, inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council. Any removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.
 - No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- f. Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.

- g. The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises if so required.
- h. The operator must have capacity to send records electronically (by email) to an Authorised officer upon request.
- i. The Operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

12. PROCEDURE FOR ACCEPTING BOOKINGS

- a. The procedure for accepting bookings provided to the Council with this application must not be amended in any way unless agreed in writing by the Council.
- b. At the request of the Council, the Operator must supply an independent audit of their booking procedures and record keeping.

13. PROCEDURE FOR VETTING STAFF

- a. Operators are required to provide a written policy regarding their employment of ex-offenders in roles that have contact with the public and/or oversee the dispatching of vehicles.
- b. The procedure for vetting staff provided to the Council with this application must not be amended in any way unless agreed in writing by the Council.
- c. Operators must hold and maintain a register of all staff that have contact with the public and/or oversee the dispatching of vehicles and be able to evidence that they have had sight of a Basic DBS check on all individuals listed, and that this register is compatible with their policy on employing ex-offenders. Vetting and the register must also include ensuring that staff have the right to live and work in the UK.
- d. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.

14 STAFF TRAINING

- a. Operators must ensure that all staff employed in a role which has contact with PHV users and PHV drivers have undergone training, and a record of this maintained for each employee.
- b. Training records of all staff must be maintained, and refresher training provided at intervals where necessary covering the following areas:
 - Data Protection
 - Emergency Procedures
 - Break down Procedures
 - Operators Tariff
 - Pick up and drop off procedures
 - Customer Complaints
 - Lost Property
 - Young and Vulnerable Customers
 - Equalities

15. SUB-CONTRACTING

- a. If an operator sub-contracts a booking, whether to another licensed private hire operator or a hackney carriage vehicle, they should inform the customer and fix the

price, and if using a hackney taking care not to charge more than the hackney carriage metered rate if the journey starts and ends in the relevant district. A clear record of the sub-contracting and when the customer was informed shall be kept, including the name of the sub-contractor, the details of their Private Hire Operator's licence and contact information.

- b. The Council would expect that the operator receiving and undertaking the sub-contracted booking is subject the same standards as operators licensed by Guildford Borough Council, and that the Guildford licensed operator receiving the original booking will have taken steps to ensure the sub-contracting operator upholds these standards.

16. USE OF PUBLIC SERVICE VEHICLES

The use of public service vehicles (PSV) licensed drivers and vehicles to fulfil bookings accepted under a Private Hire Operator Licence is strictly forbidden.

17. LICENSING COMPLIANCE PROCEDURES

- a. The operator shall have procedures in place to ensure all drivers and vehicles used have the required licences and are complying with the relevant legislation and conditions of the licences. This should include a record of the initial verification of the driver and regular checks done by the operator showing compliance on each licence.
- b. The operator shall have procedures in place to ensure that no bookings are passed to a driver or vehicle without a valid licence, MOT or insurance.
- c. Records of checks carried out must be maintained and provided to the Council upon request.
- d. The operator must take all reasonable steps to ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.
- e. The operator must nominate an individual with a position of responsibility in the business to act as a compliance liaison officer to the Council and Police at the request of the licensing authority.
- f. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- g. At the request of the Council, the Operator must supply an independent audit of their compliance procedures to the satisfaction of the Council.

18. PICK UP, DROP OFF AND WAITING LOCATIONS

- a. The operator shall have procedures in place to direct drivers to pick up and drop off customers at locations of safety. This is particularly relevant in Guildford town centre so as to avoid drivers/vehicles waiting for bookings, and picking up/dropping off customers in unsuitable (including illegal and dangerous) locations.
- b. These procedures must be reviewed and amended at the request of an authorised officer and include the requirement to direct drivers under their control and customers making bookings to any dedicated pick up or drop off location nominated.
- c. Failure to comply with the direction of an authorised officer to amend pick up/drop off/waiting procedures will lead render the operator unsuitable to hold a licence.

19. OPERATOR TARIFF

- a. Operators must provide the Council with a copy of their procedures for calculating fares, and a copy of any tariff. Any updates/changes to the procedures for calculating fares or the tariff must be provided to the Council within 7 days of the change.
- b. Where the operator uses a tariff to calculate fares by time and distance using a PDA device, the operator must provide drivers/proprietors with a copy of this tariff and ensure that this is on display in the vehicle for customers to see.

20. COMPLAINTS AND LOST PROPERTY

- a. Operators must keep a record of complaints and any lost property and have procedures to resolve these. Records of complaints received, investigations undertaken and any disciplinary action must be made available to the licensing authority or Police officer upon request and supplied within 48 hours. If an operator terminates the use of a driver, then this information must be provided to the Licensing authority within 48 hours.
- b. Upon request, the Operator must supply the Council with a report noting any trends or patterns of complaints.
- c. Upon request, the Operator must supply details of trip, geographic or hot spot data.
- d. The operator must notify the Council within 48 hours if any driver is subject to the operator's internal disciplinary processes or any other action that results in the driver being permanently or temporarily removed from the operator's system of allocating work to the driver.
- e. Any passenger that makes a complaint to the operator regarding the conduct of a driver that they operate (or operated at the time of the conduct) must be informed that they should also make the Council, and if appropriate the police, aware of their complaint.
- f. The Operator must provide a mechanism for customers to share concerns about other customers whom they have 'ride shared' with, and a process to ensure customers are safeguarded from sharing a trip with the same customer again at their request.
- g. The Operator must notify the council without delay if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following – allegations of sexual impropriety (including the use of sexualised language), violence (including verbal aggression), theft and any other serious misconduct (including matter which may lead to police investigation and motoring related matters).
- h. Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof, the Operator must endeavour to arrange to return such property to its rightful owner, failing which it must be handed in as found property to the Council within 24 hours of attempts to reunite the property with its owner being unsuccessful.

21. REPORTING OF KEY EVENTS

Key events which may affect the safety of the public must be reported to the licensing authority within 48 hours. Such events may include, but are not limited to, system changes, system faults (such as the ability to drive without a licence, insurance, mot, tax), serious offences and complaints, suspensions, data breaches or losses, investigations and action taken by other regulators (including criminal investigations and the suspension/revocation of any Private Hire Operator's licence held with another licensing authority).

22. DRIVER RISK ASSESSMENT

- a. Operators should complete a risk assessment, commensurate to the size of their operation, identifying drivers who may be 'at risk' from working long hours (for example

being logged on for long periods of time) or from other activities (for example holding a 'day job' and working nights as a licensed driver).

- b. Operator's must provide the results of any risk assessment, together with actions taken to reduce risk, to the Council upon request.

23. DRIVER WELFARE POLICIES

- a. Operators have an obligation through their business practices to ensure public safety through drivers not having to work long hours, or evade their own obligations which carries public safety risks to both themselves and the public. Operators must provide a policy to the satisfaction of the Council covering driver welfare, driver remuneration, driver working conditions, driver working hours, drivers to be adequately incentivised to provide a service when needed throughout the day.
- b. Operators, at the request of the licensing authority must produce a documented driver 'risk assessment' considering driver welfare, considering other employment and hours worked.
- c. Upon request, Operators must provide data on driver hourly/weekly earnings to the Council.

In these Conditions:

"Operator" means the person who is the current holder of an Operator's Licence.

"Business premises" means the operating premises from which the Operator conducts the business.

NOTES

- i. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- ii. Any person who commits an offence against any of the provisions of the Act may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
- iii. The use of a licensed private hire vehicle to fulfil any private hire booking requires the driver to hold a currently valid private hire driver's licence even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable. Operators are reminded that the use of free cars/courtesy cars which are not licensed as private hire vehicles is not permitted for private hire journeys. Every contract for the hire of a licensed private hire vehicle is deemed to be made with the Operator who accepted the booking for the hire vehicle whether or not the Operator provided the vehicle.
- iv. Any failure on the part of the operator to make appropriate enquiries as to the licensing status of drivers and/or vehicles for any purpose could be construed as reasonable cause to suspend or revoke the licence. The onus remains with the Operator to clarify any legal requirements which he or she may be required by law to observe.
- v. Any infringement of the licensing conditions could lead to suspension or revocation of the licence.
- vi. Any request for advice from the council in relation to licensing legislation should be in writing to which a written response will be given so as to avoid any future dispute as to the advice given. This does not preclude you from obtaining your own independent legal advice.
- vii. Any person aggrieved by any condition specified in the licence may appeal to a magistrates court within 21 days of issue.

Appendix 11

CCTV Policy and Specification

The policy is as follows:

1. Licensed hackney carriages and private hire vehicles licensed by Guildford Borough Council are required, unless an exception is granted, to be fitted with an approved taxi camera as per the specification below.
2. The cameras are to be set up to activate and record permanently visual data when the ignition is turned on and remain on for a period of 20 minutes after the ignition is turned off. Audio data will only be activated by means of a button available to the driver or passenger.
3. All passengers are made aware of the fact that they are being recorded by notices strategically placed on the vehicles. These notices are placed on the rear windows adjacent to the B pillar on both sides and in purpose built vehicles also on the security screen that separates the driver and passenger. These labels clearly warn that both audio and visual recordings take place in the vehicle using wording and images of a camera and a microphone.
4. Data will only ever be downloaded on four occasions:
 - (i) where a crime report has been made involving the specific vehicle and the Police have formally requested that data or,
 - (ii) when a substantive complaint has been made to the licensing authority regarding a specific vehicle / driver and that complaint is evidenced in writing (and cannot be resolved in any other way),
 - (iii) where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
 - (iv) Subject Access Request compliant with the General Data Protection Regulation.
5. To safeguard the data all downloads will be conducted in the presence of a relevant person. Relevant people are: a member of the Guildford Borough Council licensing team or a serving police employee. This will generally be at the police station or at the Council offices.
6. All requests must be in an appropriate format detailing the powers that allow the release of the data and providing all the information required. The request form for download must state the approximate time of the event/occurrence and only the timescale relevant to the specific incident will be downloaded, decrypted and thereafter stored.
7. On receipt of a download request to be conducted by Council staff a member of the Licensing Team will confirm it is a legitimate request. If practical, arrangements will be made with the owner of the licensed vehicle for the vehicle to attend the Licensing Office. If it is not practical then a member of the Licensing Team will attend the location of the vehicle or data box to facilitate the download. Any download will be carried out in the presence of at least one other person if at the licensing office.

8. A dedicated computer will be used to facilitate the download from the data box. This computer will copy the downloaded footage onto its files. A master copy will be created from this computer and placed on the external hard drive dedicated for such use and retained by the Licensing Team. This hard drive will be kept secure to prevent loss of data. A working copy will be produced and either given to the requesting authority or subject or retained by the investigating officer. Data retained by the Licensing Team will only be retained for the following periods:
 - a. Cases leading to prosecution 10 years from date of trial
 - b. Formal caution 3 years from date of caution
 - c. Written warning or no formal action 3 years from date of decision
 - d. Subject Access request 6 years from date of request.

The file on the dedicated computer will be deleted once the master and working copies are produced. Staff in the Licensing Team will conduct a review of material held on the hard drive each year and erase any such material outside of these time limits. Any working copies should be placed on the appropriate files and they will be weeded and safely destroyed with the files whose time limits mirror those set out above.

9. Data will only be viewed by the person performing the download to the extent necessary to facilitate the download process. Data being used in any investigations will only be viewed by persons involved in that investigation but will be released to be used in court or committee hearings if necessary.
10. After a period of time any data held by the system installed in any vehicle is automatically overwritten dependent upon the specification of the system installed. The Council requires systems to retain recordings for a minimum of 31 days.
11. Only systems approved by the Licensing Team may be installed by an approved installer – thereby ensuring that any equipment may not be tampered with, encryption is of a sufficient standard and data may not be interfered with or released to any third party / published.

The Specification of a CCTV system is as follows:

1. Operational Technical Specification:

- 1.1 All equipment must be designed, constructed and installed in such a way and from such materials as to present no danger to the driver or passengers, including any impact against the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.
- 1.2 The equipment must be permanently wired to the vehicle power supply and be protected against high voltage transients, reverse voltage or short circuits which may be encountered in the vehicle electrical system. The equipment must be able to preserve images in the event of a loss of power.
- 1.3 The equipment must have 100% solid state design or a proven vibration and shock resistant system. The equipment should not have any fan and the recording should be vibration and shock proof, i.e.: Flash-based SSD (100% industrial grade or hard

disk with both mechanical anti-vibration and antishock mechanism and self-recovery and self-check file writing system.

- 1.4 The equipment to have a clear serial or other unique identification number. It should therefore be e-marked or CEmarked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
- 1.5 The equipment must not obstruct the driver's view of the road ahead and have no facility to view recorded images from within the vehicle.
- 1.6 The camera(s) must record both forward and rear facing images. Images must be clear, date and time stamped, in colour and in high definition. Images must be clear in all lighting conditions, including bright sunshine, shade, dark and total darkness. Also, when strong back light is present.
- 1.7 There must be a GPS tracking and positioning function together with integration with the vehicle electrics to determine, for example, vehicle speed.
- 1.8 The system activation (on / off) switch must be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment). There must be an auto record function whether by ignition switch turn, door opening, person motion sensor or vehicle in motion sensor and NOT just activated by the driver alone. If the activation switch is turned off, recording must restart upon next activation. The unit must be able to operate without power from the ignition.
- 1.9 The equipment to have a minimum of 31 days image recording and storage capacity. The system must include an automatic overwriting function, so that images are only retained within the installed system storage device for the minimum period from the date of capture.
- 1.10 The system must be capable of recording and storing a minimum of 31 days of images of HD1 (720/288) size or better.
- 1.11 The system shall not to record audio except when audio recording is activated by means of an approved trigger. The system should have the ability to start audio data recording by means of at least two trigger buttons. One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, if the (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording). The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording). Both audio activation triggers must be independent of each other – this means that audio recording can only be

deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.

- 1.12 The audio microphone shall be integrated within the camera head.
- 1.13 The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle. This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.
- 1.14 The system must support testing of the audio function for installation set-up and inspection purposes.
- 1.15 The system must be capable of recording audio time synchronized to the recorded images. The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured. Audio data and image data must be stored together, not in separate files, and must be protected against unauthorized access or tampering.
- 1.16 The equipment must be tamper proof and not be removable from the vehicle when not working. To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
- 1.17 All equipment shall be installed, maintained and serviced by a competent and/or authorised person.
- 1.18 The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
- 1.19 The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
- 1.20 The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.
- 1.21 Images captured must remain secure at all times. The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. All SD cards must be encrypted to the camera device. All images may only be reviewed via a secure network, i.e. images should not be available to view via an MP3/MP4 player or equivalent. Images must be exported in commercially available formats.

2. Storage Device (Recorder) Technical Specification

- 2.1 The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase

- 2.2 The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel. The recorder must be securely affixed to the vehicle.
- 2.3 The recorder shall be equipped with a communication port for downloading by authorised personnel. The download port shall be located in an easily accessible location such as a glove compartment. The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible. The download port shall be at least one foot in length for ease of download.
- 2.4 There must be built-in, automatic logging of all access actions, including date, personnel names, camera system parameter modifications, each image download session, register modification/ manipulation of downloaded images, exporting of downloaded images, exporting of downloaded clips. The log file must be protected against unauthorised access.
- 2.5 All stored images must be time and date stamped. All stored images must have two fields for vehicle identification (VIN & number plate). Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image. The manufacturer to supply the Council with a supply of specialised tools to allow for removal of the controller and download of data when required.
- 2.6 The system shall record images at the rate of four images per second. The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger panic button). When activated, audio recording must be in real time and synchronised with the video recording. System to continue to record images (and audio when applicable) when engine is off. System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.
- 2.7 All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

3. Downloading Technical Specification

- 3.1 The time to download complete memory not to exceed 30 minutes.
- 3.2 The manufacturer must provide the necessary software, cables, security keys to the Council's Licensing Team.
- 3.3 The software must be compatible with the Council's network and IT.
- 3.4 Downloaded images must be stored in non-volatile media and in secure format.
- 3.5 Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
- 3.6 The manufacturer must provide technical support to the Council's Licensing team when necessary, and to assist in accessing system in case of damage to the

vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.

- 3.7 The unit must not allow for wireless downloads and all wireless hardware to be disabled, although wireless diagnostic may be used.
- 3.8 There must be a search/filter function to allow the Council to access the specific images for events and times for the approximate time of the crime committed.

4. Requirements in relation to System Information

- 4.1 The unit manufacturer shall provide a service log with each unit, which must be updated with the installation date. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped.
- 4.2 An installation manual shall also be furnished to authorised installers and the Council.
- 4.3 The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
- 4.4 The unit shall be installed by manufacturer's authorised agents, or other installers approved by the council (subject to agreement with the manufacturer). The manufacturer shall provide a list of all authorised agents to The Council's Licensing Team.

5. System requirements in relation to vehicle Inspection

- 5.1 The system will be equipped with an indication showing when the system is operational and when there is a malfunction. This must be installed in a position within the vehicle to be seen by the driver and passengers.
- 5.2 The system shall be designed and installed such that the system may be easily tested by The Council to ensure that all features are operating and that images are being recorded as prescribed.

6. Other System Requirements

- 6.1 In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
- 6.2 The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis and private hire vehicles.
- 6.3 It shall be possible to change timing and parameters without the requirement to change components.
- 6.4 The manufacturer must provide the Council with a Training and Technical Manual and supply a working unit for testing purposes.

- 6.5 The manufacturer to supply The Council and Surrey Police with a supply of cables and software to be installed under the supervision of the council's authorised staff.
- 6.6 There must be an agreement to allow the Council access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business, council will be able to support the system.
- 6.7 The proprietor shall, within 7 days, give written notice to the Council of the installation of any CCTV system in the vehicle to include the make, model and serial number of the equipment so installed.

Lost Property

1. Introduction

This procedure outlines how we handle lost property handed to the Council which has been left in licensed taxi and private hire vehicles.

2. Found Items

2.1 All such 'found' items should be handed to Customer Services who will keep, maintain and regularly update a single spreadsheet or similar recording the details of each item and what is done with it. Specifically, finder details, description of item(s), where found, date and time found, actions taken to repatriate, collection/disposal details. They will also provide lockable storage for these items.

2.2 Where property is returned to the Council, if the owner is known/identifiable, Customer Services will write to the owner requiring them to collect it by a given date, which must be at least one month from the date of the notice. If they do not do so, the property becomes the property of the Council. If there is no way of identifying an owner, the property automatically becomes the property of the Council one month from the date it came into our possession.

2.3 If the property is perishable or unreasonably expensive to look after, it can be sold or disposed of as per the following steps.

- Items with personal details including electronics - destroy or return to issuing agency i.e. DVLA for driving licence
- Items that can be re-used or have a value – charity
- Items that do not fall into above categories - dispose of appropriately

3. Perishable goods

3.1 Unfortunately, in the interests of health and safety Guildford Borough Council is unable to store any perishable goods including but not limited to food (regardless of sell by date), flowers, spices and liquids. This also applies to items that are broken beyond repair, smell, are soiled, are dangerous or are illegal. These will be disposed of immediately in an appropriate manner.

4. High Value Items

4.1 With the exception of mobile phones or electronic devices that could hold personal data any single item valued in excess of **£25** as assessed by the Customer Services Team Leader then the Audit and Business Improvement Manager will be notified to ensure that no further consideration should be made to accommodate repatriation outside of our disposal framework above.

5. Bank Cards

- 5.1 Instructions for cancelling these cards as found on the cards themselves will be carried out immediately. In doing so should the owner contact their bank they will be provided with information by the bank that they have already been cancelled and where their property can be retrieved.

6. Repatriation of goods

- 6.1 Where there are contact details on the found item then contact will be made orally or in writing notifying that an item (no details to be provided) has been found and giving advice on how to reclaim it.
- 6.2 In order for property to be reclaimed, we must have a detailed description of the item(s) and proof of identity will also be required from the owner on collection. If collection can not be made in person by owner then in addition to the preceding requirements we will also need their written permission advising who will be collecting on their behalf. Their representative will need to provide their own proof of identity to facilitate collection.
- 6.3 Where there is no other viable option and cost of mailing is under £5.00 we can on proof of ownership and ID as detailed above return by standard second-class uninsured post. If the owner wishes item to be returned insured, by courier, signed for, or using any other variant of the postal service then if it is feasible to arrange they will need to provide payment in advance. Feasibility to be determined by Guildford Borough Council.
- 6.4 While every effort will be made to identify the possible owner of lost property (which is likely to involve searching of the item) and then make contact with them, Guildford Borough Council will not return the property to that person unless they provide the details set out in the previous paragraph.

7. Contact details

- 7.1 Enquiries regarding lost property may be made to customerservices@guildford.gov.uk or by calling 01483 505050.

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Consultees Draft Taxi and Private Hire Licensing Policy 2020

Name of Consultee
Visitors, Workers and Residents of Borough
All Guildford Borough Councillors
All Parish Councils
Surrey County Council Councillors
Citizens Advice Bureau
Experience Guildford
Surrey Chambers of Commerce
Guildford Pubwatch
Residents Associations
Crime & Disorder Reduction Partnership
Surrey County Council Trading Standards Service
Samaritans
Planning Services
Parking Services
JET
Environmental Health Services
Economic Development
Licensing Team
Communications Team
Corporate Development (Policy and Partnerships Team)
Surrey Police

Consultees Draft Taxi and Private Hire Licensing Policy 2020

Surrey County Council – Safeguarding Children
Surrey Trading Standards Service
Surrey FRS
Surrey County Council – Transport Co-ordination centre
Department for Transport
Four Members of Parliament
MEPs
Street Angels
Tourism Office
All hackney carriage and private hire driver, vehicle and operator licence holders
All Surrey LAs
Transport for London
Suzy Lamplugh Trust
Guide Dogs
Guildford Access Group
Surrey Federation of Women’s Institutes
University of Surrey
ACM
Institute of Licensing
National Private Hire and Taxi Association
National Taxi Association
Licensed Private Hire Car Association
National Taxi Users Association
Campaign for Better Transport

Consultees Draft Tax and Private Hire Licensing Policy 2020

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Licensing Committee Report

Ward(s) affected: All Wards

Report of the Director of Service Delivery

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Date: 23 September 2020

Business and Planning Act 2020

Executive Summary

The Business and Planning Act 2020 introduced on 22 July seeks to assist the hospitality industry recover from the Covid19 'lockdown' by making it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

Recommendation Committee

That the Committee notes the implications of the Business and Planning Act for the Licensed trade, and approves the draft Pavement Licensing Policy 2020 -2021 at Appendix A.

Reason(s) for Recommendation:

Approval of the policy will assist the Council with consistent decision making and provide guidance for applicants.

Is the report (or part of it) exempt from publication?

No

1. Purpose of Report

- 1.1 The purpose of this report is to brief the Licensing Committee on the implications of the Business and Planning Act (the Act), which came into force on 22 July 2020, and to approve a Policy for determining Pavement Licence applications issued under the Act.

2. Strategic Priorities

2.1 The Pavement Licensing Policy will contribute to our fundamental themes as follows:

- **Place making** – regenerating and improving Guildford town centre through well-regulated licensed establishments.
- **Community** – enhancing sporting, cultural, community and recreational facilities.
- **Innovation** – Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need.

3. Background

3.1 On 25 June, the Government announced relaxations to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Act received Royal Assent on 22 July and came into force immediately. It introduced measures to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

3.2 Automatic 'off sales' entitlement

3.2.1 Under the Licensing Act 2003, premises are licensed for the sale of alcohol for consumption either 'on' the premises, 'off' the premises or both. The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. This is a temporary measure to boost the economy, with provisions lasting until the end of September 2021.

3.2.2 These measures will make it possible for licensed premises that have only an on-sales licence to sell alcohol for consumption 'off' the premises without making an application or paying a fee. This will allow businesses to trade whilst keeping social distancing measures in place inside.

3.2.3 Premises which have had an application for an off-sales permission refused or had their off-sales permission excluded by variation or at review within the last three years, will be excluded from this licence extension. This is a safeguard to ensure that where it has recently been decided that the licensee should not have the permission, they do not receive it through this legislation.

3.2.4 The default hours in which off-sales will be permitted will be the same as those in which on sales are permitted, although there is a terminal hour for the automatic entitlement of 23:00 hours. Any premises wishing to open for longer hours must still apply for a licence variation.

- 3.2.5 The provisions will also apply temporary conditions to licences where there is a pre-existing permission for off-sales. The conditions will set the hours of off-sales to match those for on sales, allow off-sales of alcohol in open containers and allow deliveries of alcohol to residential or work buildings. Existing conditions that are more restrictive will be suspended. So, for example, an existing condition that allowed off-sales only in closed containers would be suspended to allow sales in open containers.
- 3.2.6 If there were problems of crime and disorder, public nuisance, public safety or the protection of children arising from how the premises operated using the new permission, any responsible authority, including the police or environmental health, could apply for a new off-sales review. The off-sales review process is modelled on the existing summary review process. In the event that an off-sales review is triggered, it will only relate to off-sales authorised by virtue of these provisions, or conditions which have effect by virtue of these provisions: it cannot be used to revoke the existing licence or modify pre-existing licence conditions.
- 3.3 Pavement Licence
- 3.3.1 The Act also introduces a new, temporary, fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from the Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their capacity whilst adhering to social distancing guidelines.
- 3.3.2 Currently, tables and chairs permissions are granted as Pavement licences by Surrey County Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varies between local authorities and there is a time consuming 28-day consultation period.
- 3.3.3 The new temporary measure places a cap on the application fee for businesses, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost effective (for the business) manner aiding to their financial recovery. The cost of the permission is capped at £100. The temporary permissions will last until 30 September 2021. There are enforcement powers contained in the Act to enable the Authority to attach conditions, and revoke licences for breaches of conditions, or if the highway is no longer suitable for this use.
- 3.3.4 In order to provide guidance for applicants and a framework for consistent decision making, a Policy concerning the Pavement Licensing function has been drafted and consulted upon with key stakeholders. The Policy is attached to this report as Appendix A. The Committee is asked to approve this Policy.

4. Consultations

- 4.1 The Policy covers the temporary permissions for Pavement Licences under the Business and Planning Act 2020, which are scheduled to expire on 30 September 2021.
- 4.2 As the Business and Planning Act has been passed quickly, it has not been possible to undertake public consultation on the policy in time to be ready to accept applications for pavement licences. The Policy has been drafted in consultation with the consultees listed in section 3.3 of the Policy and consulted upon with the appropriate lead councillors and the Leader of the Council.
- 4.3 The Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement licences generally, relevant social distancing measures or as a result of local considerations within the Borough.

5. Key Risks

- 5.1 Not having a Policy concerning Pavement Licensing may lead to inconsistent decision making and potential challenge to the Council.

6. Financial Implications

- 6.1 The Business and Planning Act has been introduced to support the hospitality industry to recover from the coronavirus pandemic. Many of these businesses are licence fee payers under the Licensing Act 2003.
- 6.2 There are no immediate financial implications in the entitlement for premises to undertake 'off' sales, this is an automatic entitlement and the Council does not have to issue another licence.
- 6.3 The application fee for Pavement Licensing is capped by legislation at £100. The fee has been approved by the Regulatory Services Manager, in consultation with the Director of Resources using delegated powers.
- 6.4 The Licensing Service has had to divert significant officer time in order to set up the new responsibility. It is anticipated that the Council may receive 20-30 applications in the period during which the Business and Planning Act has effect, generating additional income of £2,000 to £3,000. It is unlikely that the cost of setting up the function, processing of applications and enforcement of licences will be recovered through the fee.
- 6.5 The Local Government Association has been lobbying for Councils to receive a 'new burdens' payment for Pavement Licensing, although this is yet to be confirmed.

7. Legal Implications

- 7.1 There is no statutory requirement to have a Pavement Licensing Policy, although having a transparent Policy guides applicants and enables consistent decision making.

8. Human Resource Implications

- 8.1 The introduction of the new 'pavement licence' administered by Guildford Borough Council has required the Licensing Service to divert resource into setting up and administering this regime.

9. Equality and Diversity Implications

- 9.1 Under the public sector equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 9.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 9.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of equality duty.
- 9.4 The Act requires authorities to have regard to the needs of disabled people when considering whether to grant a pavement licence. Adopting a Policy will assist in this decision making.

10. Climate Change/Sustainability Implications

- 10.1 Potential effects of litter arising from an increase in outside food and beverage consumption can be managed via conditions attached to Pavement Licences. The Act requires Licence holders to make reasonable provision for outside seating where smoking is not permitted.

11. Summary of Options

- 11.1 After considering the report, the Committee may either:
- Approve the draft Policy at Appendix A, or
 - Approve the draft with amendments.

12. Conclusion

- 12.1 The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations. Additionally, many will not reopen following closure.
- 12.2 For the hospitality industry the measures in the Business and Planning Act will provide some much-needed flexibility as they seek to reopen fully under social distancing requirements.
- 12.3 The relaxation of licensing requirements to assist businesses in increasing their 'outdoor' offerings so as to maximise capacity whilst maintaining social distancing is unlikely to reduce complaints about noise and other anti-social behaviour which the Council and Police investigate and respond to.
- 12.4 The new Pavement Licence administered by the Council and not the Highways Authority will also place additional responsibility on the Council, at the same time as improving local control of venues providing 'alfresco' dining.

13. Background Papers

- 13.1 [The Business and Planning Act](#)
- 13.2 [Ministry of Housing, Communities and Local Government - Guidance: Pavement Licences](#)
- 13.3 [Home Office - Guidance for temporary alcohol licensing provisions in the Business and Planning Bill](#)

14. Appendices

Appendix A – Draft Guildford Borough Pavement Licensing Policy 2020-21

Please ensure the following service areas have signed off your report. Please complete this box and do not delete.

Service	Sign off date
<i>Finance / S.151 Officer</i>	<i>18 August 2020</i>
<i>Legal / Governance</i>	<i>23 July 2020</i>
<i>HR</i>	<i>23 July 2020</i>
<i>Equalities</i>	<i>23 July 2020</i>
<i>Lead Councillor</i>	<i>30 July 2020</i>
<i>CMT</i>	<i>30 June 2020</i>
<i>Committee Services</i>	<i>23 July 2020</i>



GUILDFORD
BOROUGH



Pavement Licensing Policy 2020-21



Effective: (date)
Version 1 – Final Policy Draft for Approval
22 July 2020

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1. Introduction

The COVID-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.

As the economy starts to re-open, on 25 June 2020 the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing some requirements and expediting others.

The Business and Planning Act 2020 makes it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions are lifted but social distancing guidelines remain in place, to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021.

The Act also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from Guildford Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

Currently, tables and chairs permissions are granted as Pavement licences by Surrey County Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varies between local authorities and there is a 28 day consultation period.

The new temporary measure places a cap on the application fee for businesses, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost effective manner aiding their financial recovery.

2. Scope

2.1 Definition of pavement café

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

2.4 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.5 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

2.6 Interaction with Part 7A of the Highways Act 1980

Part 7A of the Highways Act 1980 already provides a mechanism for local authorities to grant businesses permission to place objects or structures on the highway for any of the following:

- (i) for a purpose which will result in the production of income;
- (ii) for the purpose of providing a centre for advice or information; or
- (iii) for the purpose of advertising.

In Guildford Borough Council's area, permissions to put tables and chairs on the highway under Part 7A of the Highways Act 1980 are dealt with by Surrey County Council Highways.

The new pavement licence regime runs alongside the provisions in Part 7A of the Highways Act 1980, which remain in place.

Any existing permissions issued under Part 7A of the Highways Act 1980 remain valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council, and the following will be required to be submitted with the application:

- a completed Application Form
- the required fee of £100, paid by credit or debit card
- proof of the applicant's identity and right to work
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- the proposed duration of the licence (for e.g. 3 months, 6 months, or a year);
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied for;
- (if applicable) reference of existing pavement licence currently under consideration by the local authority;
- (if applicable) evidence of consent from neighbouring frontager(s) to use footway space outside their property
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £10 million, and
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

3.2 Fees

The fee for applying for a licence under the new process is set locally but is capped at £100. Using the established methodology the Council has determined that the fee for applications will be £100.

Application fees must accompany the application in order for the application to be considered valid and for the consultation period to commence.

The fee is an 'application' fee for the processing of the application. The fee will not be refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.

3.3 Consultation

Applications are consulted upon for 7 days, starting with the day after the day on which a valid application was made to the Council.

The Council will publish details of the application on its website at www.guildford.gov.uk/pavementcafe

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are no detrimental effects from the application the Council will consult with:

- Guildford Borough Council Economic Development
- Guildford Borough Council Regulatory Services (including Environmental Control and Food and Safety Teams)
- Guildford Borough Council Estate Management
- Guildford Borough Council Parking
- Guildford Borough Council Planning
- Guildford Borough Council Street Scene Team
- Guildford Borough Council Town Centre Management
- Surrey Fire & Rescue Service
- Surrey Police
- The appropriate Local Ward Councillor(s)
- The appropriate Parish or Town Council
- The Guildford Business Improvement District

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of compliance with the site notice requirement must be supplied to the Council. The Council would also expect the applicant serves a copy of the site notice on immediate neighbours to make them aware of the application.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (7 days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

The following matters will be taken into account by the Council in considering the suitability of the proposed application:

- public health and safety – for example, ensuring that users conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, excessive noise and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles,
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access,
 - the impact of access and egress to the premises
 - the impact on any neighbouring premises
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and take any issues around noise, and nuisance into consideration as part of the proposal.

3.6 Determination

Once the application is submitted the Council has 14 days from the day after a valid application is made (excluding public holidays) to consult on and determine the application. This consists of 7 days for public consultation, and then 7 days to consider and determine the application after the consultation period has ended.

If the local authority determines the application before the end of the determination period, the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application,
- impose conditions on any licence granted, or
- refuse the application.

If the local authority does not determine the application within the 14 day period, the application will be deemed to have been granted subject to any published local or national conditions.

3.7 Approval of Applications

Guildford Borough Council supports the aims of the Business and Planning Act and wishes to help promote economic recovery and growth in its area and will therefore seek to grant applications for licences where possible.

However this aim has to be balanced with the need to ensure the issuing of pavement licences does not put public health or safety at risk, does not lead to antisocial behaviour or public nuisance and ensures that the public, particularly those with disabilities such as sight impairment are unhampered when walking along streets.

The Council will consider the criteria contained within these guidelines in determining applications and will treat each case on its merits.

On approving the application, the Council will issue a Pavement Café Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Café Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement licences between 09:00 and 22:00.

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licences Deemed to be Granted

The Council aims to determine all applications within the determination period provided by the Act. That means that applications will be granted or refused within the period of 7 days beginning with the first day after the public consultation period.

If the Council does not make a determination by the end of the determination period, section 3 (8) of the Act provides that the licence for which the application was made is deemed to be granted by the Council to the applicant.

3.9 Licence Duration

If the Council determines an application before the end of the determination period (which is 7 days, beginning with the first day after the end of the public consultation period, excluding public holidays) the duration of the licence will be specified, subject to a minimum duration of 3 months.

The expectation from the Government is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period, such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2021.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year.

3.10 Refusal of Applications

If the site is deemed unsuitable for a Pavement licence, or if relevant representations are made which cannot be mitigated by imposing conditions, then the application may be refused.

The Council may refuse an application on other grounds including (but not limited to) where the granting of the licence would put at risk public health or safety, lead to antisocial behaviour or public nuisance or unreasonably hamper pedestrian's ability to move freely.

The Council will notify applicants of the reasons for refusal following determination.

There is no statutory appeal process against a decision to refuse an application.

4. Conditions

The Council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis.

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition to the extent that it is inconsistent with it.

The national conditions relating 'no obstruction' and provision of 'no smoking' areas applies to all Licences. The National conditions are shown in Appendix 3.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police. The Council will normally seek to rectify any issues arising as a consequence of the activities authorised by a pavement licence by engaging in informal discussions with the licence holder in the first instance.

Obtaining a Pavement Licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, and Social distancing controls, and applicants must ensure all such permissions, etc. are in place prior to operating.

If the Council considers that a licence-holder has breached any condition of the licence, the authority may:

- revoke the licence, or
- serve a notice on the licence-holder requiring the taking of such steps to remedy the breach as are specified in the notice within such time as is so specified.

If a licence-holder on whom an enforcement notice is served fails to comply with the notice, the Council may:

- revoke the notice, or
- take the steps itself and recover the costs of doing so from the licence holder.

The Council may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or

2. Where:

- There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
- the highway is being obstructed (other than by anything permitted by the licence);
- there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night or litter is not being cleaned up;
- it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
- the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

All enforcement activity will be undertaken in line with the principles set out in the Regulator's Code and the Council's Enforcement Policy.

6. Review Procedures

This Policy covers the Temporary Permissions for Pavement Licences under the Business and Planning Act 2020, which are scheduled to expire on 30 September 2021.

As the Business and Planning Act has been passed quickly, it has not been possible to undertake public consultation on this policy in time to be ready to accept applications for pavement licences. The Policy has been drafted in consultation with the consultees listed in section 3.3, the appropriate lead councillors and will be presented for adoption by Licensing Committee on 27 September 2020.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement licences generally, relevant social distancing measures or as a result of local considerations within the Guildford Borough.

Appendix 1

Site Notice Template for display by an applicant for a Pavement Licence.

[Section x] of the Business and Planning Act 2020.

I/We *(name of applicant)*,

do hereby give notice that on *(date of application)* [I/we] have applied to Guildford Borough Council for a 'Pavement Licence' at:

(postal address of premises)

known as

(name premises known by)

The application is for:

(brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink)

Any person wishing to make representations to this application may do so by writing, preferably by email, to:

Regulatory Services
Guildford Borough Council
Millmead House
Millmead
Guildford
GU2 4BB
regulatoryservices@guildford.gov.uk

by: *(last date for representations being the date 7 days after the date the application is submitted to the local authority (excluding public holidays))*

The application and information submitted with it can be viewed on the Council's website at: www.guildford.gov.uk/pavementcafe

Signed

Dated *(date the notice was placed which must be the same date as the date of application)*

Standard Pavement Licence Conditions

1. Permission to operate a pavement café does not imply an exclusive right to the area of public highway. The licence holder must be aware that Guildford Borough Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause and it is a condition of this licence to provide such access. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
2. The licence holder must hold Public Liability Insurance for the operation of the Pavement Café. This must indemnify Guildford Borough Council and Surrey County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £10 million in respect of any one incident. Evidence of the insurance must be provided to Guildford Borough Council on request.
3. Tables and chairs must not be placed in position outside of the permitted times stated on the licence. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
4. Guildford Borough Council and/or Surrey County Council are empowered following the service of the appropriate statutory notice, to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.
5. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
6. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Licensing Department. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.
7. Emergency routes to the premises and adjacent buildings must not be obstructed by the Pavement Café, which should not, unless otherwise agreed, extend beyond the width of the premises frontage.
8. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver's sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council. Patio heaters must not be used.
9. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.

10. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets in the area of the highway covered by the licence.
11. The licence holder must not allow customers using the area to engage in anti-social or disorderly behaviour.
12. The operation of the area must not interfere with highway drainage arrangements.
13. During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
14. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) must be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and remove litter and rubbish on pedestrian walkways, left by persons using the premises, for a distance of up to 10 metres from the boundary of the premises. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.
15. The licence holder is not permitted to affix any fixtures, or make excavations of any kind, to the surface of the highway without prior written approval.
16. The Licensee of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the licensed area.
17. The Licensee of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the premises outside the hours in force for the premises itself.
18. The licence must be displayed on the premises with a plan of the agreed layout of the pavement café.
19. The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.
20. The licence holder must complete a risk assessment demonstrating how they will manage social distancing and the conflict between pedestrians using the footway, those using the tables and those queuing to access the premises, and provide a copy of this to the Council upon request.
21. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure that the conditions above are being adhered to.

NOTES

These conditions should be read in conjunction with any mandatory national conditions concerning pavement licences, if the premises is licenced under the Licensing Act 2003, any relevant conditions attached to the premises licence, the latest government

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Appendix 1

requirements concerning coronavirus and social distancing and any other relevant requirement of the Business and Planning Act 2020.

The licence holder is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.

Guildford Borough Council reserves the right to revoke this licence at any time if any of the above conditions are not complied with.

National Conditions

The Secretary of State publishes this condition in exercise of his powers under [Section 5(6)] of the Business and Planning Act 2020:

1. Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#).

Guidance on the effect of this condition

- To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), the licence is granted subject to those requirements.
- To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

2. Condition relating to smoke-free seating

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside, in order to protect public health by reducing risks of COVID transmission.

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area.

Ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012 which can be viewed [here](#).
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2M distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

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Licensing Committee Report
Report of Director of Finance
Author: Sophie Butcher
Tel: 01483 444056
Email: sophie.butcher@guildford.gov.uk
Date: Wednesday 23 September 2020

Licensing Committee work programme: 2020-21

Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2020-21 municipal year.

Reason for Recommendation:

To ensure that the Licensing Committee has an opportunity to review its work programme.

1. Purpose of Report

- 1.1 The work programme is presented to enable necessary changes to be made and to provide updated information on items for future meetings. Appendix 1 to this report sets out the Committee's work programme to date, including any items currently unscheduled.

2. Financial Implications

- 2.1 There are no specific financial implications arising from this report.

3. Human Resource Implications

- 3.1 There are no specific human resources implications arising from this report.

4. Legal Implications

- 4.1 There are no specific legal implications arising from this report.

5. Background papers

None

6. Appendices

Appendix 1: Licensing Committee - Draft Work Programme: 2020-21

Licensing Committee
Draft Work Programme 2020-21

November 2020		
Item	Details of decision to be taken	Officer
Licensing Act Policy Approval	The Committee to consider the consultation responses and consider approval of the Licensing Act Policy.	Mike Smith, Licensing Team Leader 01483 444387

January 2021		
Item	Details of decision to be taken	Officer
Taxi Fees and Charges	The Committee to consider the Taxi Fees and Charges.	Mike Smith, Licensing Team Leader 01483 444387

March 2021		
Item	Details of decision to be taken	Officer
Taxi Fees and Charges Objections	The Committee to consider the objections received in relation to Taxi Fees and Charges.	Mike Smith, Licensing Team Leader 01483 444387
Taxi Policy Approval	The Committee to approve the Taxi Policy.	Mike Smith, Licensing Team Leader 01483 444387

May 2021

Item	Details of decision to be taken	Officer
Gambling Policy Consultation	The Committee to consider and approve a consultation in relation to the Gambling Policy.	Mike Smith, Licensing Team Leader 01483 444387
Sexual Entertainment Venue (SEV) Policy Consultation	The Committee to consider and approve a consultation in relation to a Sexual Entertainment Venue (SEVs) Policy.	Mike Smith, Licensing Team Leader 01483 444387

July 2021		
Item	Details of decision to be taken	Officer

September 2021

Item	Details of decision to be taken	Officer
Purple Flag Update	The Committee to receive an update in relation to Purple Flag.	Mike Smith, Licensing Team Leader 01483 444387
Best Bar None Update	The Committee to receive an update in relation to Best Bar None.	Mike Smith, Licensing Team Leader 01483 444387
Sexual Entertainment Venue (SEV) Policy Approval	The Committee to consider and approve a Sexual Entertainment Venue (SEV) Policy	Mike Smith, Licensing Team Leader 01483 444387

November 2021		
Item	Details of decision to be taken	Officer
Gambling Policy Approval	The Committee to consider and approve a Gambling Policy.	Mike Smith, Licensing Team Leader 01483 444387

UNSCHEDULED ITEMS		
Item	Details of decision to be taken	Officer