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Contact Officer:

Sophie Butcher, Democratic Services Officer.

16 March 2021

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** on **WEDNESDAY 24 MARCH 2021 at 7.00 pm**. This 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 Authorities and Police and Crime Panel Meeting) (England and Wales) Regulations 2020.

If for any reason Councillors lose their wi-fi connectivity to the meeting and you are unable to 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: 873 702 673#.

Yours faithfully

James Whiteman  
Managing Director

**MEMBERS OF THE COMMITTEE**

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

Councillor Tim Anderson  
Councillor Gillian Harwood  
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

**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:

- |                     |  |
|---------------------|--|
| <b>Place-making</b> | 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   |
| <b>Community</b>    | Supporting older, more vulnerable and less advantaged people in our community  |
|                     | Protecting our environment   |
|                     | Enhancing sporting, cultural, community, and recreational facilities   |
| <b>Innovation</b>   | 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 25 November 2020.

### **4 ANNOUNCEMENTS**

To receive any announcements from the Chairman of the Committee.

### **5 LICENSING COMMITTEE ITEMS**

#### **5.1 Review of the Taxi and Private Hire Licensing Policy (Pages 7 - 270)**

The Committee is asked to recommend that Full Council approve the updated Hackney Carriage and Private Hire Licensing Policy at Appendix A following consideration of the consultation responses received.

#### **5.2 Taxi and Private Hire Fees and Charges 2021-22 (Pages 271 - 276)**

The Licensing Committee is asked to note the current circumstances affecting the calculation of fees and charges, and agree that the fees and charges for 2021-22 remain at the current level and notes that fees and charges are planned to be reviewed again for 2022-23.

### **6 LICENSING COMMITTEE WORK PROGRAMME (Pages 277 - 280)**

**PLEASE CONTACT US TO REQUEST THIS DOCUMENT IN  
AN ALTERNATIVE FORMAT**

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## LICENSING COMMITTEE

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

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

\*Present

### L15 APOLOGIES FOR ABSENCE

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

### L16 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

No disclosures of interest were declared.

### L17 MINUTES

The minutes of the Licensing Committee held on 23 September 2020 were approved and signed by the Chairman.

### L18 ANNOUNCEMENTS

The Chairman had no announcements.

### L19 LICENSING ACT 2003 : REVIEW OF STATEMENT OF LICENSING POLICY

The Committee received a report from the Licensing Team Leader and noted that the Licensing Authority, for the purposes of the Licensing Act 2003, had to review its Statement of Licensing Policy every five years. The existing policy was due for review by 7 January 2021. In May 2020, the Licensing Committee approved a draft policy for public consultation. The consultation ran from 6 July – 4 September and no comments were received. The Committee was therefore asked to recommend that Council adopted the policy at its meeting on 8 December 2020.

The Committee noted that at page 22 of the report, Section 6, in relation to Premises Licences and Club Premises Certificates, the policy stated that a premises licence was required for the sale of hot food and drink to the public between 11pm and 5am. A query was raised whether the premises needed to be licensed outside of these hours? The Licensing Team Leader confirmed that the Licensing Act 2003 dealt with licensable activities, the main one of which was the sale of alcohol. In addition, there was the regulation of entertainment and provision of late-night refreshment. If selling hot food prior to 11pm, premises would need to be registered with Environmental Health for the purposes of maintaining food safety. Premises however did not need authorisation under the Licensing Act.

The Committee, having considered the report;

RESOLVED to recommend that Council on 8 December 2020, adopted the Statement of Licensing Policy 2021-26 which had been publicly consulted on.

**L20 LICENSING COMMITTEE WORK PROGRAMME**

The Committee noted its work programme.

The meeting finished at 7.11 pm

Signed .....

Date .....

Chairman

Licensing Committee Report

Ward(s) affected: All Wards

Report of Director of Service Delivery

Author: Mike Smith

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Date: 24 March 2021

## **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. Following the publication of Statutory Taxi and Private Hire Standards in July 2020, a draft updated Policy was approved for full public consultation in September 2020. The results of the consultation are presented for consideration by the Committee, and for the Committee to recommend Full Council approves the Policy at Appendix A following consideration of the consultation responses.

### **Recommendation to Committee**

That the Committee recommends Full Council approve the updated Hackney Carriage and Private Hire Licensing Policy at Appendix A following consideration of the consultation responses received.

### Reason(s) for Recommendation:

To ensure that the Council's Licensing Policy is updated to reflect the needs of the Borough and to account for the requirements of the Statutory Guidance issued under section 177 of the Policing and Crime Act 2017.

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

No

### **1. Purpose of Report**

- 1.1 The purpose of this report is to present the results of the public consultation on the revisions to the Council's Taxi and Private Hire Licensing Policy to the Committee.

## 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. The Department for Transport is currently updating the Best Practice Guidance which then should be subject of consultation.
- 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 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 taken steps to implement these measures by January 2021.
- 3.8 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 was presented in the report to Licensing Committee on 23 September 2020.
- 3.9 Also on 23 September 2020 the Licensing Committee considered a draft Taxi and Private Hire Licensing Policy developed following the publication of the Statutory Standards, and approved the draft for public consultation.
- 3.10 The draft policy considered the following changes to the Council's Taxi and Private Hire Licensing Policy:

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

- 3.11 The summarised changes above are detailed as follows:

3.12 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 Annex 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.

### 3.13 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.

### 3.14 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 old for a vehicle at first licensing, 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 were 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).

### 3.15 '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.

### 3.16 Private Hire Operators

The Standards also recognise 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 Operators 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

and maintained. 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 challenges 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 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.

Operator Tariff:

Traditionally operator's fares have matched the hackney carriage fares, until the fare review in 2017. 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.

#### **4. Consultations**

- 4.1 Consultation is critical to ensure any changes to the Taxi and Private Hire Licensing Policy are clear and transparent for licence holders and the travelling public.
- 4.2 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.
- 4.3 Following the Committee's approval, full, formal consultation took place with members of the public, community stakeholders, specific groups and individuals as identified in Appendix B.
- 4.4 The consultation period was from 2 October 2020 for 12 weeks ending on 11 January 2021. A dedicated consultation webpage with questionnaire was set up facilitating the capturing of responses, with this being promoted to the public via the Council's Communications team on the Council's website and social media channels. The consultation was also promoted with a direct email to stakeholders and members of the Taxi and Private Hire trades were invited to participate in the consultation via a number of reminders in the Council's regular newsletters.
- 4.5 Members of the trade were also invited to join a series of 'virtual' meetings to discuss the proposals and to answer any questions they may have had. Seven meetings occurring between November 2020 to January 2021 were scheduled with the trade receiving invites and reminders via the Council's newsletter. One member of the trade took the opportunity to join a meeting.
- 4.6 Fifty-five (55) responses were received to the online questionnaire. The questionnaire and responses can be seen at Appendix C.
- 4.7 In addition, five (5) individual written responses were received from:

- Guide Dogs
- Guildford Environmental Forum
- Luxury in Motion
- Mark Rostron
- Normandy Parish Council
- Surrey Police

These individual responses are set out at Appendix D.

- 4.8 Licensing Committee are invited to consider the results of the consultation as set out below.

## **5. Consideration of Consultation Responses**

### 5.1 The online questionnaire

The online questionnaire set out to capture responses and views of the changes, and perceptions of the Policy overall so that these could be presented in a clear form.

#### Identity of respondents

The first questions sought to identify the respondents and their background. Just over half, 51% (23) respondents identified themselves as a resident of the Borough. 49% (22) identified as living outside the Borough.

Just under half, 47% (21) respondents identified that they operated a business in the Borough. 53% (24) advised they did not.

Just over half, 56% (25) of respondents advised they held a taxi/private hire licence issued by Guildford Borough Council. In addition, a further 16% (7) of respondents advised that they held a licence issued by another authority, of these, 3 also identified that they held a licence with Guildford in the earlier question.

Accounting for both sets of entries, 64% (29) respondents identified themselves as members of the licensed trade.

#### Perceptions of proposed changes overall

Most respondents, 76% (33) considered that the Policy was clear and understandable, and most respondents, 64% (29) considered that the Policy was consistent with the objective of protecting the travelling public.

Just over half of respondents, 56% (25) agreed that the Policy was consistent with the objective of ensuring the highest standards within the professional licenced taxi trade; and just over half of respondents, 55% (24) agreed that the Policy was consistent with the objective of maintaining public confidence in the licensed trade.

A high proportion of respondents 68% (30) considered that there were elements of the Policy which were unfair or unreasonable.

Most respondents 77% (33) believed that the Policy made it clear that applications should be treated on their own merits.

High numbers of respondents agreed that the Policy was clear and sought to ensure high standards for the protection and confidence of the public. It is positive that there was strong agreement as to the measures proposed, including a high number of responders from the licensed trade.

However whilst the majority of respondents believed the policy met these aims, a high number of respondents also believed that some elements of the Policy were unreasonable, although at the same time most also agreed that the Policy allowed each application to be treated on its merits. There is perhaps a discord between respondents agreeing that the Policy is clear, seeks to promote public confidence and allows each application to be treated on its merits, and yet considering elements of the Policy unreasonable. Again as a number of respondents were from the licensed trade it is possible that the high number of positive responses to this question reflect the views from the licensed trade of the Council imposing further requirements on them.

Turning to the free text comments, there were a number of comments relating to the perception of the Policy. Most of the comments centred around the need and cost of CCTV, with six comments relating to CCTV either being unnecessary or costly. Three comments made reference to the proposed dress code. Three comments related to 'cross border hire issues'. Two comments related to vehicle accessibility with one wishing to see more incentives to provide accessible vehicles, and the other appearing to suggest mandating of accessible vehicles. Two comments related to vehicle emissions. One comment was an unsolicited offer to provide training. One comment was a question relating to display of plates.

Other comments asked questions about the Policy, made accusations against the Council or requested the Council to stop imposing requirements on the trade which have not been considered. A consideration of the comments is below.

Comment	Officer's Response
WILL PLATE EXEMPT VEHICLES STILL HAVE TO DISPLAY INTERIOR LICENCE PERMANTLY	This is a question rather than a comment about the Policy.
Why don't councils butt out and leave the trade alone. Always tinkering and pissing drivers right off with all your meddling crap. Seems to me it's just some officials keeping busy to keep themselves employed at our expense. Leave us alone !!	It is well established that Licensing Authorities are responsible for setting standards locally for reasons of public safety.
In the full policy I would like the Vehicle Accessibility section (copied	The requirement for an all accessible fleet previously required by the



<p>below) to be expanded to provide more information about the incentives offered so we can ensure more vehicles are accessible to disabled people particularly wheelchair users.</p> <p>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.</p>	<p>Council but never fully implemented was removed in 2015 during the Policy review.</p> <p>With Local Authority finances under considerable pressure there isn't unfortunately any funding available to incentivise provision of accessible vehicles.</p>
<p>A dress code is unreasonable.</p>	<p>The Council currently has a dress code in the form of guidance attached to driver licence conditions. It has been updated and moved into the main policy standards for clarity.</p>
<p>Guildford borough council propose Guildford taxis do livery , Btec , exploitation course , dsa driving test &amp; say to keep taxis at high standard &amp; safety for public but then grant operator license to uber &amp; other company's who take the majority of our work without the same conditions as us Guildford licensed taxis , this all reflects in the cost of fares to public &amp; does not allow us to be competitive to the likes of uber ect , and also encourages operators of cabs &amp; private hire working here to license vehicles with outside boroughs eg waverly &amp; woking ect who more &amp; more drivers are using to bypass the Guildford conditions &amp; are allowed to operate on an uneven par as Guildford taxis . Also at a time when the world is trying to reduce plastic use GBC require Guildford taxis to cover the whole vehicle in Vinyl Allowing accident claim company's to charge over the top for replacement vehicles &amp; drag claims on as to profit from accidents &amp; if you try &amp; use another insurance company they can't supply replacement vehicles to Guildford spec which results in driver unable to work why vehicles are repaired &amp; claims settled .</p>	<p>This comment relates to cross border hire which the Council is keen to resolve to ensure that the trade operating in Guildford is licensed by Guildford, however requires the Government to introduce legislative change or perhaps greater clarity on current regulations.</p> <p>The updated 'fit and proper' test and expectations for operators specifies that we expect operators not to use vehicles licensed by other authorities on a regular basis to circumvent Guildford's standards.</p> <p>The comment about use of plastic is noted. The reasons for livery were discussed at the time of adoption although the Council cannot comment on the conduct of accident management companies.</p>
<p>The cost of installing cameras is</p>	<p>CCTV cameras cost approximately</p>

<p>ridiculous high fir taxi drivers to pay . Most of us drivers work day time driving old ladies and have no risk or very limited risk of an attack. Also the police are not interested in helping taxi drivers if we have non payment for a fare. I have had 3 non payers in 12 years and no assaults .</p>	<p>the same as a replacement set of tyres and have a number of benefits for drivers including reduced insurance premiums and improved safety. The Council has also allowed a reasonable implementation period. Having CCTV should also act as a deterrent to any non-payment of fares.</p>
<p>If these standards are the same as GBC sets as its own standards, then I would agree, but it does not</p>	<p>This appears to be an unsubstantiated complaint with no details. The Council does set standards for the conduct of staff and members and has a process whereby complaints can be investigated.</p>
<p>Ref public safety we had to wrap our vecheles when you licence Uber witch is licenced in london you let the operate in Guildford no checks are made there's so many in Guildford they get away with no checks or crb checks there's something wrong</p>	<p>See above note about 'cross border hire'. Drivers and vehicles currently operating in Guildford by Uber are licensed by Transport for London who require an enhanced DBS check.</p>
<p>Don't need a dress code  Nothing wrong with private companies continuing to use meters.  Don't need CCTV. It's an overkill, intrusive for the passenger and breaches their personal space.</p>	<p>See above comment about dress code and CCTV. Removing taxi meters from private hire vehicles should mean customers are more likely to receive a more reliable quote for journeys.</p>
<p>Hi. I my humble opinion as a user of private hire services across the country you could do more to convince public about the quality of the service they receive from private hire drivers and nroduce a mandatory training for all your private hire drivers. Chauffeur Training Academy in London could help you with that and design a bespoke training course. It could be as short as 1 or 2 days but would take your private hire drivers to the next level of customers services and skills as well as ensuring the public that they receive a really good, value for money professional and safe service. You can contact CTA at: info@chauffeur-training.co.uk</p>	<p>The Council already requires drivers to complete a Level 2 qualification, elements of which focus on the role of a professional driver and customer service.</p>
<p>All taxis in Guildford should be zero</p>	<p>A proposal for emissions has been</p>

emission vehicles and this should be a requirement	made, however it is considered unreasonable to introduce a zero emissions Policy immediately due to reasons of cost and infrastructure.
Consider a clause to make sure interior of vehicles are clean, tidy and not littered with unnecessary notices. I have travelled in GBC taxis where there are hand written signs. Do this, do that, I don't accept £20 notes etc	Licence conditions already require vehicles to be clean and tidy both inside and out.
CCTV should be optional in care.	See previous comments relating to CCTV.
I have focused my feedback exclusively on ensuring the policy reflects the appropriate ambition on vehicle emissions (ultimately to protect the health of taxi drivers, passengers, residents and visitors). A separate document has been e-mailed to explore this area in more detail.	A separate response to the written consultation will be considered.
CCTV I personally think is not required if you are honest with customer you dont get trouble Except plates shouldn't have door signage at all you are investing £40k+ for a car and you are not going to do minicab work you are aiming for top end clients It also depends on your definition of what you call except which should be clarified from the beginning	See previous comments relating to CCTV. Vehicles with a plate exemption are not required to display door signage and exemption requirements have been improved in the Policy.
Would cctv being fitted in cars not be invasive of a passengers dignity.	See previous comments relating to CCTV. CCTV is part of daily life and should promote confidence in the service.
i think you should bring disabled access cars, as they will be covid safe	See above comment relating to accessible vehicles.
Dress code shouldn't be that strict. Each individual choice that's fits their personality and the clothes they feels comfortable. However needs to be clean and tidy.	See above comment relating to dress code.
Why Uber is operating in Guildford without having a license from Guildford borough council?	See above comment relating to 'cross border hire'.
Please see response sent via email.	This will be considered separately.
We are going through Covid at present as you might know. I myself have had NO WORK for probably 3or	The Council understands that many businesses have been impacted by the current pandemic. The Council is

<p>4 months now, could you please tell me, who is going to foot the bill for these cameras, as I can just about put food on my table at present let alone paying out for things some pen pusher is thinking what can we do next to kick taxi drivers while they are down. If you continue to keep putting pressure on drivers with all these great ideas you will find that you'll end up with NO Taxi Drivers in Guildford because they'll either leave the trade, join Uber or start up in a different Borough. Don't kill the goose that lays the golden egg!!</p>	<p>however required by the Department for Transport to consider the statutory guidance despite the pandemic, as all Licensing Authorities are required. A reasonable implementation period has been proposed in order to obtain CCTV should this be required.</p>
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Issues with licensed vehicles

The questionnaire then asked respondents views on licensed vehicles operating in the Borough.

Between 37 to 49% of respondents believed that there were significant problems with drivers, vehicles and operators licensed by the Council. Turning to the comments for specific details of issues, many of the comments centred around 'cross border hire' which in itself is not what the question asked about, or specific issues which are considered below.

Comment	Officer's Response
<p>VEHICLES SRE STILL BEING SENT FOR INSPECTION WITH SEVERAL FAULTS ie LIGHTS NOT WORKING /TYRES BELOW LIMIT/BRAKES WORN ECT</p>	<p>The vehicle test is an inspection of a vehicle to demonstrate that it is safe. The test should not be used to identify defects with a vehicle and the Council's criteria with respect of proprietors responsibilities has been updated in order to deal with this.</p>
<p>Go hassle someone else please, most drivers are mindful and do the job correctly. If a small few don't, deal with them on merit by the complaints process.</p>	<p>The Council agrees that the vast majority of drivers provide a professional service. The Policy aims to encourage all to provide a service to the same standard.</p>
<p>A taxi firm in Horsley charges a minimum charge of £15 but doesn't tell you until you have started the journey. These are the kind of companies that need regulating.</p>	<p>Operators should provide a quote for the service in advance if asked.</p>
<p>Uber drivers collecting in Castle Street at restaurant close in bulk, causing traffic flow &amp; parking issues, can we not have an allocated collection point for UBER?</p>	<p>This is an idea that is being progressed through developments in the town centre.</p>

Operators in Guildford & out of area are using out of Guildford licensed private hire vehicles to work guildford it was taught to us on betec course that private hire can do a booked job but must return to licensed area which is not happening they are parked here plying for hire taking jobs without returning to there licensed bourough .	See above comment relating to 'cross border hire'. The policy also includes an expectation on licensed operators though a new 'fit and proper' test for operators.
Uber and cross border taxis , the council have no idea who's working in the bourough . It's impossible to keep the public safe when they allow Uber and cross border taxis .	See above comment relating to 'cross border hire'.
Nothing mentioned of GBC responsibilities.	There isn't sufficient detail provided to comment on this remark.
COST	There isn't sufficient detail provided to comment on this remark.
Drivers are consistently rude, don't like using contactless payment and won't bring themselves up to date. Frankly Uber provides a better service.	This comment is noted. Customers who experience difficulties with the licensed trade are encouraged to complain.
Private hair/Uber drives coming into guildford todo Uber should not be allowed as some are travel from far as Portsmouth,London.Manchester and other far towns these drivers are staying in cars over night and some stay whole week and have seen some of them urinating in places. only people should be allowed are local towns.	See above comment relating to 'cross border hire'.
Impact on local air quality	There is currently no Policy requirement relating to emissions. A requirement is proposed.
Hackney carriage drivers some are always over charging Operators are over quoting for jobs Drivers pick up others jobs and lots of drivers dont class ash vale as there borough so over charge for dropping customers off and use longest routes	This comment is noted. Customers who experience difficulties with the licensed trade are encouraged to complain.
Because big big influx of Uber drivers, the standard has dropped because people put them under the rules and regs of Guildford	See above comment relating to 'cross border hire'.
£454 to renew is alot of money with no work foreseeable future	£454 relates to the driver licence fee and is set to cover the Council's legally recoverable costs. We

	understand the impact the current pandemic is having on the licensed trade and have signposted drivers to the support available via our newsletters.
All drivers are professional and trustworthy. Helps customers out of the way.	This is noted and we hope that the majority of the trade meets these standards.
Too many plates issued and private hire companies r operating from out side with their own drivers and cars	The Council removed a limit on hackney carriages many years ago and number of licensed vehicles has reduced over the past few years.
Hackney Carriages from Guildford do not return to their nearest ranks when a hire has been completed.	This comment is noted and drivers are regularly reminded about the byelaws.
Plenty of touters as always, and different Borough operators taking advantage and using completely unqualified drivers from other Boroughs and working in Guildford as official Guildford drivers..absolute joke.	See above comment relating to 'cross border hire'. The policy also includes an expectation on licensed operators though a new 'fit and proper' test for operators.

Between 42 to 53% of respondents believed that there were significant problems with drivers, vehicles and operators licensed by other Authorities. Again, the majority of the comments related to 'cross border hire' which has already been discussed in this report.

#### New Additions to the Policy – Vehicles

The questionnaire then asked respondents about the proposed changes to the Policy.

55% (24) respondents agreed with the proposal to install CCTV in licensed vehicles, with 48% (21) respondents agreeing that the Council should be the data controller. Considering that 64% of respondents identified themselves as a member of the licensed trade it is encouraging that despite many comments raising concerns about CCTV that there was a majority agreement for the proposal. There was however less agreement to the Council being the data controller, with a number of comments from members of the licensed trade concerned about the impact upon their privacy. The guidance from the Information Commissioner and Surveillance Camera Commissioner is that where licensing authorities mandate CCTV, they should act as the data controller.

There was strong agreement 71 to 73% (31 – 32 respondents) to the emissions standards proposed.

There was also very strong agreement with 84% (36 respondents) agreeing with the requirement for a DBS check and standards for vehicle proprietors.

There was also strong agreement to the tightening of the 'plate exemption' requirement with 71% (31 respondents) agreeing to this proposal.

Turning to the comments made, officers would advise as follows:

Comment	Officer's Response
ALL DRIVERS AND OPERATORS TO BE GIVEN ENOUGH NOTICE BEFORE ANY CHANGES TO INSPECTION CRITERIA	Naturally any changes will be communicated to the trade with a reasonable adjustment period
As a resident of a council that has gone mandatory for CCTV with age limit of vehicles to combat public and driver safety and ultra low emissions. I can honestly say we have had nothing but positive responses from the public and drivers. Both parties feel safer in taxis knowing there being recorded and this gives drivers and passengers confidence to travel in taxis .	Comment noted. This is the aim with the current policy review.
Unbelievable. Who is going to pay for CCTV. And how is it turned off for private use with out a bad driver doing the same to commit crime. It's a private vehicle. You buy the drivers vehicle and pay all costs if you want to enforce cctv	CCTV would be paid for by the licensed trade as a business expense as required by licensing policy as with any other requirement, such as livery or taxi meters. There are many benefits to CCTV for both drivers and passengers and the draft Policy outlines how the system would be used, including circumstances for private use.
For chauffeur drive	There is not enough detail to comment.
Nothing about the licensing authority	There is not enough detail to comment.
EVERY VECH should have a plate so you no your getting in licenced vech	The policy aims to strengthen and clarify the plate exemption requirements so that more vehicles display plates, however recognising that there is a market for some clientele who require a 'plate exempt' vehicle.
The targets for zero emissions vehicles is too weak. Support should be given to allow all taxis to convert to zero emissions vehicles with the next 2 years	This comment is noted, however officers consider this time period unreasonable for the licensed trade to purchase the appropriate vehicle and the vehicle charging infrastructure to be implemented..
GBC has high standards already, However they do not hold other authority drivers eg uber and ola etc	See above notes about 'cross border hire'.

<p>to the same standard One rule for GBC drivers another for everyone else.the should be one standard for all</p>	
<p>Additional detail provided on emissions separately. There is plenty of scope to reasonably tighten the regulations in this area.</p>	<p>Comment noted.</p>
<p>As mentioned previously no drive should be getting a e class Mercedes or similar car for exempt it should only be for S class or V class or same category cars for chauffeuring with the criteria for exempt plates it's a topic were drivers and licenses authority would need to discuss to make it a fair playing field</p>	<p>Comment noted. The criteria for plate exemption has been updated to reflect that only more 'executive chauffeur' type vehicles benefit from exemption.</p>
<p>Current standards are more than good, it's outside authority councils standards that are rubbish eg Uber, that Guildford council does nothing to regulate</p>	<p>The Council is required to review its policy following publication of the Statutory Guidance. See above notes about 'cross border hire'.</p>
<p>As a primarily operation in the chauffeur field I feel it has become more difficult to obtain a exemption.</p> <p>It is deemed unfair to ask for an exemption letter for example for a customer wishes to book a car for a special event like a wedding, as this is kind of work I do myself.</p> <p>I can totally understand the rule of exemption has been misused in Guildford borough by some firms or drivers.</p> <p>As we are now in 2020 with customer demands of a smart, professional and high end executive travel are greater.</p> <p>I believe an exemption should be considered on an individual merit. A decision solely based on contract accounts doesn't prove to be fair in the decision making.</p> <p>Now a days passengers who want a one off special car for an event</p>	<p>Comment noted. The criteria for plate exemption has been updated to reflect that only more 'executive chauffeur' type vehicles benefit from exemption.</p>



<p>shouldn't have to look outside the Guildford borough to find a car without "teal green door signs".</p> <p>The same goes for wedding car hire jobs, funeral jobs, events.</p> <p>At minimum an executive car should be Mercedes S Class or equivalent.</p> <p>Hope my views are not too strong and as a one man band who has to try to turn a profit and compete in this ever so saturated taxi market.</p> <p>Thanks</p>	
<p>Installation of CCTV in taxi and private hire is good and can increase the public safety and public trust in the trade. However audio and video control should be with the driver and local authority responsible for data. If passengers can turn off the audio it's no point to install one in. Having DBS should be mandatory but only when new/renewal of application. Sometimes you hire out your vehicle to other licensed driver or something sudden happens with car which maybe can take time as long as it's not put customers safety in risk shouldn't be an action against the proprietor.</p>	<p>Comments noted. The draft Policy outlines how the system would be used, including circumstances for private use and how audio recording is activated.</p>
<p>Every car should have plate on it</p>	<p>Comment noted.</p>
<p>I think looking at the situation we should have delayed this until the corona virus had been sorted and probably had tag meetings and could have talked about it, life is already difficult for a cab driver putting cctv in cars will drive up the cost and drivers should be given the choice not forced into putting a cctv by council the travelling public will have to suffer with the costs of the fares going up .so i think if a cab driver wants to put cctv in he should be allowed to go to Halford and put a system in which is cheap and wouldn't impact on the travelling public. On euro emissions 6 i agree but ulev in 10 years time is a long way we should wait 5 years and</p>	<p>The Council is required to review its Policy following the publication of the Statutory Guidance.</p> <p>The Council has worked hard to engage with the trade and have provided a number of opportunities to engage in online TAG meetings.</p> <p>See above comments relating to CCTV.</p> <p>There are a number of issues with a 'shop brought' CCTV system, mainly in terms of data protection.</p> <p>The ULEV proposal would be from 2030, allowing nearly 10 years for a car to be purchased.</p> <p>The aim of the Policy is to ensure drivers make sure their vehicles are maintained to a satisfactory standard</p>

<p>then see what is happening and to vehicle presented in a defective or dangerous condition no one takes a vehicle to be tested sometimes the driver or proprietor don't realise so no one does it on purpose so i don't think they should be punished i think the policy we have is working shouldn't be changed. The dbs we have is ok it doesn't need changing and the current policy is tight and working shouldn't be changing it is hard to work as a cab driver so please don't make it harder .</p>	<p>for the purposes of public safety.</p>
<p>Please see separate response sent by email.</p>	
<p>I am not having CCTV put in my vehicle as I do school run and parents said i cant for the safe guarding purpose. Only will have CCTV if I can control when to turn of and on as use for private purpose family etc so no to CCTV.</p>	<p>See above comments relating to CCTV.</p>
<p>With CCTV in vehicles who will be responsible for the costs of implementing the systems, would be unfair on the drivers to payout on for additional expenses with decline in trade due to competition from other licensing bourghs and overall increaing costs with in the trade. secondly will the cctv be required to be in continuous use or only when transporting passengers, and it should be switched off when you're off duty.</p> <p>With the exemption of the plate, I believe if a driver has an opportunity to make an regular earning with this option it should be granted</p>	<p>See above comments relating to CCTV. Any decision on a plate exemption will be based upon the public safety rationale of the Policy, and the vehicle meeting the criteria, and not on the financial implications for the driver.</p>
<p>With CCTV in vehicles who will be responsible for the costs of implementing the systems, would be unfair on the drivers to payout on for additional expenses with decline in trade due to competition from other licensing bourghs and overall increaing costs with in the trade. secondly will the cctv be required to be in continuous use or only when transporting passengers, and it should</p>	<p>As above.</p>

<p>be switched off when you're off duty. With the exemption of the plate, I believe if a driver has an opportunity to make an regular earning with this option it should be granted</p>	
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New Additions to the Policy – Drivers

The questionnaire then asked respondents about the proposed changes to the Policy affecting drivers.

There was strong agreement with 66 to 73% (29 to 32) respondents agreeing with proposals to require signing up to the DBS update service, the requirement to 'self report matters within 48 hours and a code of conduct.

Just over half, 52% (23) respondents agreed with the proposed introduction of a dress code to help improve the professional image of the service.

Turning to the comments made, officers would advise as follows:

Comment	Officers response
<p>I agree to a certain degree about a uniform such as no footwear that allows bare feet to be shown. Also about a basic level of personal hygiene being followed. Other than these points I believe the driver should be able to wear whatever they like as long as it's not offensive</p>	<p>The current and proposed dress code provides guidelines at the same time as allowing drivers choice.</p>
<p>There should be a data base the police update that councils can check. Stop placing all the pressure on drivers</p>	<p>The DBS requirement forms part of the Statutory Standards. There is currently a national database of revocations and refusals which the Council has signed up to.</p>
<p>Is it becoming a police state?</p>	<p>Comment noted.</p>
<p>The DRIVER should be clean and tidy</p>	<p>Comment noted.</p>
<p>Again GBC drivers have a good standard, It's other drivers from out of town who out GBC drivers to shame Because people don't care as long as they get a cheap taxi</p>	<p>See previous comment on cross border hire.</p>
<p>Again standards of full drivers are good, it outside authority drivers standards are low eg Uber again And Guildford drivers are being out into the standard which is wrong</p>	<p>See previous comment on cross border hire.</p>
<p>I feel the dress code is important. Especially for me a chauffeur company.</p>	<p>Comment noted</p>

<p>1)DBS every six months is not realistic. It's should be when new/renewal of an application.                  2) Conviction and arrest report can be reported within 72 hours.                  3) Code of conduct should be fare drivers should get chance to explain and allowed to be represented legally.                  4) Dress code can be the way each individual suits and feels comfortable with. However needs to be clean and tidy. If it's easy and flexible a driver can go to gym after work or walk while waiting for job.</p>	<p>See previous comment on DBS and dress code requirement. Any action taken against a licence holder needs to be proportionate and should allow for the licence holder to make representation. Any decision by the Council has a right of appeal.</p>
<p>Hi good idea for dbs check every 6 month for customers safety</p>	<p>Comment noted</p>
<p>The dbs we have is working we don't need 6 months checks a driver is ok to report any offence in 7 days and taking action against a driver code of conduct i don't agree and dress code we have is currently ok we don't need to get tough on the drivers with these policies so don't agree with some of the policies i think it's already hard at a bad times with covid to introduce or change anything.</p>	<p>See previous comment about DBS. The Council was required to review its Policy in light of publication of the Statutory Standards.</p>
<p>I wouldn't agree to any code of conduct without seeing it first.</p>	<p>The draft code of conduct formed part of the Policy and was available online for the consultation period.</p>
<p>A dress should not be compulsory like a uniform but formal and smart wear is understandable.</p> <p>In due respect drivers must 'self-report' any arrest, charges or conviction within 48 hours. The notification is currently within 7 days. We propose to include these measures in the policy changes. Yes it is important that this is reported, but not all arrests are made on an honest accusation, which can cause alarm and distress to any driver who might need longer than 48 hours to Mentally recover. and most serious cases the police will intervene and report the incident to council, I personally believe that 7 Days is fair and should be kept in</p>	<p>The 48 hour reporting period is recommended by the Statutory Standards.</p>

place as it is.	
A dress code, should not be compulsory, yes formal or smart wear is understandable. In due respect drivers must 'self-report' any arrest, charges or conviction within 48 hours. The notification is currently within 7 days. We propose to include these measures in the policy changes. Yes it is important that this is reported, but not all arrests are made on an honest accusation, which can cause alarm and distress to any driver who might need longer than 48 hours to Mentally recover. and most serious cases the police will intervene and report the incident to council, I personally believe that 7 Days is fair and should be kept in place as it is.	See above.
driving a car doesn't need a dress code but obviously presentable clothing should be worn. DBS should be done only on badge renewal and the rest unless u do school run should provide a yearly update as to no changes etc	See previous comments about DBS and dress code.

New Additions to the Policy – Operators

The questionnaire then asked respondents about the proposed changes to the Policy affecting operators.

There was very strong agreement to most of the proposals with 71 to 86% (31 to 38) respondents agreeing with the proposed standards for operators. There was also agreement to the proposals to remove meters from private hire vehicles with 59% (26) agreeing with this suggestion, however a number of comments were made as follows:

Comment	Officer's response
Does George Orwell work at that council ?	Comment noted as not relevant.
Do GBC have the same standards?	Not sufficient detail to comment.
YES BUT THE IMPLEMENTATION OF THE CHAGNES MUST NOT IMPACT ON TARRIFS	The Council does not regulate fares for private hire vehicles with operators able to set their own fares.
This would cause problems and create a two tier system and increase rivalry between different taxi	As above.

companies	
All vetting is done by GBC, that is why you have high standards, otherwise what's the point of the licensing team. Drivers already have good standard of pick up and drop off, it's outside of GBC drivers that don't know how to pick up and drop off Private hire should have meter to keep good standards because it gives customer choice, because they can already book a fixed price job	See previous comments about cross border hire.
Drivers should always drop off and pick up in a safe place that's basic common sense	Comment noted.
Currently I believe all standards are met,	Comment noted.
A local operators and local 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. Sub contracting of jobs should also be made within Guildford borough licensed operators.	The legislation permits subcontracting between operators licensed by different authorities.
If u want to finish private hire meter finish then u have to decrease Hcv meter Fare price to protect driver health hand safety otherwise drivers get in trouble because of several different low prices	The Council does not regulate fares for private hire vehicles with operators able to set their own fares. The Council has a set methodology for setting hackney fares which are a legal maximum with scope for drivers to charge less should they wish.
On getting rid of the meter in a private hire vehicle wouldn't be good the pda doesn't have reception like going under a bridge they would lose a lot of money it is already working on a meter don't change it every one is happy on a meter	There is no requirement to fit a PDA instead of a meter, this is one possible alternative.
Loading more obligations on Operators in the areas with a no response is unnecessary. Private Hire vehicles should charge a metered rate because quite often the passengers change their route, or incur excessive or unprdicted waiting	Operators are still permitted to have procedures to charge customers who require a service over and above that quoted for.

time. Additionally, passengers quite often deliberately mislead the operators as to the extent of their trip.	
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5.2 Response from Guide Dogs

The Guide Dogs response sets out that there are an estimated 4,640 people living with sight loss in the Guildford Borough Council area, which is expected to increase to 5,540 people by 2030. The response advises that the taxi and private hire trade provide an essential service for disabled people, however accessing the service can be a challenge for assistance dog owners.

The response makes a number of recommendations which officers would comment on as follows:

Comment	Officer's Response
<b>Joint warranting:</b> We welcome the joint working approach taken by local authorities in Surrey. We agree that 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.	Comment noted.
<b>Disclosure and Barring Service (DBS):</b> Guide Dogs welcome any amendments to this policy that will allow the Borough Council to take further steps in ensuring the safety of passengers, including children and vulnerable adults.	Comment noted.
<b>Testing:</b> We are pleased to note that all applicants will be required to undertake disability awareness (including physical and sensory disability) training and we would ask that this includes awareness of the Equality Act 2010. We feel that the policy should be clear on how this training will be delivered and refresher training will be a requirement within a reasonable period. We would also recommend that all customer facing staff within a taxi operator are required to take part in such training. The inclusion of customer care training is also welcomed.	Comment noted. Awareness of the Equality Act features in both the Level 2 qualification required by drivers and in the Council's knowledge test. There is currently no refresher training requirement, however drivers who fail to maintain standards can be required to complete further training. Operators are expected to have staff training commensurate to their business, which should include the Equality Act.

<p><b>Medical assessment:</b> The policy should be more specific and state that a medical exemption certificate for carrying assistance dogs will only be issued when authorised by a medical practitioner and accompanied by medical evidence, such as a blood test, a skin prick test or clinical history. The medical exemption certificates should be accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'.</p>	<p>The policy currently states that exemptions will only be granted where medical evidence is provided. We have updated this to reflect that exemptions will be confirmed by the Council's medical advisor.</p>
<p><b>Updating the council:</b> Guide Dogs welcomes the requirement within the draft policy that "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".</p>	<p>Comment noted.</p>
<p><b>CCTV:</b> We welcome the introduction of this requirement within the draft policy document. Guide Dogs are of the view that CCTV has great benefits in protecting both drivers and passengers from harm, inappropriate behaviour, abuse and poor customer service. This amendment would help to resolve disputes by providing important evidence. For example, if an assistance dog owner makes an allegation of being refused carriage by a driver, due to the person travelling with an assistance dog. As part of the proposed disability awareness training, we would ask that drivers are reminded to make blind and partially sighted passengers aware that CCTV is in operation and that passengers have can operate the system, as they are unlikely to see signs notifying them of this.</p>	<p>Comment noted.</p>
<p><b>Compliance and Enforcement:</b> We note that the draft policy states that all drivers are under a duty to comply</p>	<p>Comment noted.</p>



<p>with the Equality Act 2010 to carry, free of charge, any assistance dog. We advise highlighting within the policy that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence.</p>	
<p><b>Prosecution:</b> The policy should state that Guildford Borough Council will use its best endeavours to investigate all reported violations of the Equality Act 2010 in a timely manner with a view to pursuing a conviction.</p>	<p>Comment noted.</p>
<p><b>Sample purchasing:</b> The policy should state that the Borough Council will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.</p>	<p>Comment noted.</p>

5.3 Guildford Environmental Forum

The Guildford Environmental Forum response sets out the importance of controlling emission standards and makes a number of recommendations about implementation which officers would comment on as follows:

Comment	Officer's response
<p><b>Why it is important for tight emission standards in taxi licensing?</b>  <b><i>It's good for Guildford</i></b></p> <ul style="list-style-type: none"> <li>• Due to the relatively high mileage of taxis and concentration in/around the centre of Guildford, they have a disproportionally high impact on local air quality. This negatively impacts the residents, visitors and workers of Guildford, and overall attractiveness of the town</li> <li>• Guildford Borough Council has declared a Climate Emergency and with its licensed hackney vehicles being so visible on the streets of Guildford, a zero (or very low) emission fleet of vehicles would</li> </ul>	<p>Comment noted.</p>

<p>demonstrate its commitment to tackling climate change</p> <ul style="list-style-type: none"> <li>• As urban centres will need to 'compete' more for footfall and businesses, good air quality can be a positive differentiator, alongside Guildford's inherent cultural, geographical and historical strengths</li> <li>• Guildford Borough Council is already asking residents and businesses to consider "...using cleaner, ultra low emission vehicles", so strengthening the licensing policy would support this messaging (<a href="https://www.guildford.gov.uk/article/19807/Air-quality-monitoring">https://www.guildford.gov.uk/article/19807/Air-quality-monitoring</a>)</li> </ul> <p><b><i>It's good for Taxi Drivers/operators</i></b></p> <ul style="list-style-type: none"> <li>• Poor air quality impacts taxi drivers themselves</li> <li>• Zero-emission vehicles have significantly lower running costs, both in terms of costs of fuel, but also in maintenance. And as higher-emitting vehicles become less popular for the general public, the depreciation of these vehicles will increase, meaning finance costs will be relatively more, as their resale values will fall</li> <li>• Zero emission vehicles can be more comfortable, with fewer vibrations and less noise</li> <li>• As more businesses and organisations aim to reduce their environmental impact, they are likely to procure transport services from low/zero-emission providers</li> <li>• The more local authorities can do to push for tighter emissions (both for taxi licensing and its own fleet procurement), the stronger the demand message will be heard by the OEMs, improving supply for everyone, and reducing costs</li> </ul>	
<p><b>C. Consultation feedback</b> <i>N.B. For simplicity, the feedback does not differentiate between hackney carriage and private hire licences, nor consider the additional constraints</i></p>	<p>The feedback recommends reviewing the policy relating to emissions every two years. Reviewing a policy takes a significant amount of time and resource. The Council must also</p>

<p><i>which wheelchair-accessible vehicles may pose. Additionally, it does not include fuel-cell/LPG vehicles, which may be appropriate in some cases.</i></p> <p>Given the rapidly-evolving nature of zero-emission vehicle availability, charging infrastructure and UK Government support, it should be explicit in the policy that <b>any licensing policy relating to emissions will be reviewed every 2 years.</b></p> <p><b>Proactive engagement with the trade</b> is important, including education on availability of UK Government grants and subsidies (for vehicles, charging infrastructure, taxation, etc.)</p> <p><b>Guildford Borough Council must be more ambitious in setting emission-related standards for taxi licensing in the Borough.</b> We are entering a decade of <i>unprecedented</i> change in the automotive sector, the national regulatory frameworks are aligned to this change (e.g. since this consultation was launched, the UK Government have brought forward the ban on pure diesel/petrol powered cars to 2030 and are further supporting public chargepoint infrastructure rollout), and so it must be reflected at a local level too. However, this feedback must also take account of the livelihoods of drivers (and any investment they have in an existing vehicle), and ensure there is a clear pathway for an eventual ambition of a fully-electric taxi fleet serving Guildford at the earliest possible opportunity.</p> <p>The following changes are proposed (see Appendix A for visual summary). In essence, these recommendations 'bring forward' the dates for minimum emission requirements, but also some additional incentives for any driver who exceeds the minimum:</p> <p><b>(as per consultation) From April 2021, any vehicle presented for licensing for the <i>first time</i> must be Euro 6 compliant, especially</b></p>	<p>provide the trade with the opportunity to engage and adapt to any new requirement. Officers would suggest that a policy relating to emissions, where the licensed trade would have to change their vehicle so it meets the current standard places a considerable cost implication on the trade. There is no proposal to change the planned review period but this does not prevent an interim review if appropriate.</p> <p>In addition, whilst licence fee subsidies may help uptake of a greener fleet, currently there is no funding to realise this aim. It is well documented that local authorities are facing huge financial challenges and the prospect of financing licensing fees, which enable the holder to provide a service for which they charge a fare, may not be the best use of the Council budget.</p> <p>The response also comments on provision for taxi only charge points which although is a really sensible and positive proposal, falls outside of the scope of the policy review.</p>
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<p>important for minimising NOx emissions from diesel powertrains. [n.b. this is effectively covered by the maximum age of new vehicles being 5 years already, as all vehicles registered from September 2015 must be Euro 6 compliant]</p> <p><b>From April 2023, any licence renewal must be Euro 6 compliant</b> (all vehicles registered from September 2015 are Euro 6 compliant, so this will encourage a small number of vehicles less than the 10 year age limit, but over 7.5 years and not Euro 6 compliant to be changed)</p> <p><b>From April 2023, any vehicle presented for licensing for the <i>first time</i> must be at least an ULEV-compliant vehicle*</b></p> <p><b>From April 2021, any ULEV-compliant vehicle* presented for licensing for <i>first time or renewal</i> will attract a reduced-rate in its licensing fees</b></p> <p><b>From April 2021 until April 2023,</b> any Driver/operator who replaces a non-Euro 6 compliant vehicle with a ULEV, will earn a one-off £1,500 scrappage cashback payment (helping accelerate the removal of most-polluting vehicles from Guildford's roads as soon as possible)</p> <p><b>From April 2028, any vehicle presented for licensing for the <i>first time</i> must be Zero-emission</b> [n.b. <i>pace of EV availability and cost may mean this can be brought forward</i>]</p> <p><b>(as per consultation) From April 2030, any vehicle presented for licence renewal must be ULEV-compliant.</b> [n.b. this means non-ULEV vehicles first registered in 2021 or 2022 cannot be renewed for full ten year age policy period]</p> <ul style="list-style-type: none"><li>• Alongside 'raising the bar' on the <i>minimum</i> requirements, <b>further incentives for drivers to choose a zero-emission vehicle (ZEV):</b> o Priority bays in taxi ranks</li></ul>	
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<p>(enforcement easy through recently announced green number plates)</p> <ul style="list-style-type: none"> <li>o Zero cost taxi licensing fees for first three years of registration</li> <li>o Additional financial incentive over and above UK Government by Council to encourage uptake of ZEVs (see Appendix A for 'ZEV Incentive Scheme')</li> </ul> <p>Additionally, to demonstrate commitment to this policy, <b>Guildford Borough Council (and/or Surrey County Council) should provide 'taxi-only' chargepoints and/or subsidised charging costs for public chargepoints. These should be positioned in areas of frequent taxi drop-off and pick-up locations. New developments (e.g. North Street) should include provision of taxi charging in their design.</b></p> <p>*Note on ULEVs</p> <p>There are various definitions of the standards required to be a 'ULEV' vehicle, so this must be clear in any policy. Two aspects are relevant:</p> <ul style="list-style-type: none"> <li>•Maximum g CO<sub>2</sub>/km; <b>50g CO<sub>2</sub>/km is appropriate</b></li> <li>• Minimum electric only range (miles). Plug-in hybrid electric vehicles with a very low electric-only range may never be charged in reality, so a significant electric-only range is highly recommended. <b>70 miles</b> is now the standard set to support eligibility for the UK Government's Plugin Grant, and the consultation proposal of 10 miles of range is <b>not</b> adequate. It could be increased each year potentially for new licences?</li> </ul> <p>Plug-in hybrids are seen as a 'stop-gap' before fully electric vehicles are the default choice, hence the necessity to update the licensing to reflect the technological change, and the additional incentives to help drivers go fully electric.</p>	
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5.4 Luxury in Motion

Luxury in Motion are a licensed private hire operator offering chauffeuring services to clients. The response sets out a couple of concerns about vehicle emissions and replacing vehicles which officers would comment on as follows:

Comment	Officer's response
<p>1) No. Passengers (x4)</p> <p>Given the government announcement today regarding a ban on the sale of petrol and diesel vehicles by 2030, many of us will be considering the purchase of either hybrid or fully electric vehicles over the coming years.</p> <p>There are a few key problems however, that they propose for the chauffeur industry, such as their current maximum range given their driver's may often conduct up to 400 miles of journeys on some days. Also, the boot space that is lost to house the battery.</p> <p>Also, when looking for an executive, long-wheel base vehicle the fully electric choice on the market at present is limited. For example, traditional Mercedes S-Class and BMW 7 Series vehicles are not available yet as fully electric options. This currently leaves options such as the Porsche Taycan which has a more generous range of circa, 240 miles and has an executive level interior, but only has two seats in the rear (three passenger seats in total in addition to the driver).</p> <p>Regarding the minimum of x4 passengers rule, I wonder whether exceptions could be made for licensing electric, or hybrid chauffeur vehicles with two rear seats, or with a central console and only two seats in the rear?</p>	<p>The Policy proposes a gradual change to the emissions standards of licensed vehicles, with a full implementation by 2030 by which time technology is likely to have moved on. The Policy allows applications to be treated on their merits, for example licensing a vehicle for less than 4 passengers.</p>
<p>2) Hire/replacement vehicles</p> <p>This doesn't happen often, but when a vehicle breaks down and needs a replacement part that you have to wait on it can seriously damage revenue and Client satisfaction if you can't meet Client demand for several weeks</p>	<p>It is recognised that vehicles can be off the road due to repairs. It is possible to licence another vehicle for a short term basis if it meets the criteria, or operators are permitted to sub-contract work and processes are in place to issue these applications</p>

<p>as the vehicle is off-road.</p> <p>Also, some insurance policies include replacement vehicle hire but they tend to be TFL licensed vehicles. As a regional operator this poses some temporary, but serious issues. There are reliable companies such as LCH who specifically hire vehicles to the private hire industry which are licensed with TFL and meet the same stringent conditions required by Guildford licensing. But, they cannot currently be hired for a short period of time whilst repairs take place as they are not licensed within Guildford Borough. I wonder if there could also be some leniency during such occasional scenarios to allow a hire vehicle to be used if hired from a reputable hire company and licensed by a similar authority such as TFL to ensure the vehicle meets requirements.</p>	<p>swiftly to reduce the time a driver is unable to work.</p> <p>'Dual plating' of vehicles is not permitted by Guildford as this poses licensing difficulties. For example vehicles cannot be compliant with their conditions with one authority if they are displaying licensing information of another. Case law has indicated that once a vehicle is licensed, it remains a licensed vehicle and as such must comply with its conditions.</p>
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5.5 Mark Rostron

A lengthy response was received from this respondent. The full text of the response has not been copied as it concerns largely historical and irrelevant matters, namely the decision to adopt a livery for hackney carriages in 2015. The full text is available for review in Appendix D to this report.

The respondent offers little in the way of constructive feedback to the measures proposed in the current Policy consultation and in addition the response repeats a number of accusations made against the Council which there is no reason to respond to in this report.

However the themes of the response have been listed and Officer's comments are as follows.

Comment	Officer's response
<p>Reasonableness of setting a policy and illegality of such a policy.</p>	<p>It is well established that Licensing Authorities are able to set licensing requirements through local policy, provided they are pursuant to a legitimate aim. In this case, the Council regulates the licensed trade for the purposes of public safety, and the response also fails to acknowledge the 'shift' towards the</p>

	'public safety' rationale of licensing as described by the Statutory Guidance.
Decision to adopt hackney carriage livery	The decision to adopt a livery was taken in 2015 following consultation and was not challenged at the time by way of judicial review. As such the livery requirement remains unchanged under the current review. The response lists a number of unevicenced statements continuing disagreement with this historical decision which do not require further consideration.
Comfort of vehicles	There is no evidence provided to support the statement that some licensed vehicles are uncomfortable. The policy seeks to ensure the comfort and safety of passengers.
Decision to de-restrict taxi numbers	The decision taken to de-limit taxi numbers was taken many years ago and there is no requirement to review this decision. There are currently 125 licensed hackney carriage vehicles, compared to approximately 180 when the policy was last reviewed in 2015.
Cost of livery and BTEC policy	The arguments about cost are historical matters as the decision to adopt a livery and BTEC requirement was made in 2015. These costs are also accounted for in the taxi fare calculator which allows drivers to recover these costs via taxi fares.

5.6 Normandy Parish Council

Normandy Parish Council provided a short response advising that they had debated the proposals and fully supports their inclusion in the Policy.

5.7 Surrey Police

Inspector Wyatt, the Guildford Borough Commander issued a short note relating to CCTV in license vehicles supporting the proposal.

Comment	Officer's response
I am fully supportive of CCTV being mandated in licenced vehicles and can only see this being a good thing for everyone involved. From the drivers perspective it would deter any offences committed against them	Comment noted.



<p>such as assault or non-payment and in general provides transparency. Where offences do take place we will also be better placed to identify and deal with suspects where without CCTV, identification could be an issue.</p> <p>The users of the taxi's will also feel reassured by the presence of CCTV and allegations against drivers can be evidenced or disproved using CCTV.</p>	
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5.8 Conclusion of consultation responses

In summary, there was generally agreement that the Policy was clear and sought to achieve its intended objectives of improving standards in the trade and protect the public.

There was generally support for the measures proposed, which is encouraging considering that a high proportion of respondents identified themselves as members of the licensed trade.

However some respondents, of which there was a large proportion of the licensed trade considered some of the elements unreasonable. Comments about this centred around the cost of CCTV cameras and differing standards between authorities.

The individual consultation responses offered insights into support for CCTV from the Police and some constructive suggestions about implementation of aspects of the Policy.

**6. Changes to the draft Policy**

6.1 Following consultation, the following changes are therefore recommended for inclusion:

6.2 The criteria used to award a medical exemption from the duties under the Equality Act 2010 have been clarified to require the applicant to provide sufficient evidence and clinical history for review by the Council's Medical Consultant.

6.3 During the consultation period a number of Private Hire Operators sought to close their premises and operate from their home address. It subsequently emerged that the process of changing operating 'base' is not as clear as it perhaps could be in the Policy. Equally, the requirement for submission of planning permission delayed the process for applicants.

As such, the draft policy has been updated so that the requirement for the appropriate planning permission is a condition of the licence and not an application requirement. This should assist applicants with the process of licensing a base. In addition, as an operator's licence is linked to an address,

and there is no provision in the legislation to transfer a licence, the policy has been clarified so as to require a new application to update any details.

- 6.4 The Policy has also been updated to clarify that requests for vehicles to be exempt from the requirement to install CCTV will also be considered in genuine cases where the security and/or dignity of a client may be compromised by travelling in a vehicle where CCTV is present.
- 6.5 During the consultation period the UK confirmed its relationship with the EU after the end of the transition period following UK's exit from the EU. The 'right to work' section for both licensed drivers and operators has been updated with the current position.

## **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 during the Policy consultation has been offered to members of the trade via our newsletters and TAG meetings, which will continue. Officers and Members have also been offered 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 and circulated a survey to Authorities at the end of January 2021 which has been responded to.
- 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, and the majority of respondents supported these measures during the consultation. 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, with the proposal to have all vehicles fitted with CCTV by 1 April 2023. 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.
- 7.6 Implementing the changes will take considerable officer time, at a time when the Licensing resource has been reduced by the Future Guildford Programme and considerable work is also required to transition to the new organisational structure. Furthermore the Council is still responding to the Covid 19 pandemic and there is a considerable pressure on the licensing service with assisting licence holders and ensuring compliance with regularly changing regulations.

## **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.
- 8.7 An application for grant funding to cover the cost of some aspects of the CCTV requirement has been made to the Police and Crime Commissioner for Surrey. If successful, this could be used to subsidise some of the cost.

## **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 and making decisions. 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.
- 9.3 A Privacy Impact Assessment considering the use of CCTV in licensed vehicles is attached to this report as Appendix E.
- 9.4 The Policy may be challenged by judicial review. If the policy is not challenged or is upheld following a challenge, a court hearing an appeal against any licensing decision must apply the policy as if it was standing in the shoes of the Council as per the judgement of R (on the Application of Simmonds) vs The Crown Court at Guildford.

## **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.
- 10.2 The Future Guildford review has introduced wider changes to the Council's structure, including a reduction in the current Licensing resource, although the creation of a number of other potential resources in the Case Services or Compliance Team to potentially assist with Licensing work although it remains to be seen what effect this will have on the effective operation of the service and

implementation of the Policy. In addition, this work has come at a time when the Licensing Service is busy assisting with the Council's response to the coronavirus pandemic, which has seen implications for other areas of Licensing, including relaxations to alcohol licensing restrictions.

- 10.3 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.

- 11.4 The 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.

- 11.5 Wide public consultation has taken place, including with taxi user groups who share protected characteristics and responses have been received from Guide Dogs and members of the Guildford Access Group which have been considered in this report.

- 11.6 An Equalities Impact Assessment has been completed and is included in this report as Appendix F.

## **12. Climate Change/Sustainability Implications**

- 12.1 The Policy considers the introduction of emission standards for licensed vehicles in order to improve air quality.

- 12.2 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 and the consultation responses, the Committee may either:
1. Recommend that Full Council approve the draft Policy at Appendix A following public consultation, or
  2. Recommend that Full Council approve the draft with amendments.

### **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 A draft Policy was approved by Licensing Committee in September 2020 and has undergone a public consultation exercise.
- 14.4 The views of all those responding are presented to Licensing Committee in this report and the Licensing Committee are invited to consider the results of the consultation, together with Officer's comments.
- 14.5 After considering the report and consultation responses, the Committee is invited to recommend adoption of the Policy, along with any amendments considered necessary, 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 – Hackney Carriage and Private Hire Vehicle Licensing Policy for approval

Appendix B – List of Consultees

Appendix C – Online questionnaire and responses

Appendix D – Individual consultation responses received

Appendix E – Privacy Impact Assessment

Appendix F – Equalities Impact Assessment

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

<b>Service</b>	<b>Sign off date</b>
<i>Finance / S.151 Officer</i>	<i>18 February 2021</i>
<i>Legal / Governance</i>	<i>15 February 2021</i>
<i>HR</i>	<i>19 February 2021</i>
<i>Equalities</i>	<i>19 February 2021</i>
<i>Lead Councillor</i>	<i>26 February 2021</i>
<i>CMT</i>	<i>23 February 2021</i>
<i>Committee Services</i>	<i>16 March 2021</i>

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GUILDFORD  
BOROUGH



# Hackney Carriage and Private Hire Licensing Policy



Effective: (date)  
Version 1.4 – Final draft for approval  
March 2021

## Contents

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>Principles</b>	<b>5</b>
<b>3</b>	<b>Definitions</b>	<b>7</b>
<b>4</b>	<b>General Principles</b>	<b>8</b>
<b>5</b>	<b>Driver Requirements</b>	<b>13</b>
<b>6</b>	<b>Hackney Carriages and Private Hire Vehicles</b>	<b>25</b>
<b>7</b>	<b>Vehicle Specifications</b>	<b>34</b>
<b>8</b>	<b>Private Hire Operators</b>	<b>46</b>
<b>9</b>	<b>Compliance and enforcement</b>	<b>60</b>
<b>Appendix 1</b>	<b>Hackney Carriage Byelaws</b>	<b>65</b>
<b>Appendix 2</b>	<b>Relevance of convictions, cautions, endorsements and other information</b>	<b>74</b>
<b>Appendix 3</b>	<b>Standard Private Hire Driver and Dual Hackney Carriage Driver Licence Conditions</b>	<b>83</b>
<b>Appendix 4</b>	<b>Licensed Hackney Carriage and Private Hire Dress Code</b>	<b>90</b>
<b>Appendix 5</b>	<b>Licensed Dual Hackney Carriage and Private Hire Code of Conduct</b>	<b>91</b>
<b>Appendix 6</b>	<b>Standard Hackney Carriage vehicle licence conditions</b>	<b>93</b>
<b>Appendix 7</b>	<b>Standard Private Hire vehicle licence conditions</b>	<b>100</b>
<b>Appendix 8</b>	<b>Additional licence conditions for private hire vehicles benefiting from a plate exemption</b>	<b>107</b>
<b>Appendix 9</b>	<b>Vehicle Testing Specifications</b>	<b>108</b>
<b>Appendix 10</b>	<b>Standard Private Hire Operators Licence conditions</b>	<b>116</b>
<b>Appendix 11</b>	<b>CCTV Specification</b>	<b>125</b>
<b>Appendix 12</b>	<b>Lost Property</b>	<b>132</b>

## 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](http://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:

Agenda item number: 5(1)  
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 including the appropriate tests and clinical history (provided by the applicant) and confirmed by the Council's medical advisor.

## 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,
- Documentation confirming the applicant is an EEA national who has status under the EU Settlement Scheme, or status under the points-based immigration system,
- 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 EWVTA. 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.

#### 7.20 Exemption from Installation of CCTV

An application for exemption from the requirement to install CCTV may be made to the Council in cases where, for a genuine reason, the security and/or dignity of clients may be compromised should CCTV be installed in the vehicle. In a similar vein to the application for a plate exemption, the Council will 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 in granting an exemption.

Exemptions may be withdrawn at any time by the Council. 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.

## 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,
- Documentation confirming the applicant is an EEA national who has status under the EU Settlement Scheme, or status under the points-based immigration system,
- 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
- it is expected that the applicant will have obtained appropriate planning permission or a certificate of lawful use for the intended operating base from the relevant planning authority, and such evidence may be requested.
- 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.

An operator's licence is granted to a licence holder to operate from an identified premises. Should the licence holder wish to relocate during the course of their licence, a new application to operate from that premises is required.

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 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.

Agenda item number: 5(1)  
Appendix 1

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	<p>Any vehicle fitted with ABS shall be deemed to fail if presented with any component obviously missing.</p>
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	<p>No splits, cracks, chips or bulls eyes shall be permitted anywhere in the swept vision.</p>
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 &amp; 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><b>For accessible vehicles:</b> 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	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. 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.
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](mailto: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.
- h. The operator must ensure they have obtained appropriate planning permission or a certificate of lawful use for their operating base from the relevant planning authority. This document must be provided within 7 days upon the request of an Authorised Officer.

#### 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

- 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.
- 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

- 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.
- 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.
- Records of checks carried out must be maintained and provided to the Council upon request.
- 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.
- 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.
- 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.
- 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

- 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.
- 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.



## **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.

## Appendix 12

### 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](mailto:customerservices@guildford.gov.uk) or by calling 01483 505050.



**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
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
Surrey County Council – Safeguarding Children
Surrey Trading Standards Service

**Consultees Draft Taxi and Private Hire Licensing Policy 2020**

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

## Hackney Carriage and Private Hire Vehicle Licensing Policy Review Questionnaire

1. Page 1
2. About you

1. Title			Response Percent	Response Total
1	Mr		86.67%	39
2	Mrs		2.22%	1
3	Miss		2.22%	1
4	Ms		8.89%	4
5	Dr		0.00%	0
6	Other (please specify):		0.00%	0
			answered	45
			skipped	10
Other (please specify): (0)				
No answers found.				

2. Name			Response Percent	Response Total
1	Open-Ended Question		100.00%	43
1	08/10/2020 12:29 PM ID: 149715444	test		
2	12/10/2020 09:08 AM ID: 149944551	test		
3	12/10/2020 13:55 PM ID: 149974593	TONYEDWARDS		
4	12/10/2020 14:23 PM ID: 149977649	Andrew Carey		
5	12/10/2020 17:46 PM ID: 149996555	Jackie		
6	13/10/2020 08:48 AM ID: 150020896	Holliker		
7	14/10/2020 15:54 PM ID: 150141832	Jane Lyons		

Agenda item number: 5(1)  
Appendix 3

2. Name			Response Percent	Response Total
8	18/10/2020 14:27 PM ID: 150390202	Stephen Goodhand - Tait		
9	18/10/2020 17:25 PM ID: 150403175	G Austin		
10	18/10/2020 21:28 PM ID: 150411698	J R Tester		
11	19/10/2020 10:08 AM ID: 150425412	Roy mallyon		
12	23/10/2020 14:47 PM ID: 150877668	fdv		
13	24/10/2020 06:55 AM ID: 150946365	Simon Pearson		
14	25/10/2020 17:43 PM ID: 151014441	Nick Singleton		
15	27/10/2020 12:33 PM ID: 151124335	Daniel Bennett		
16	28/10/2020 20:03 PM ID: 151233467	Pat Conroy		
17	02/11/2020 10:18 AM ID: 151489891	Robert Mroczek		
18	08/11/2020 23:12 PM ID: 151968014	James Lynn		
19	12/11/2020 20:46 PM ID: 152313642	Sajad Hussain		
20	18/11/2020 21:14 PM ID: 152800503	Stuart Green		
21	23/12/2020 11:00 AM ID: 155234523	Mo		
22	07/01/2021 21:28 PM ID: 155903566	Richard Waters		
23	08/01/2021 10:35 AM ID: 155924774	Carl		
24	08/01/2021 11:05 AM ID: 155924459	Ishtiaq Arshad		
25	08/01/2021 11:29 AM ID: 155928996	Hussain		
26	08/01/2021 13:54 PM ID: 155944527	Abdul Majid		
27	09/01/2021 01:15 AM ID: 156017837	Majeeb Ramzan		
28	10/01/2021 02:44 AM ID: 156066708	Saeed Azmat		
29	10/01/2021 03:34 AM ID: 156066931	Imran khan		
30	10/01/2021 05:58 AM ID: 156067787	Abdul Hameed Niazi		


2. Name			Response Percent	Response Total
31	10/01/2021 10:02 AM ID: 156072927	Muhammad khateeb		
32	10/01/2021 18:20 PM ID: 156102148	Amjed Sultan		
33	11/01/2021 00:55 AM ID: 156113670	Mohammed yaqoob nabi		
34	11/01/2021 06:58 AM ID: 156117097	Mark Rostron		
35	11/01/2021 14:56 PM ID: 156188425	Nazim Hussain		
36	11/01/2021 15:14 PM ID: 156188232	Awais Malik		
37	11/01/2021 16:26 PM ID: 156211391	Shahzad Ahmed		
38	11/01/2021 16:27 PM ID: 156210852	Yaser Ali		
39	11/01/2021 16:27 PM ID: 156210860	Asif Hussain		
40	11/01/2021 16:31 PM ID: 156212756	Trish Charge		
41	11/01/2021 16:42 PM ID: 156214465	Majid Shahmirzadi		
42	11/01/2021 16:46 PM ID: 156212734	Abid		
43	11/01/2021 17:31 PM ID: 156219041	Glenn		
			answered	43
			skipped	12



3. Email address			Response Percent	Response Total
1	Open-Ended Question		100.00%	42
1	08/10/2020 12:29 PM ID: 149715444	████████████████████		
2	12/10/2020 09:08 AM ID: 149944551	████████████████████		
3	12/10/2020 14:23 PM ID: 149977649	██████████████████		
4	12/10/2020 17:46 PM ID: 149996555	██████████████████		
5	13/10/2020 08:48 AM ID: 150020896	██████████████████		



3. Email address			Response Percent	Response Total
6	14/10/2020 15:54 PM ID: 150141832	[REDACTED]		
7	18/10/2020 14:27 PM ID: 150390202	[REDACTED]		
8	18/10/2020 17:25 PM ID: 150403175	[REDACTED]		
9	18/10/2020 21:28 PM ID: 150411698	[REDACTED]		
10	19/10/2020 10:08 AM ID: 150425412	[REDACTED]		
11	23/10/2020 14:47 PM ID: 150877668	Test		
12	24/10/2020 06:55 AM ID: 150946365	[REDACTED]		
13	25/10/2020 17:43 PM ID: 151014441	[REDACTED]		
14	27/10/2020 12:33 PM ID: 151124335	[REDACTED]		
15	28/10/2020 20:03 PM ID: 151233467	[REDACTED]		
16	02/11/2020 10:18 AM ID: 151489891	[REDACTED]		
17	08/11/2020 23:12 PM ID: 151968014	[REDACTED]		
18	12/11/2020 20:46 PM ID: 152313642	[REDACTED]		
19	18/11/2020 21:14 PM ID: 152800503	[REDACTED]		
20	23/12/2020 11:00 AM ID: 155234523	[REDACTED]		
21	07/01/2021 21:28 PM ID: 155903566	[REDACTED]		
22	08/01/2021 10:35 AM ID: 155924774	[REDACTED]		
23	08/01/2021 11:05 AM ID: 155924459	[REDACTED]		
24	08/01/2021 11:29 AM ID: 155928996	[REDACTED]		
25	08/01/2021 13:54 PM ID: 155944527	[REDACTED]		
26	09/01/2021 01:15 AM ID: 156017837	[REDACTED]		
27	10/01/2021 02:44 AM ID: 156066708	[REDACTED]		
28	10/01/2021 03:34 AM ID: 156066931	[REDACTED]		



3. Email address			Response Percent	Response Total
29	10/01/2021 05:58 AM ID: 156067787	[REDACTED]		
30	10/01/2021 10:02 AM ID: 156072927	[REDACTED]		
31	10/01/2021 18:20 PM ID: 156102148	[REDACTED]		
32	11/01/2021 00:55 AM ID: 156113670	[REDACTED]		
33	11/01/2021 06:58 AM ID: 156117097	[REDACTED]		
34	11/01/2021 14:56 PM ID: 156188425	[REDACTED]		
35	11/01/2021 15:14 PM ID: 156188232	[REDACTED]		
36	11/01/2021 16:26 PM ID: 156211391	[REDACTED]		
37	11/01/2021 16:27 PM ID: 156210852	[REDACTED]		
38	11/01/2021 16:27 PM ID: 156210860	[REDACTED]		
39	11/01/2021 16:31 PM ID: 156212756	[REDACTED]		
40	11/01/2021 16:42 PM ID: 156214465	[REDACTED]		
41	11/01/2021 16:46 PM ID: 156212734	[REDACTED]		
42	11/01/2021 17:31 PM ID: 156219041	[REDACTED]		
			answered	42
			skipped	13

4. Are you a Guildford Borough resident?			Response Percent	Response Total
1	Yes	[Blue bar]	51.11%	23
2	No	[Orange bar]	48.89%	22
			answered	45
			skipped	10

5. Do you carry out or run a business in the Borough of Guildford?				
			Response Percent	Response Total
1	Yes		46.67%	21
2	No		53.33%	24
			answered	45
			skipped	10




6. Do you hold a Taxi/Private Hire Licence granted by Guildford Borough Council?				
			Response Percent	Response Total
1	Yes		55.56%	25
2	No		44.44%	20
			answered	45
			skipped	10

7. Do you hold a Taxi/Private Hire Licence granted by another authority?				
			Response Percent	Response Total
1	Yes		15.56%	7
2	No		84.44%	38
			answered	45
			skipped	10

8. Are you responding as a representative of a licensed driver, operator or a trade group?				
			Response Percent	Response Total
1	Yes		22.73%	10
2	No		77.27%	34
			answered	44
			skipped	11




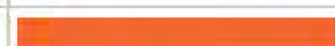

**9. If you answered yes to the above question, please check the box to show who you are representing.**

			Response Percent	Response Total
1	Representative of a licensed driver		50.00%	7
2	Representative of a licensed operator		28.57%	4
3	Representative of a trade group		21.43%	3
			answered	14
			skipped	41

Please state the name of the organisation you are representing: (8)

1	12/10/2020 09:08 AM ID: 149944551	test
2	12/10/2020 13:55 PM ID: 149974593	WOKING ROAD MOT BAY SITE MANAGER
3	12/10/2020 14:23 PM ID: 149977649	Safesystems CCTV LTD
4	14/10/2020 15:54 PM ID: 150141832	Guildford Pubwatch
5	08/01/2021 10:35 AM ID: 155924774	Eng Cars Limited
6	08/01/2021 11:05 AM ID: 155924459	Airport Express Chauffeurs
7	08/01/2021 13:54 PM ID: 155944527	Drive Chauffeur operator ph010
8	11/01/2021 16:46 PM ID: 156212734	myself

**10. Are you responding as a person or body not listed above?**



			Response Percent	Response Total
1	Yes		9.09%	4
2	No		70.45%	31
3	If 'Yes' please state:		20.45%	9
			answered	44
			skipped	11



If 'Yes' please state: (9)


1	12/10/2020 09:08 AM ID: 149944551	test
2	12/10/2020 13:55 PM ID: 149974593	TAXI INSPECTOR
3	13/10/2020 08:48 AM ID: 150020896	Member of Guildford Access Group representing disabled people

10. Are you responding as a person or body not listed above?			Response Percent	Response Total
4	18/10/2020 17:25 PM ID: 150403175	Hackney driver		
5	27/10/2020 12:33 PM ID: 151124335	Taxi user		
6	28/10/2020 20:03 PM ID: 151233467	Taxi customer		
7	07/01/2021 21:28 PM ID: 155903566	Guildford Environmental Forum		
8	11/01/2021 00:55 AM ID: 156113670	Hackney carriage driver		
9	11/01/2021 14:56 PM ID: 156188425	As person		



### 3. Proposed changes to our Taxi Licensing Policy


11. Is the proposed taxi licensing policy clear and understandable?			Response Percent	Response Total
1	Yes		73.33%	33
2	No		26.67%	12
			answered	45
			skipped	10



12. Is the proposed policy consistent with the objective of protecting the travelling public?			Response Percent	Response Total
1	Yes		64.44%	29
2	No		35.56%	16
			answered	45
			skipped	10

13. Is the proposed policy consistent with the objective of ensuring the highest standards within the professional licenced taxi trade?			Response Percent	Response Total
1	Yes		55.56%	25

13. Is the proposed policy consistent with the objective of ensuring the highest standards within the professional licenced taxi trade?			Response Percent	Response Total
2	No		44.44%	20
			answered	45
			skipped	10

14. Is the proposed policy consistent with maintaining public confidence?			Response Percent	Response Total
1	Yes		54.55%	24
2	No		45.45%	20
			answered	44
			skipped	11

15. Is there anything within the proposed policy that you feel is unfair or unreasonable?			Response Percent	Response Total
1	Yes		68.18%	30
2	No		31.82%	14
			answered	44
			skipped	11

16. Does the proposed policy make clear that all applications must be considered on their own merits and no requirement of the policy can be absolute?			Response Percent	Response Total
1	Yes		76.74%	33
2	No		23.26%	10
			answered	43
			skipped	12

17. Please add any relevant comments.				
			Response Percent	Response Total
1	Open-Ended Question		100.00%	23
1	08/10/2020 12:29 PM ID: 149715444	relevant comment box test info		
2	12/10/2020 09:08 AM ID: 149944551	test		
3	12/10/2020 13:55 PM ID: 149974593	WILL PLATE EXEMPT VEHICLES STILL HAVE TO DISPLAY INTERIOR LICENCE PERMANTLY		
4	12/10/2020 17:46 PM ID: 149996555	Why don't councils butt out and leave the trade alone. Always tinkering and pissing drivers right off with all your meddling crap. Seems to me it's just some officials keeping busy to keep themselves employed at our expense. Leave us alone !!		
5	13/10/2020 08:48 AM ID: 150020896	<p>In the full policy I would like the Vehicle Accessibility section (copied below) to be expanded to provide more information about the incentives offered so we can ensure more vehicles are accessible to disabled people particularly wheelchair users.</p> <p>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.</p>		
6	14/10/2020 07:16 AM ID: 150095401	A dress code is unreasonable.		
7	18/10/2020 14:27 PM ID: 150390202	<p>Guildford borough council propose Guildford taxis do livery , Btec , exploitation course , dsa driving test &amp; say to keep taxis at high standard &amp; safety for public but then grant operator license to uber &amp; other company's who take the majority of our work without the same conditions as us Guildford licensed taxis , this all reflects in the cost of fares to public &amp; does not allow us to be competitive to the likes of uber ect , and also encourages operators of cabs &amp; private hire working here to license vehicles with outside boroughs eg waverly &amp; woking ect who more &amp; more drivers are using to bypass the Guildford conditions &amp; are allowed to operate on an uneven par as Guildford taxis . Also at a time when the world is trying to reduce plastic use GBC require Guildford taxis to cover the whole vehicle in Vinyl Allowing accident claim company's to charge over the top for replacement vehicles &amp; drag claims on as to profit from accidents &amp; if you try &amp; use another insurance company they can't supply replacement vehicles to Guildford spec which results in driver unable to work why vehicles are repaired &amp; claims settled .</p>		
8	18/10/2020 17:25 PM ID: 150403175	<p>The cost of installing cameras is ridiculous high fir taxi drivers to pay . Most of us drivers work day time driving old ladies and have no risk or very limited risk of an attack. Also the police are not interested in helping taxi drivers if we have non payment for a fare. I have had 3 non payers in 12 years and no assaults .</p>		
9	18/10/2020 21:28 PM ID: 150411698	If these standards are the same as GBC sets as its own standards, then I would agree, but it does not		
10	19/10/2020 10:08 AM ID: 150425412	<p>Ref public safety we had to wrap our vecheles when you licence Uber witch is licenced in london you let the operate in Guildford no checks are made there's so many in Guildford they get away with no checks or crb checks there's something wrong</p>		
11	24/10/2020 06:55 AM ID: 150946365	<p>Don't need a dress code</p> <p>Nothing wrong with private companies continuing to use meters.</p> <p>Don't need CCTV. It's an overkill, intrusive for the passenger and breaches their personal space.</p>		
12	02/11/2020 10:18 AM ID: 151489891	<p>Hi.</p> <p>I my humble opinion as a user of private hire services across the country you could do more to convince public about the quality of the service they receive from</p>		

17. Please add any relevant comments.			Response Percent	Response Total
		private hire drivers and introduce a mandatory training for all your private hire drivers. Chauffeur Training Academy in London could help you with that and design a bespoke training course. It could be as short as 1 or 2 days but would take your private hire drivers to the next level of customers services and skills as well as ensuring the public that they receive a really good, value for money professional and safe service. You can contact CTA at: [REDACTED]		
13	08/11/2020 23:12 PM ID: 151968014	All taxis in Guildford should be zero emission vehicles and this should be a requirement		
14	18/11/2020 21:14 PM ID: 152800503	Consider a clause to make sure interior of vehicles are clean, tidy and not littered with unnecessary notices. I have travelled in GBC taxis where there are hand written signs. Do this, do that, I don't accept £20 notes etc		
15	23/12/2020 11:00 AM ID: 155234523	CCTV should be optional in care.		
16	07/01/2021 21:28 PM ID: 155903566	I have focused my feedback exclusively on ensuring the policy reflects the appropriate ambition on vehicle emissions (ultimately to protect the health of taxi drivers, passengers, residents and visitors). A separate document has been e-mailed to explore this area in more detail.		
17	08/01/2021 11:05 AM ID: 155924459	CCTV I personally think is not required if you are honest with customer you dont get trouble Except plates shouldn't have door signage at all you are investing £40k+ for a car and you are not going to do minicab work you are aiming for top end clients It also depends on your definition of what you call except which should be clarified from the beginning		
18	08/01/2021 13:54 PM ID: 155944527	Would cctv being fitted in cars not be invasive of a passengers dignity.		
19	09/01/2021 01:15 AM ID: 156017837	i think you should bring disabled access cars, as they will be covid safe		
20	10/01/2021 02:44 AM ID: 156066708	Dress code shouldn't be that strict. Each individual choice that's fits their personality and the clothes they feels comfortable. However needs to be clean and tidy.		
21	10/01/2021 05:58 AM ID: 156067787	Why Uber is operating in Guildford without having a license from Guildford borough council?		
22	11/01/2021 06:58 AM ID: 156117097	Please see response sent via email.		
23	11/01/2021 17:31 PM ID: 156219041	We are going through Covid at present as you might know. I myself have had NO WORK for probably 3or 4 months now, could you please tell me, who is going to foot the bill for these cameras, as I can just about put food on my table at present let alone paying out for things some pen pusher is thinking what can we do next to kick taxi drivers while they are down. If you continue to keep putting pressure on drivers with all these great ideas you will find that you'll end up with NO Taxi Drivers in Guildford because they'll either leave the trade, join Uber or start up I a different Borough. Don't kill the goose that lays the golden egg!!		
			answered	23
			skipped	32

4. You thoughts on licensed drivers, vehicles or operators in the borough

18. Do you believe that there are any significant problems within the Borough of Guildford that are caused by the conduct of any of the following licensed by Guildford Borough Council?				
		Yes	No	Response Total
Hackney Carriages		36.6% (15)	63.4% (26)	41
Private Hire Vehicles		48.7% (19)	51.3% (20)	39
Operators		38.9% (14)	61.1% (22)	36
Drivers		44.7% (17)	55.3% (21)	38
			answered	43
			skipped	12
Please add any relevant comments: (20)				
1	08/10/2020 12:29 PM ID: 149715444	test		
2	12/10/2020 09:08 AM ID: 149944551	test		
3	12/10/2020 13:55 PM ID: 149974593	VEHICLES SRE STILL BEING SENT FOR INSPECTION WITH SEVERAL FAULTS ie LIGHTS NOT WORKING /TYRES BELOW LIMIT/BRAKES WORN ECT		
4	12/10/2020 17:46 PM ID: 149996555	Go hassle someone else please, most drivers are mindful and do the job correctly. If a small few don't, deal with them on merit by the complaints process.		
5	14/10/2020 07:16 AM ID: 150095401	A taxi firm in Horsley charges a minimum charge of £15 but doesn't tell you until you have started the journey. These are the kind of companies that need regulating.		
6	14/10/2020 15:54 PM ID: 150141832	Uber drivers collecting in Castle Street at restaurant close in bulk, causing traffic flow & parking issues, can we not have an allocated collection point for UBER?		
7	18/10/2020 14:27 PM ID: 150390202	Operators in Guildford & out of area are using out of Guildford licensed private hire vehicles to work guildford it was taught to us on betec course that private hire can do a booked job but must return to licensed area which is not happening they are parked here plying for hire taking jobs without returning to there licensed bourough		
8	18/10/2020 17:25 PM ID: 150403175	Uber and cross border taxis , the council have no idea who's working in the bourough . It's impossible to keep the public safe when they allow Uber and cross border taxis .		
9	18/10/2020 21:28 PM ID: 150411698	Nothing mentioned of GBC responsibilities.		
10	27/10/2020 12:33 PM ID: 151124335	COST		
11	18/11/2020 21:14 PM ID: 152800503	Drivers are consistently rude, don't like using contactless payment and won't bring themselves up to date. Frankly Uber provides a better service.		
12	23/12/2020 11:00 AM ID: 155234523	Private hair/Uber drives coming into guildford todo Uber should not be allowed as some are travel from far as Portsmouth,London.Manchester and other far towns these drivers are staying in cars over night and some stay whole week and have seen some of them urinating in places. only people should be allowed are local towns.		
13	07/01/2021 21:28 PM ID: 155903566	Impact on local air quality		

18. Do you believe that there are any significant problems within the Borough of Guildford that are caused by the conduct of any of the following licensed by Guildford Borough Council?			
		Yes	No Response Total
14	08/01/2021 11:05 AM ID: 155924459	Hackney carriage drivers some are always over charging Operators are over quoting for jobs Drivers pick up others jobs and lots of drivers dont class ash vale as there borough so over charge for dropping customers off and use longest routes	
15	08/01/2021 11:29 AM ID: 155928996	Because big big influx of Uber drivers, the standard has dropped because people put them under the rules and regs of Guildford	
16	09/01/2021 01:15 AM ID: 156017837	£454 to renew is alot of money with no work foreseeable future	
17	10/01/2021 02:44 AM ID: 156066708	All drivers are professional and trustworthy. Helps customers out of the way.	
18	10/01/2021 03:34 AM ID: 156066931	Too many plates issued and private hire companies r operating from out side with their own drivers and cars	
19	11/01/2021 06:58 AM ID: 156117097	Hackney Carriages from Guildford do not return to their nearest ranks when a hire has been completed.	
20	11/01/2021 16:46 PM ID: 156212734	Plenty of touters as always, and different Borough operators taking advantage and using completely unqualified drivers from other Boroughs and working in Guildford as official Guildford drivers..absolute joke.	

19. Do you believe that there are any significant problems within the Borough of Guildford that are caused by the conduct of any of the following licensed by other licensing authorities?			
		Yes	No Response Total
Hackney Carriages		39.0% (16)	61.0% (25) 41
Private Hire Vehicles		52.6% (20)	47.4% (18) 38
Operators		42.1% (16)	57.9% (22) 38
Drivers		48.7% (19)	51.3% (20) 39
			answered 42
			skipped 13
Please add any relevant comments: (16)			
1	08/10/2020 12:29 PM ID: 149715444	test	
2	12/10/2020 09:08 AM ID: 149944551	test	
3	12/10/2020 17:46 PM ID: 149996555	See above	
4	14/10/2020 15:54 PM ID: 150141832	As above with UBER drivers	
5	18/10/2020 17:25 PM ID: 150403175	Uber and cross border taxis , the are coming from London tier 2 for Covid possible into tier 3 spreading	

19. Do you believe that there are any significant problems within the Borough of Guildford that are caused by the conduct of any of the following licensed by other licensing authorities?			
		Yes	No
		Response Total	
		The virus and making it unsafe . They should be stopped quickly	
6	19/10/2020 10:08 AM ID: 150425412	If Uber is licenced by ( TFL ) they should only be allowed to trade in London there DRIVERS are not checked by Guildford Borough council they have got silly little tax discs in windows some cars don't have them	
7	19/10/2020 13:18 PM ID: 150447815	Uber drivers are causing real issues, the Council needs to control these better.	
8	27/10/2020 12:33 PM ID: 151124335	COST	
9	28/10/2020 20:03 PM ID: 151233467	Taxi and ph licenced outside the area eg Uber etc plying for hire	
10	12/11/2020 20:46 PM ID: 152313642	Uber, driver's are illegally picking up customers Some uber cars are not up to the standard of Guildford Uber drivers have made taxi ranks all over Guildford, and disturbing residents on major roads Uber standard of driving is really bad, have seen on several occasions driving wrong ways, stopping at wrong areas etc	
11	08/01/2021 11:05 AM ID: 155924459	When you licensed uber that caused and still is causing problems	
12	08/01/2021 11:29 AM ID: 155928996	Again Because big big influx of Uber drivers, the standard has dropped because people put them under the rules and regs of Guildford	
13	10/01/2021 02:44 AM ID: 156066708	Uber drivers and other borough council drivers when they work in Guildford especially when they do not hold the knowledge of local streets. Makes members of public unsafe and less control check and balance of Guildford borough on them.	
14	10/01/2021 03:34 AM ID: 156066931	Cross border definitely stopped to protect GBC environment and to save their own drivers livelihoods	
15	11/01/2021 06:58 AM ID: 156117097	Hackney Carriages from other Boroughs do not return to their nearest ranks when a hire has been completed. Private Hire Vehicles that do not comply with GBC's licence conditions ply for hire in Guildford.	
16	11/01/2021 16:46 PM ID: 156212734	as explained beforehand touters and unlicensed taxi drivers from other Boroughs working here under the pretext of working for another operator or company or being a Hackney driver and working for private hire companies in Guildford with a car that does NOT have the teal Green cars like we had been instructed to have in place. Again what a big joke this whole procedure is.	

5. New additions to the policy - vehicles

20. Do you agree with the proposed changes regarding licensed vehicles?			
	Yes	No	Response Total
All licensed vehicles will be required to be fitted with CCTV in order to give greater protection to customers and drivers.	54.5% (24)	45.5% (20)	44
The licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data.	47.7% (21)	52.3% (23)	44



20. Do you agree with the proposed changes regarding licensed vehicles?			
	Yes	No	Response Total
All vehicles licensed for the first time from 1 April 2021 (or the date the policy is effective from) and all renewal applications from 1 January 2025, must meet or exceed Euro 6 emission standards.	72.7% (32)	27.3% (12)	44
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).	72.7% (32)	27.3% (12)	44
If any licensed vehicles are regularly presented for inspection in a defective and sometimes dangerous condition, a policy of allowing action to be taken against proprietors for continued non-compliance should be introduced.	70.5% (31)	29.5% (13)	44
The introduction of a basic Disclosure Barring Service (DBS) for proprietors and previous convictions policy, as part of our drive to improve public safety and confidence.	83.7% (36)	16.3% (7)	43
The current policy should be tightened to reflect that 'plate exemptions' will only be granted in exceptional circumstances.	70.5% (31)	29.5% (13)	44
		answered	44
		skipped	11
Please add any relevant comments: (21)			
1	08/10/2020 12:29 PM ID: 149715444	test comments again	
2	12/10/2020 09:08 AM ID: 149944551	test	
3	12/10/2020 13:55 PM ID: 149974593	ALL DRIVERS AND OPERATORS TO BE GIVEN ENOUGH NOTICE BEFORE ANY CHANGES TO INSPECTION CRITERIA	
4	12/10/2020 14:23 PM ID: 149977649	As a resident of a council that has gone mandatory for CCTV with age limit of vehicles to combat public and driver safety and ultra low emissions. I can honestly say we have had nothing but positive responses from the public and drivers. Both parties feel safer in taxis knowing there being recorded and this gives drivers and passengers confidence to travel in taxis .	
5	12/10/2020 17:46 PM ID: 149996555	Unbelievable. Who is going to pay for CCTV. And how is it turned off for private use with out a bad driver doing the same to commit crime. It's a private vehicle. You buy the drivers vehicle and pay all costs if you want to enforce cctv	
6	18/10/2020 17:25 PM ID: 150403175	For chauffeur drive	
7	18/10/2020 21:28 PM ID: 150411698	Nothing about the licensing authority	
8	19/10/2020 10:08 AM ID: 150425412	EVERY VECH should have a plate so you no your getting in licenced vech	
9	08/11/2020 23:12 PM ID: 151968014	The targets for zero emissions vehicles is too weak. Support should be given to allow all taxis to convert to zero emissions vehicles with the next 2 years	
10	12/11/2020 20:46 PM ID: 152313642	GBC has high standards already, However they do not hold other authority drivers eg uber and ola etc to the same standard One rule for GBC drivers another for everyone else.the should be one standard for all	
11	07/01/2021 21:28 PM ID: 155903566	Additional detail provided on emissions separately. There is plenty of scope to reasonably tighten the regulations in this area.	

20. Do you agree with the proposed changes regarding licensed vehicles?				
		Yes	No	Response Total
12	08/01/2021 11:05 AM ID: 155924459	As mentioned previously no drive should be getting a e class Mercedes or similar car for exempt it should only be for S class or V class or same category cars for chauffering with the criteria for exempt plates it's a topic were drivers and licenses authority would need to discuss to make it a fair playing field		
13	08/01/2021 11:29 AM ID: 155928996	Current standards are more than good, it's outside authority councils standards that are rubbish eg Uber, that Guildford council does nothing to regulate		
14	08/01/2021 13:54 PM ID: 155944527	<p>As a primarily operation in the chauffeur field I feel it has become more difficult to obtain a exemption.</p> <p>It is deemed unfair to ask for an exemption letter for example for a customer wishes to book a car for a special event like a wedding, as this is kind of work I do myself.</p> <p>I can totally understand the rule of exemption has been misused in Guildford borough by some firms or drivers.</p> <p>As we are now in 2020 with customer demands of a smart, professional and high end executive travel are greater.</p> <p>I believe an exemption should be considered on an individual merit. A decision solely based on contract accounts doesn't prove to be fair in the decision making.</p> <p>Now a days passengers who want a one off special car for an event shouldn't have to look outside the Guildford borough to find a car without "teal green door signs".</p> <p>The same goes for wedding car hire jobs, funeral jobs, events.</p> <p>At minimum an executive car should be Mercedes S Class or equivalent.</p> <p>Hope my views are not to strong and as a one man band who has to try a turn a profit and compete in this ever so saturated taxi market.</p> <p>Thanks</p>		
15	10/01/2021 02:44 AM ID: 156066708	<p>Installation of CCTV in taxi and private hire is good and can increase the public safety and public trust in the trade. However audio and video control should be with the driver and local authority responsible for data. If passengers can turn off the audio it's no point to install one in. Having DBS should be mandatory but only when new/renewal of application.</p> <p>Sometimes you hire out your vehicle to other licensed driver or something sudden happen with car which maybe can take time as long as it's not put customers safety in risk shouldn't be an action against the proprietor.</p>		
16	10/01/2021 03:34 AM ID: 156066931	Every car should have plate on it		
17	11/01/2021 00:55 AM ID: 156113670	<p>I think looking at the situation we should have delayed this until the corona virus had been sorted and probably had tag meetings and could have talked about it, life is already difficult for a cab driver putting cctv in cars will drive up the cost and drivers should be given the choice not forced into putting a cctv by council the travelling public will have to suffer with the costs of the fares going up .so i think if a cab driver wants to put cctv in he should be allowed to go to Halford and put a system in which is cheap and wouldn't impact on the travelling public. On euro emissions 6 i agree but ulyev in 10 years time is a long way we should wait 5 years and then see what is happening and to vehicle presented in a defective or dangerous condition no one takes a vehicle to be tested sometimes the driver or proprietor don't realise so no one does it on purpose so i don't think they should be punished i think the policy we have is working shouldn't be changed. The dbs we have is ok it doesn't need changing and the current policy is tight and working</p>		

20. Do you agree with the proposed changes regarding licensed vehicles?				
		Yes	No	Response Total
				shouldn't be changing it is hard to work as a cab driver so please don't make it harder .
18	11/01/2021 06:58 AM ID: 156117097			Please see separate response sent by email.
19	11/01/2021 14:56 PM ID: 156188425			I am not having CCTV put in my vehicle as I do school run and parents said i cant for the safe guarding purpose. Only will have CCTV if I can control when to turn of and on as use for private purpose family etc so no to CCTV.
20	11/01/2021 16:27 PM ID: 156210852			With CCTV in vehicles who will be responsible for the costs of implementing the systems, would be unfair on the drivers to payout on for additional expenses with decline in trade due to competition from other licensing bourghs and overall increaing costs with in the trade. secondly will the cctv be required to be in continuous use or only when transporting passengers, and it should be switched off when you're off duty.  With the exemption of the plate, I believe if a driver has an opportunity to make an regular earning with this option it should be granted
21	11/01/2021 16:27 PM ID: 156210860			With CCTV in vehicles who will be responsible for the costs of implementing the systems, would be unfair on the drivers to payout on for additional expenses with decline in trade due to competition from other licensing bourghs and overall increaing costs with in the trade. secondly will the cctv be required to be in continuous use or only when transporting passengers, and it should be switched off when you're off duty.  With the exemption of the plate, I believe if a driver has an opportunity to make an regular earning with this option it should be granted

6. New additions to the policy - drivers

21. Do you agree with the proposed changes regarding licensed drivers?			
	Yes	No	Response Total
The requirement that licensed drivers must sign up to the DBS update service and for 6 monthly checks on the record for any new conviction or other relevant information to improve public safety and confidence.	65.9% (29)	34.1% (15)	44
The requirement for a licensed driver to 'self report' any arrest, charges or conviction within 48 hours to improve public safety and confidence.	72.7% (32)	27.3% (12)	44
The introduction of a code of conduct to help improve standards and the professional image of the service. The aim would be to have a more transparent method of taking action against a driver who falls short of the standards expected.	67.4% (29)	32.6% (14)	43
The introduction of a dress code to help improve standards and the professional image of a service.	52.3% (23)	47.7% (21)	44
		answered	44
		skipped	11
Please add any relevant comments: (16)			

21. Do you agree with the proposed changes regarding licensed drivers?				
		Yes	No	Response Total
1	08/10/2020 12:29 PM ID: 149715444	third lots of test comments		
2	12/10/2020 09:08 AM ID: 149944551	test		
3	12/10/2020 14:23 PM ID: 149977649	I agree to a certain degree about a uniform such as no footware that allows bare feet to be shown. Also about a basic level of personal hygiene being followed. Other then these points I beleave the driver should be able to wear whatever they like aslong as it's not offensive		
4	12/10/2020 17:46 PM ID: 149996555	There should be a data base the police update that councils can check. Stop placing all the pressure on drivers		
5	18/10/2020 21:28 PM ID: 150411698	Is it becoming a police state?		
6	19/10/2020 10:08 AM ID: 150425412	The DRIVER should be clean and tidy		
7	12/11/2020 20:46 PM ID: 152313642	Again GBC drivers have a good standard, It's other drivers from out of town who out GBC drivers to shame Because people don't care as long as they get a cheap taxi		
8	08/01/2021 11:29 AM ID: 155928996	Again standards bof fuild drivers are good, it outside authority drivers standards are are low eg Uber again And Guildford drivers are being out into the standard which is wrong		
9	08/01/2021 13:54 PM ID: 155944527	I feel the dress code is important. Especially for me a chauffeur company.		
10	10/01/2021 02:44 AM ID: 156066708	1)DBS every six months is not realistic. It's should be when new/renewal of an application. 2) Conviction and arrest report can be reported within 72 hours. 3) Code of conduct should be fare drivers should get chance to explain and allowed to be represented legally. 4) Dress code can be the way each individual suits and feels comfortable with. However needs to be clean and tidy. If it's easy and flexible a driver can go to gym after work or walk while waiting for job.		
11	10/01/2021 10:02 AM ID: 156072927	Hi good idea for dbs check every 6 month for customers safety		
12	11/01/2021 00:55 AM ID: 156113670	The dbs we have is working we don't need 6 months checks a driver is ok to report any offence in 7 days and taking action against a driver code of conduct i don't agree and dress code we have is currently ok we don't need to get tough on the drivers with these policies so don't agree with some of the policies i think it's already hard at a bad times with covid to introduce or change anything.		
13	11/01/2021 06:58 AM ID: 156117097	I wouldn't agree to any code of conduct without seeing it first.		
14	11/01/2021 16:27 PM ID: 156210852	A dress should not be compulsory like a uniform but formal and smart wear is understandable.  In due respect drivers must 'self-report' any arrest, charges or conviction within 48 hours. The notification is currently within 7 days. We propose to include these measures in the policy changes. Yes it is important that this is reported, but not all arrests are made on an honest accusation, which can cause alarm and distress to any driver who might need longer than 48 hours to Mentally recover. and most serious cases the police will intervене and report the incident to council, I personally believe that 7 Days is fair and should be kept in place as it is.		
15	11/01/2021 16:27 PM ID: 156210860	A dress code, should not be compulsory, yes formal or smart wear is understandable. In due respect drivers must 'self-report' any arrest, charges or conviction within 48		





21. Do you agree with the proposed changes regarding licensed drivers?				
		Yes	No	Response Total
		hours. The notification is currently within 7 days. We propose to include these measures in the policy changes. Yes it is important that this is reported, but not all arrests are made on an honest accusation, which can cause alarm and distress to any driver who might need longer than 48 hours to Mentally recover. and most serious cases the police will intervene and report the incident to council, I personally believe that 7 Days is fair and should be kept in place as it is.		
16	11/01/2021 16:46 PM ID: 156212734	driving a car doesn't need a dress code but obviously presentable clothing should be worn. DBS should be done only on badge renewal and the rest unless u do school run should provide a yearly update as to no changes etc		



7. New additions to the policy - operators



22. Do you agree with the proposed changes regarding licensed operators?				
		Yes	No	Response Total
		The introduction of new standards for operators, reflecting the important role they have in terms of data protection, managing their fleet and the expectation that operators licensed by the Council should use vehicles and drivers licensed by Guildford.		44
		Any operator licence can only be linked to one trading name. The only exceptions are where all trading names clearly relate to the same business.		44
		A clear record should be kept of all sub-contracting and when the customer was told of the sub-contracting.		44
		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.		44
		The operator must regularly vet all employees, and a record of this vetting must be kept for each employee. Vetting must include ensuring the staff are fit and proper persons with the right to live and work in the UK.		43
		The operator shall have procedures in place to pick up and drop off customers from locations of safety.		44
		It is recommended that private hire vehicles are prohibited from having taxi meters. The aim is to put the emphasis on operators to make sure that customers are given a reliable quote for services in line with current licence conditions.		44
			answered	44
			skipped	11
Please add any relevant comment(s): (13)				
1	08/10/2020 12:29 PM ID: 149715444	fourth test comment		
2	12/10/2020 09:08 AM ID: 149944551	test		



22. Do you agree with the proposed changes regarding licensed operators?			Yes	No	Response Total
3	12/10/2020 17:46 PM ID: 149996555	Does George Orwell work at that council ?			
4	18/10/2020 21:28 PM ID: 150411698	Do GBC have the same standards?			
5	27/10/2020 12:33 PM ID: 151124335	YES BUT THE IMPLEMENTATION OF THE CHAGNES MUST NOT IMPACT ON TARRIFS			
6	28/10/2020 20:03 PM ID: 151233467	This would cause problems and create a two tier system and increase rivalry between different taxi companies			
7	12/11/2020 20:46 PM ID: 152313642	All vetting is done by GBC, that is why you have high standards, otherwise what's the point of the licensing team. Drivers already have good standard of pick up and drop off, it's outside of GBC drivers that don't know how to pick up and drop off Private hie should have meter to keep good standards because it gives customer choice, because they can already book a fixed price job			
8	08/01/2021 11:05 AM ID: 155924459	Drivers should always drop off and pick up in a safe place that's basic common sense			
9	08/01/2021 11:29 AM ID: 155928996	Currently I believe all standards are met,			
10	10/01/2021 02:44 AM ID: 156066708	A local operators and local 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. Sub contracting of jobs should also be made within Guildford borough licensed operators.			
11	10/01/2021 03:34 AM ID: 156066931	If u want to finish private hire meter finish then u have to decrease Hcv meter Fare price to protect driver health hand safety otherwise drivers get in trouble because of several different low prices			
12	11/01/2021 00:55 AM ID: 156113670	On getting rid of the meter in a private hire vehicle wouldn't be good the pda doesn't have reception like going under a bridge they would lose a lot of money it is already working on a meter don't change it every one is happy on a meter			
13	11/01/2021 06:58 AM ID: 156117097	Loading more obligations on Operators in the areas with a no response is unnecessary. Private Hire vehicles should charge a metered rate because quite often the passengers change their route, or incur excessive or unprdicted waiting time. Additionally, passengers quite often deliberatelt mislead the operators as to the extent of their trip.			




### 8. Equality Impact Assessment - Statement of Taxi and Private Hire Licensing Policy





23. What is your age?			Response Percent	Response Total
1	16-24		4.55%	2
2	25-34		13.64%	6
3	35-44		27.27%	12
4	45-54		34.09%	15





23. What is your age?			
		Response Percent	Response Total
5	55-64		13.64% 6
6	65 or over		6.82% 3
7	Prefer not to say		0.00% 0
		answered	44
		skipped	11

24. What is your gender?			
		Response Percent	Response Total
1	Female		15.91% 7
2	Male		84.09% 37
3	Prefer not to say		0.00% 0
		answered	44
		skipped	11

25. Is your gender identity different from the gender you were assigned at birth (for example, transgender)?			
		Response Percent	Response Total
1	Yes		9.09% 4
2	No		84.09% 37
3	Prefer not to say		6.82% 3
		answered	44
		skipped	11

26. Ethnic origin To which of the following groups would you say you belong?			
		Response Percent	Response Total
1	Prefer not to say		15.91% 7
2	British		45.45% 20
3	Irish		0.00% 0
4	European		2.27% 1
5	Other White background		0.00% 0

26. Ethnic origin To which of the following groups would you say you belong?				
			Response Percent	Response Total
6	Indian		0.00%	0
7	Bangladeshi		0.00%	0
8	Pakistani		29.55%	13
9	Other Asian background		0.00%	0
10	African		0.00%	0
11	Caribbean		0.00%	0
12	Other Black background		0.00%	0
13	Chinese		0.00%	0
14	Other Chinese background		0.00%	0
15	White and Black African		0.00%	0
16	White and Black Caribbean		2.27%	1
17	White and Asian		2.27%	1
18	Other mixed background		0.00%	0
19	Gypsy/Traveller		0.00%	0
20	Arab		0.00%	0
21	Any other (please say if you wish)		2.27%	1
			answered	44
			skipped	11
Any other (please say if you wish) (1)				
1	10/01/2021 05:58 AM ID: 156067787	Afghan		

27. Please indicate, if you wish, which of the groups listed below you most identify with				
			Response Percent	Response Total
1	Prefer not to say		21.43%	9
2	Christian		21.43%	9
3	Muslim		33.33%	14
4	Hindu		0.00%	0
5	Sikh		0.00%	0
6	Buddhist		0.00%	0
7	Jewish		0.00%	0
8	Baha'i		0.00%	0
9	Jain		0.00%	0
10	Rastafarian		4.76%	2



**27. Please indicate, if you wish, which of the groups listed below you most identify with**

		Response Percent	Response Total
11	No religion	19.05%	8
12	Other (please specify if you wish):	0.00%	0
		answered	42
		skipped	13
Other (please specify if you wish): (0)			
No answers found.			

**28. The Equality Act 2010 states that "a person has a disability if he/she has a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities". The Act also specifies that a person has a disability if they have a progressive condition such as cancer, HIV infection or multiple sclerosis. Do you believe you have a disability as defined by the Equality Act 2010?**

		Response Percent	Response Total
1	Yes	13.95%	6
2	No	67.44%	29
3	Prefer not to say	18.60%	8
		answered	43
		skipped	12

**29. Please indicate, if you wish, which category below best describes you:**

		Response Percent	Response Total
1	Prefer not to say	35.00%	14
2	Heterosexual/straight	60.00%	24
3	Gay man	2.50%	1
4	Gay woman/lesbian	0.00%	0
5	Bisexual	2.50%	1
6	Other (please specify if you wish):	0.00%	0
		answered	40
		skipped	15
Other (please specify if you wish): (0)			
No answers found.			

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: Guildford Borough Council - Taxi and Private Hire Licensing Policy - Public Consultation  
**Date:** 09 November 2020 14:01:42  
**Attachments:** [image001.jpg](#)  
[image004.png](#)  
[image005.jpg](#)

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Dear Mike,

Normandy Pariah Council has debated the proposed additional proposals and fully supports their inclusion in the Policy.

Regards.

Leslie

Leslie G A Clarke  
Parish Clerk  
Normandy Parish Council

office [REDACTED]  
mobile [REDACTED]  
email [REDACTED]  
website [www.normandyparishcouncil.gov.uk](http://www.normandyparishcouncil.gov.uk)

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**From:** [REDACTED]  
**Sent:** 12 October 2020 15:00  
**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** Mike Smith [REDACTED]  
**Sent:** 12 October 2020 13:52  
**To:** Regulatory Services [REDACTED]  
**Subject:** Guildford Borough Council - Taxi and Private Hire Licensing Policy - Public Consultation

Dear Consultee,

**Guildford Borough Council**  
**Taxi and Private Hire Vehicle Licensing Policy Review**  
**Public Consultation 12 October 2020 to 10 January 2021**

As a party with an interest in the operation of the Guildford Taxi and Private Hire trades, we are pleased to

## Agenda item number: 5(1)

### Appendix 4

consult with you on an updated draft Taxi and Private Hire Licensing Policy.

The updated policy is based upon the 'National Standards' released by the Department for Transport on 21 July 2020. The draft also builds on measures introduced in 2015 which included a 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; and revisions in February 2018 to include a uniform 'convictions Policy' across Surrey, mandatory Safeguarding training for all licensed drivers, and a requirement for all hackney carriages to accept card payments.

The proposed draft policy includes the following additional measures:

#### **For Hackney Carriage and Private Hire Drivers**

- Recommend that drivers are required to sign up to the DBS update service and for 6 monthly check on the record for any new conviction or other relevant information to improve public safety and confidence.
- 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.
- Recommend 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.
- Recommend the introduction of a dress code to help improve standards and the professional image of the service.

#### **For Licensed Vehicles:**

##### CCTV in Licensed Vehicles

All vehicles to be fitted with CCTV systems, the experience of those authorities that have 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.

##### Licensed Vehicle Age/Emissions

Recommendation to introduce 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:

1. 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.
2. 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).

##### 'Fit and Proper' Test for Vehicle Proprietors

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.

##### 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.

#### **For Licensed Private Hire Operators**

##### 'Fit and Proper' Test for Vehicle Proprietors

The introduction of new standards for Operator's, reflecting the important role they have in terms of data protection, managing their fleet and the expectation that Operators licensed by the Council should utilise vehicles and drivers licensed by Guildford.

- 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.

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:

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.

## **Public Consultation**

Public consultation will take place from Monday 12 October 2020 until Sunday 10 January 2021.

A dedicated consultation web page has been set up at: <https://www.guildford.gov.uk/taxipolicy>.

This web page contains a draft of the Policy, a summary of the changes and a link to complete an online questionnaire to submit feedback.

We are keen to receive feedback from all stakeholders with an interest in the licensed trade, so please do take the time to submit your views. Please also feel free to share this consultation with anyone you feel may be interested.

If you have any questions or would like to discuss any of the changes then please do not hesitate to contact me.

Thanks and Regards,

**Mike Smith**  
**Licensing Team Leader**  
**Regulatory Services**

Guildford Borough Council  
Millmead House  
Millmead  
Guildford  
Surrey GU2 4BB

Agenda item number: 5(1)

Appendix 4

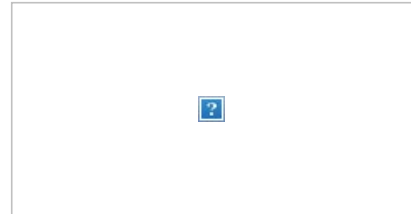
Telephone: 01483 444 387

Mobile: 07971136382

Email: [mike.smith@guildford.gov.uk](mailto:mike.smith@guildford.gov.uk)

[www.guildford.gov.uk](http://www.guildford.gov.uk)

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We are now offering a 'Pre-Application' Advice Service for Licensing Applications.  
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**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Surrey Police Response  
**Date:** 11 February 2021 11:45:00  
**Attachments:** [image003.png](#)

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**From:** Wyatt, James 40543 [REDACTED]  
**To:** Mike Smith [REDACTED]  
**Subject:** RE: CCTV in Licensed Vehicles

Good morning Mike,


I am fully supportive of CCTV being mandated in licenced vehicles and can only see this being a good thing for everyone involved. From the drivers perspective it would deter any offences committed against them such as assault or non-payment and in general provides transparency. Where offences do take place we will also be better placed to identify and deal with suspects where without CCTV, identification could be an issue.

The users of the taxi's will also feel re-assured by the presence of CCTV and allegations against drivers can be evidenced or disproved using CCTV.

I hope this is helpful and if you need any more information then please let me know.

Many thanks,

James

	<p><b>Inspector James Wyatt</b> Borough Commander Guildford</p> <p>[REDACTED]</p> <p><b>Address:</b> Surrey Police   PO Box 101   Guildford   Surrey   GU1 9PE</p> <p><a href="http://www.surrey.police.uk">www.surrey.police.uk</a></p>
<p>Guildford</p>	

Agenda item number: 5(1)

Appendix 4

**From:** Grant Nicholas <[REDACTED]>  
**Sent:** 18 November 2020 14:21  
**To:** Regulatory Services <[REDACTED]>  
**Subject:** Feedback on proposed taxi policy changes

Dear Licensing Unit,

I wanted to give two points of feedback on the proposed taxi policy posted on your website. I run a chauffeur service in Guildford Borough:

1) No. Passengers (x4)

Given the government announcement today regarding a ban on the sale of petrol and diesel vehicles by 2030, many of us will be considering the purchase of either hybrid or fully electric vehicles over the coming years.

There are a few key problems however, that they propose for the chauffeur industry, such as their current maximum range given their driver's may often conduct up to 400 miles of journeys on some days. Also, the boot space that is lost to house the battery.

Also, when looking for an executive, long-wheel base vehicle the fully electric choice on the market at present is limited. For example, traditional Mercedes S-Class and BMW 7 Series vehicles are not available yet as fully electric options. This currently leaves options such as the Porsche Taycan which has a more generous range of circa, 240 miles and has an executive level interior, but only has two seats in the rear (three passenger seats in total in addition to the driver).

Regarding the minimum of x4 passengers rule, I wonder whether exceptions could be made for licensing electric, or hybrid chauffeur vehicles with two rear seats, or with a central console and only two seats in the rear?

2) Hire/replacement vehicles

This doesn't happen often, but when a vehicle breaks down and needs a replacement part that you have to wait on it can seriously damage revenue and Client satisfaction if you can't meet Client demand for several weeks as the vehicle is off-road.

Also, some insurance policies include replacement vehicle hire but they tend to be TFL licensed vehicles. As a regional operator this poses some temporary, but serious issues. There are reliable companies such as LCH who specifically hire vehicles to the private hire industry which are licensed with TFL and meet the same stringent conditions required by Guildford licensing. But, they cannot currently be hired for a short period of time whilst repairs take place as they are not licensed within Guildford Borough. I wonder if there could also be some leniency during such occasional scenarios to allow a hire vehicle to be used if hired from a reputable hire company and licensed by a similar authority such as TFL to ensure the vehicle meets requirements.

I hope this is helpful.

Kind regards,



Grant Nicholas

Managing Director

Luxury in Motion Limited

## **1 GBC is a Corporation with legal powers given solely by various Acts of Parliament.**

The principal Act governing hackney carriage licence conditions is the Local Government Miscellaneous Provisions Act 1976, specifically sections 47 and 48 which authorise the regulation of the vehicles.

47 Licensing of hackney carriages.

(1)A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

48 Licensing of private hire vehicles.

(1)Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a)that the vehicle is—

(i)suitable in type, size and design for use as a private hire vehicle;

(ii)not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

(iii)in a suitable mechanical condition;

(iv)safe; and

(v)comfortable;

The Council's Taxi and Private Hire Policy regulation should be lawful, necessary, and proportionate to risk, but they are not, in the following respects.

## **2 No public demand for full body livery**

- a) There has been no demand for imposing full body livery for taxis at any Local Authority in Surrey or neighbouring Guildford, so why is Guildford different?
- b) The current level of support amongst the general public for a standard livery is unknown.
- c) The Council has ignored a petition against the introduction of a livery for hackney carriages, signed by 115 drivers by 18 March 2015.
- d) Some customers prefer to use non-liveried vehicles.

## **3 Safety**

- a) There has been no regulation imposing full body livery for taxis at any Local Authority in Surrey or neighbouring Guildford, so why is Guildford different?
- b) There has been no evidence of reduced passenger safety in any Boroughs that have not imposed a full body livery on their taxis.

- c) With reference to the abuse scandal in Rotherham and the Casey report, the proposition that hackney carriage livery improved public safety was untrue.
- d) The need for special driver training is unproven, and costly.
- e) There are no measures to control vehicles plying for hire not licenced by GBC, consequently large numbers of Guildford Private Hire Drivers have been using taxi licences obtained mor cheaply in local Boroughs, forcing up the price for Guildford Drivers and potentially avoiding regulations that the Council have thought necessary for Public Safety.
- f) There is no need for door signs on Private Hire Vehicles, UBER manage quite well without them and so did GBC licenced Private Hire before the 2015 Policy, and they damage and discolour car paintwork.
- g) Some licenced vehicles have an inadequate power to weight ratio. And inadequate Torque for acceleration That is important as Guildford is hilly and the access roads to the A3 can be uphill as well. To access the A3 at rush hour Southbound at Dennis's Roundabout in an underpowered fully laden car is dangerous.
- h) Peugeot Partner Tepee type rear loading vehicles are unsafe for wheelchair taxi use as they only have one wheelchair means of escape in the event of an accident.
- i) The Policy should include drivers and proprietor's declaration that they are aware of and adhere to the Equalities Acts

#### 4 Comfort

- a) Many of the licensed hackney carriages are too small to carry 4 adult passengers and luggage in safety and comfort.
- b) A large number of taxis have fixed axle rear suspension designed for transporting goods not humans and providing unacceptably uncomfortable ride.
- c) Minimum standards should be Mercedes E class, VW Passat or Ford Mondeo size vehicles or similar.
- d) The Public were not advised that having the livery would lead to a deterioration in the quality of the hackney carriage fleet
- e) A large number of vehicles licensed are coupés and have restricted rear headroom, door size and boot. making them unsuitable for four adult passengers and luggage. They also have restricted rear view mirror view.

*In the back, taller adults might find their heads a little too close to the roof lining for comfort, but the width and length of the CC means there's enough leg and shoulder room to compensate.*

*Getting in and out of the rear isn't as easy as in a regular Passat, due to the sloping roof making the door openings smaller. There are technically three seats in the back, but whoever draws the short straw and has to sit in the middle will feel pretty cramped – it's only really suitable for short journeys. Visibility isn't as good as in the more practical Passat, either – those rakish looks and smaller windows make themselves known when you check your rear-view mirror.*

*Volkswagen CC boot space*

*The CC is based on a thoroughly practical family saloon, the VW Passat, but in the name of style the four-door coupe loses some of its sister model's practicality. First up is the boot. To give the car a less boxy look, it has a more rounded exterior shape and therefore less impressive luggage capacity – 532 litres compared to the Passat's 586.*

## 5 Price

The price of taxi rides is inflated because the public are paying for large numbers of taxis and drivers to lie idle because of the Councils policy of deregulation of the supply of taxis.

## 6 Cost

- a) The cost of future livery wraps, for example, when a taxi was replaced or when it is repaired after an accident (and insurance would not cover this), and the cost of rectifying paintwork damaged by the removal of wraps has not been taken account of.
- b) Introducing a livery prevents hackney carriages from carrying advertising wraps.
- c) The general public were not informed about the costs of the livery and for the National Vocation Qualification.

## 7 Illegality

- a) A hackney carriage and private hire policy is not a statutory requirement and the consultations have no statutory authority or status.
- b) The Council's proposals for the taxi policy and particularly full body livery are not proportionate to risk, nor reasonable and interfere with the human rights of the hackney carriage drivers to enjoy their property.
- c) The Council never did genuinely consider that the licence conditions re livery were reasonably necessary, as the principal reason they gave was to protect the public from Child Sexual Exploitation such as that in Rotherham, when in fact the Rotherham taxis were already liveried, and the livery had clearly not protected the children.

*The Policy is important as it sets out the public safety standards we require, and these form the framework by which we undertake our statutory responsibilities in respect of taxi and private hire vehicle licensing. These are particularly important in light of the findings of the report into child sexual exploitation in Rotherham.<sup>1</sup>*

- d) The Taxi Policy of 2015 with regard to livery was wrongly introduced on the basis of that fraudulent statement and many others.
- e) Additionally, the decision to livery was taken by "A cross party group of Councillors"<sup>2</sup> the decision was unminuted and that meeting was unauthorised by the Council because the Licencing Committee had instead previously decided that "the two livery designs shown at Appendix 4 be subject to a public on-line vote to

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<sup>1</sup> Taxi and Private Hire Policy 2015-20 18<sup>th</sup> November 2015 Graham Ellwood and Justine Fuller, Licensing Committee Report and full Council, Executive Summary

<sup>2</sup> 5.13 Agenda Document 4 9<sup>th</sup> December 2015

select the livery we will adopt”<sup>3</sup>. The online vote was never held, presumably because the Council did not want the Public to decide, or did not like what the Public preferred, which according to the consultation was a logo with no full body livery.

- f) The Council have no power in the Local Government Act 2000 or their Policy to override the requirement for “necessity” of licence conditions in s47 of the LGMPA 1976.

3 Limits on power to promote well-being.

(1)The power under section 2(1) does not enable a local authority to do anything which they are unable to do by virtue of any prohibition, restriction or limitation on their powers which is contained in any enactment (whenever passed or made).

- g) The Legislative and Regulatory Reform Act 2006 puts further limits on the authority of the Council:

21 Principles

(1)Any person exercising a regulatory function to which this section applies must have regard to the principles in subsection (2) in the exercise of the function.

(2)Those principles are that—

(a)regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;

(b)regulatory activities should be targeted only at cases in which action is needed.

- h) The instructions to Councils are further set out in the Regulators Code 2014.

1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities<sup>1</sup>

and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

- i) The 2015 Policy introduced was without reference to any of those legal requirements and in breach of them.
- j) The 2021 Taxi Policy should follow the law and Ministerial guidance.
- k) Local Government Act 1974 re misconduct has been disregarded by the Council following documented allegations of Fraud re the imposition of Taxi Livery through the 2015 Taxi Policy, and continuing with the proposed 2021 Taxi Policy. A schedule of the fraudulent items is set out in Appendix A.

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<sup>3</sup> 5.17 Licensing Committee Agenda 18 March 2015

- l) The 2015 Taxi Policy was enacted by Council resolution to:

*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.*

- m) The Department of Transport Guidance says:

*8. The aim of Local Authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.*

*9. .... if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be, put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.*

*10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.*

- n) The Council have disregarded said guidance.

- o) The Council have failed in their duty to investigate wrongdoing, set out in the Local Government and Housing Act 1989 section 5(2)

(2)[F8Subject to subsection (2B),] it shall be the duty of a relevant authority's monitoring officer, if it at any time appears to him that any proposal, decision or omission by the authority, by any committee, [F9or sub-committee of the authority, by any person holding any office or employment under the authority] or by any joint committee on which the authority are represented constitutes, has given rise to or is likely to or would give rise to—

(a) a contravention by the authority, by any committee, [F9 or sub-committee of the authority, by any person holding any office or employment under the authority] or by any such joint committee of any enactment or rule of law [F10 or of any code of practice made or approved by or under any enactment]; or

(b) any such maladministration or injustice as is mentioned in Part III of the M1 Local Government Act 1974 (Local Commissioners) or Part II of the M2 Local Government (Scotland) Act 1975 (which makes corresponding provision for Scotland), to prepare a report to the authority with respect to that proposal, decision or omission.

8 Appendix A

Agenda item number: 5(1)  
Appendix 4

		Fraudulent statement or omission		Reason statement or omission is fraudulent
1	5.06	The primary reason for adopting a livery is to protect public safety.	s2	False representation. There is no evidence that livery protects public safety. There is evidence that the primary purpose was to promote GBC corporate green colour for branding purposes.
2	8.03	Creates Local identity/ <del>brand</del> : A local livery creates a strong local identity, which in the case of cities like London and New York becomes one that is recognized across the world.	s3	Misleading omission in later versions to omit the word "brand" used in earlier versions (the First Licencing Committee Report 18th March 2015 and the later Ammended First Licencing Committee Report incorrectly dated 11th March 2015). The word "brand" shown in those versions was deleted to hide the fact that the real reason for the livery was not public safety, but fitting in with a Guildford colour "brand". Hence the fraudulent means to get to a Guildford green coloured wrap to match the Guildford corporate colour.
3	8.01	The basis for key changes within the policy is to protect public safety pursuant to statutory requirements and in light of the Casey report and to encourage a more professional service within the Borough.	s2	False representation. There was nothing in the Casey or Jay reports that recommended this. There is no evidence that livery makes the public safer or the drivers more professional. There is no evidence that anyone has come to any harm in Guildford or elsewhere due to the lack of livery.



4		<p>Executive summary: The Policy is important as it sets out the public safety standards we require, and these form the framework by which we undertake our statutory responsibilities in respect of hackney carriage and private hire vehicle licensing. These are particularly important in light of the findings of the report into child sexual exploitation in Rotherham.</p>	s3	<p>Failure to disclose information. GBC never stated that the Casey <u>Rotherham report did not mention taxi livery as a remedy</u> for abuse by taxi drivers, as the Rotherham taxis were already liveried white at the times of the Rotherham abuses. The Casey and Jay reports about Rotherham make it quite clear that the victims clearly knew that the sources of the abuse were Rotherham taxi drivers and knew they were in danger if they got into a liveried Rotherham taxi and in fact did everything they could to avoid getting into a liveried taxi. The Rotherham report recommended CCTV video cameras in taxis as a solution, but GBC completely omitted that.</p>
5	Page 22A	<p>Executive summary: The Policy is important as it sets out the public safety standards we require, and these form the framework by which we undertake our statutory responsibilities in respect of hackney carriage and private hire vehicle licensing. These are particularly important in light of the findings of the report into child sexual exploitation in Rotherham.</p>	s3	<p>Failure to disclose information. Rotherham Council adopted CCTV video cameras in taxis as a solution to the problem of passenger safety in taxis, but GBC completely omitted that.</p>
5		<p>Executive summary: The Policy is important as it sets out the public safety standards we require, and these form the framework by which we undertake our statutory responsibilities in respect of hackney carriage and private hire vehicle licensing. These are particularly important in light of the findings of the report into child sexual exploitation in Rotherham.</p>	s2	<p>Misleading statement. The report for the Council seeks to combine all its proposals, including livery and training, under one broad heading, and conflates all the laws and statutes as being applicable to that group of proposals, instead of explaining which different laws govern individual proposal cited. That fraud is continued at various places throughout the document.</p>
6		<p>Executive summary: The Policy is important as it sets out the public safety standards we require, and these form the framework by which we undertake our statutory responsibilities in respect of hackney carriage and private hire vehicle licensing. These are particularly important in light of the findings of the report into child sexual exploitation in Rotherham.</p>	s3	<p>Failure to disclose information. From the Casey Rotherham report. <u>Training</u>. Resources have gone into training all sorts of people over the years – including parish Councillors, business representatives, magistrates and voluntary sector workers. <u>There is, however, no evaluation of the impact of this training which means that neither the Council, the LSCB, is in a position to judge its effectiveness or whether the money has been well spent. Inspectors did wonder whether training – though important – was a default response and became a substitute for more effective and comprehensive action</u></p>

Agenda Item 5(1)  
Appendix 2

				<p>on CSE rather than just one part of the overall plan. It is easy to send staff on a training course, but unless the principles set out in the training are embedded and acted upon in the whole organisation, then it is ineffective.</p> <p>“So people just ticked the box with training – if some staff from health have completed training then as an organisation you have done it so the box is ticked.” A key partner</p>
7	2.03	Strategic Framework.....It emphasised the need for safety to be the uppermost concern of any licensing and enforcement regime when determining policy, setting standards and deciding how they are enforced.	s2	Fraudulent representation suggesting that the policy of liverying of taxis, or of training taxi drivers would make anyone safer, or has any proven benefits in respect of protection from the types of CSE offences committed by Rotherham taxi drivers.
8	2.04	The inspectors uncovered serious weaknesses and concerns and judged that Rotherham had not taken sufficient steps to ensure that only fit and proper persons were permitted to hold a taxi licence and, therefore, could not provide assurances that the public including vulnerable people were safe.	s3	Omitted to mention that the Rotherham report did not make any recommendation to adopt taxi livery or to require more taxi driver training. The implication is that livery and training would solve the not fit and proper person problem.
9		Omitted that the Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 - 2013 Alexis Jay OBE did not consider or mention taxi livery or driver training as a matter of public safety, or at all.	s3	Failure to disclose information.
10		Omitted that the Rotherham Council "Action Plan in response to the Independent Inquiry into Child Sexual Exploitation" - August 2014 did not consider or mention taxi livery or driver training as a matter of public safety, or at all.	s3	Failure to disclose information.

Agenda item number: (5) (11)  
 Appendix 1

Response to GBC Taxi and Private Hire Policy Consultation 2021 from Mark Rostron 11/1/2021

11	2.05	The aim of the changes to this Policy is to protect public safety by improving standards and helping to professionalise the trade.	s2	Fraudulent representation that livery on taxis or more training protects public safety by improving standards and helping to professionalise the trade. There is no evidence for the Council's statement.
12	9.01	Adoption of the revised Policy and the measures within it will help to protect public safety and professionalise the taxi trade within the Borough	s2	False representation. There is no evidence that liverying taxis helps to protect public safety with regard to taxis, or professionalises the service.
13	2.06	Adoption of the policy will contribute to the delivery of the Council's strategic objectives of Infrastructure, Economy and Society.	s2	False representation. There is no evidence provided that the livery changes to this policy would contribute to the Council's strategic objectives other than those of corporate branding.

14	5.08	A large majority of the public are in favour and this support, together with the other benefits set out above, provide strong reasons for adopting a Guildford livery.	s2	False representation. There was no majority for full body livery in the replies to the consultation. The answers that did not include full body livery were: Council logo / logo relating to Guildford located on door / side of the vehicle. Anything which would be hard to imitate / clearly distinguishes vehicle. Council logo / logo relating to Guildford. Council logo / logo relating to Guildford located on bonnet. Coat of arms. Council logo / logo relating to Guildford located on rear. Word 'taxi' (or similar) located on door / side of the vehicle. Light on top. Anything to match the Guildford Borough Council branding. Word 'taxi' (or similar) (location unspecified). Taxi licence plate / badge to show licensed. Word 'taxi' (or similar) located on rear. And they totalled 280. The consultation itself introduced the idea of Guildford branding not the public.
15	5.08	A large majority of the public are in favour and this support, together with the other benefits set out above, provide strong reasons for adopting a Guildford livery. The Policy is written on the basis that a livery will be required and it is recommended that this be agreed. The only substantive ground to oppose a livery is the financial cost to drivers and this is discussed later in section 6.	s2	False representation. There is no evidence that a large majority of the public were in favour of a full car green livery. A minority of 26% were in favour of a full car colour livery and a majority of those in favour of Guildford green livery.

Page 227

Agenda item number: 5(1)  
Appendix 4

16	5.07	The public are strongly in favour of adopting a Guildford livery (84%),	s2	False representation. The consultants executive summary says: 84% agreed with the CONCEPT of liveried taxis [of which 59% supported 'Guildford branding on the body of the car']. But on page 88 they specify: "More than four-fifths (84%) of respondents felt that a standard livery should be introduced for all taxis." On page 90 when FORCED by the predesign of the survey (which of its own volition mentions a standard full car colour for the first time, to choose what sort of livery", around a quarter (26%) of respondents said a standard full car colour should be introduced." NOT ONE of the 280 people surveyed answers listed on page 91 specified a full body livery, or wrap, or Guildford green colour. The most popular choice by 67 respondents (33.8%) was for a "Council logo / logo relating to Guildford located on door / side of the vehicle"
17	5.09 Page 228	If a livery is adopted, the next issue is what that should be. Respondents were asked to provide their preferences for a livery. The highest preferences were 59% for Guildford branding on the vehicle and 26.2% for a standard full car colour. The consultation feedback shows support for a full car colour and Guildford branding.	s2	Misleading as the Guildford branding is not solely livery, it could include a badge or logo etc. The word "branding" was introduced by the Council itself in the consultation questionnaire, it was not requested by the public.
18	5.09	Respondents were asked to provide their preferences for a livery. The highest preferences were 59% for Guildford branding on the vehicle and 26.2% for a standard full car colour. The consultation feedback shows support for a full car colour and Guildford branding	s2	False representation. Neither of the these percentages were about full car livery. 59% was for a Guildford branding and 26.2% for a standard colour car.

Appendix 4  
Page 15(1)

Response to GBC Taxi and Private Hire Policy Consultation 2021 from Mark Rostron 11/1/2021

19	5.09	If a livery is adopted, the next issue is what that should be. Respondents were asked to provide their preferences for a livery. The highest preferences were 59% for Guildford branding on the vehicle and 26.2% for a standard full car colour. The consultation feedback shows support for a full car colour and Guildford branding. E35	s3	Omitted to mention that a majority of respondents did not favour livery at all.
20	5.09	Respondents were asked to provide their preferences for a livery. The highest preferences were 59% for Guildford branding on the vehicle and 26.2% for a standard full car colour. The consultation feedback shows support for a full car colour and Guildford branding	s3	Omitted to mention that the majority of the respondents never or rarely caught taxis and were from one small location of Guildford Park which is adjacent to the station and represented by Councillor Goodwin, one of the small group of Councillors who chose the full body green livery
21	5.02	A number of other Local Authorities such as Brighton, Bournemouth, and Leeds have chosen to adopt a local livery in the interests of public safety and to provide a strong local identity.	s2	False representation. There is no evidence that other Local Authorities have chosen to adopt a local livery in the interests of public safety.
22	3.04	We received responses from 488 individuals including 336 residents.	s3	Failure to disclose information about the petition from around 200 Guildford taxi drivers and others against livery.
23	5.01	We are proposing the introduction of a uniform livery for all taxis (hackney carriage vehicles) to differentiate them clearly from private hire vehicles.	s2	Misleading, as it neglects to mention that the public confusion stems from the Council policy of putting large door signs on private hire vehicles, leading to the Public trying to hire them on the streets.
24	5.17	Taking into account the various factors it is suggested that the two livery designs shown at Appendix 4 be subject to a public on-line vote to select the livery we will adopt.	s2	False representation, the Council decision that "the two livery designs shown at Appendix 4 be subject to a public on-line vote to select the livery we will adopt" was never carried out.

Appendix 4  
Item number: 5(1)

25	5.17	..... Given the customer feedback we will also include a full yellow livery <u>although this will not match with the Corporate logo</u> . The livery colour finally agreed will then be included within the Policy.	s2	False representation, the yellow livery was never put to the Public and the comment indicates that matching the logo was the real objective.
26	8.12	The proposal has been discussed at the Guildford Access Group who are broadly supportive of the reasons for change. Together with the findings from the unmet demand survey, the commitment to review the situation on a regular basis and financial incentives to encourage provision of wheelchair accessible vehicles should ensure that any negative impact is minimised.	s3	Failure to disclose information. Cliff Bush at the time the Chair of Surrey Disabled People's Partnership, and the Surrey Coalition of Disabled People said they had never agreed to any change in the provision of disabled vehicles. When that was pointed out at the Council meeting the proposal was withdrawn and delayed until November when the approval had been obtained.
27	8.00	Legal implications	s3	Failure to disclose information. There is no mention of the Legislative and Regulatory Reform Act 2006, or the the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, or the Regulator's Code 2014, or the Explanatory Memorandum, or the Regulators' Compliance Code which was first published in 2008, all of which should have had by law explicit regard by GBC. The aim of the Order is to minimise business costs due to unnecessary regulations that do not address a real risk, like taxi livery. Lack of statutory authority and lack of High Court precedent.
28	8.04	The Local Government Act 2000 gives a local authority a general power to 'do anything they consider is likely to achieve' the promotion of the economic, social or environmental well being of their area.	s3	Failure to disclose information that section 3 of the Local Government Act 2000 Act limits the Council's power to impose license conditions to those contained in s47 of the Local Government Miscellaneous Provisions Act 1976. Section 3 of the Local Government Act 2000 limits power to promote well-being as follows: (1)The power under section 2(1) does not enable a local authority to do anything which they are unable to do by virtue of any prohibition, restriction or limitation on their powers which is contained in any enactment (whenever passed or made).

Agenda item number: 5(1)  
Appendix 4

29	8.04	The Local Government Act 2000 gives a local authority a general power to 'do anything they consider is likely to achieve' the promotion of the economic, social or environmental well being of their area.	s2	Misleading statement. That Act does not give unfettered power to apply taxi licence conditions which are contrary to the Local Government Miscellaneous Provisions Act 1976. s3 of the Local Government Act limits their power, and makes it subject to s47 of the LGMPA 1976, so that any taxi license condition must be believed by the Council to be reasonably necessary.
30	8.05	In relation to hackney carriage and private hire licensing there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976.	s3	Omits that the Councils power to impose license conditions is subject to s47 of the LGMPA 1976, which requires that any taxi license condition is limited to those thought by the Council to be reasonably necessary.
31	8.08	Section 3 of the Human Rights Act 1998 requires that, so far as possible, legislation must be read and given effect to in a way that is compatible with the Convention rights, and section 6 makes it unlawful for a public authority to act in a way which is incompatible with a Convention right.	s3	Omits to mention the Article 1 Protection of property Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
32	8.08	Having considered the proposals, the Executive RESOLVED: (1) That the additional maximum expenditure of £53,070 towards the cost of livery be approved, with £25,035 in 2015/16 being financed from the central inflation budget and £28,035 growth added to the 2016-17 outline budget (for one year only). (2) That the lost income of a maximum of £5,000 to subsidise the cost of reduced vehicle licence fees be approved, with £2,000 in 2015-16 being financed from the central inflation budget and £3,000 growth added to the 2016/17 outline budget (and future years). Reasons for Decision: To provide financial support to drivers to offset some of the cost of introducing taxi livery and encourage the provision of wheelchair accessible taxis by providing a subsidy.	s3	Failure to disclose information. That the cost of livery would ultimately fall on the farepaying public by increasing the taxi fares. Councillor Graham Ellwood said at the TAG meeting in January 2016 that, "GE stated that he stopped the fare calculator (in 2015 prior to the Council decision on livery cost) for a number of reasons..... GE confirmed one of the reasons was he knew that if policy was approved drivers would have additional expense."

Page 231

Agenda item number: 5(1)  
Appendix 4

33	5.25	Officers recommend that the trade be asked to contribute 25% of the total cost, with the Council financing the rest (option 2). Given the short timescale for implementation (18 months) we expect that the majority of vehicles will be wrapped during 2015-16, with a cost to the Council of £90,560. The 2015-16 estimates included a growth bid of £3,000; there is therefore a shortfall of £87,560 in the 2015-16 estimates.	s3	Omitted to mention that it was the intention of GBC that the cost of livery would be transferred to the taxi fare price paid by the public in future by increases in the taxi fares.
34	5.25	Officers recommend that the trade be asked to contribute 25% of the total cost, with the Council financing the rest (option 2). Given the short timescale for implementation (18 months) we expect that the majority of vehicles will be wrapped during 2015-16, with a cost to the Council of £90,560. The 2015-16 estimates included a growth bid of £3,000; there is therefore a shortfall of £87,560 in the 2015-16 estimates.	s2	Misleading statement. The actual cost was set out in the Taxi Advisory Group meeting of January 2016, and was estimated to be between £1200 and £1600.
34	5.03	The benefits of this are that it: Increases trade: It can improve customer confidence and customers are happier to hail a liveried taxi rather than take a chance on an un-liveried one.	s2	False representation, there is no evidence that livery increases taxi trade or that people "take a chance" on an unliveried taxi.
35	5.03	Helps professionalise the service: A local livery coupled with clear driver training and vehicle standards helps to create a more professional service.	s2	False representation. There is no evidence that green livery coupled with driver training and vehicle standards does help to create a more professional service.
36	5.03	The benefits of this are that it: Improves Identification: Vehicles are clearly identifiable as a taxi	s3	Omitted to mention that, as Guildford taxis were already clearly marked by their topsigns, which said taxi on them there has never been a problem with public identification of a taxi in Guildford.



Response to GBC Taxi and Private Hire Policy Consultation 2021 from Mark Rostron 11/1/2021

37	5.03	<p>The benefits of this are that it:</p> <p>Safety/security: Customers can be confident that the taxi is properly licensed and meets the necessary safety standards. This is particularly important to women and to vulnerable clients.</p>	s3	<p>Omitted to mention that there had never been a safety problem for anyone with improperly licensed or unsafe Guildford taxis.</p>
38	5.03	<p>Enables easier enforcement: Taxi drivers raise regular concern about the loss of trade to alleged touting by private hire vehicles and to taxi vehicles licensed by other Boroughs. A clear and identifiable livery makes enforcement much easier.</p>	s3	<p>Omits to mention that most of the public confusion about which vehicles are available for street hire stem from the Council policy of putting large door signs on private hire vehicles and the public's unawareness of the legal difference between taxis and private hire vehicles with regard to hailing.</p>
39	5.04	<p>The disadvantages are primarily:</p> <p>The cost: The livery is best achieved by 'wrapping' the car with the new colour and any logos. A typical cost for this is around £750, although this will last the effective life of the vehicle. The wrap can be removed which then enables the car to be sold or used in its original colour scheme and protects the paintwork of the vehicle in the interim.</p>	s2	<p>These statements are all false representations. The livery cost was estimated at the TAG meeting to be between £1200 and £1600. The manufacturer's guarantee for the wrap was stated to be 2 years not 10, by the supplier at the TAG (Taxi Advisory Group) meeting in January 2016.</p>
40	5.04	<p>The livery is best achieved by 'wrapping' the car with the new colour and logos.</p>	s2	<p>False representation. There is no evidence for the claim that livery is "best achieved" by 'wrapping' the car with the new colour and logos.</p>
41	5.04	<p>The wrap can be removed which then enables the car to be sold or used in its original colour scheme and protects the paintwork of the vehicle in the interim.</p>	s3	<p>Omission that the livery is very susceptible to scratches and stone chips, and the livery can all adhere to the paintwork leading to damage on its removal.</p>
42	5.04	<p>The disadvantages are primarily:</p>	s3	<p>Failure to disclose information. Council left out many disadvantages, set out in this document.</p>

Agenda item number: 5(1)  
Appendix 4

43		If taxis were put off the road for any reason a replacement temporary vehicle had to be liveried, something that the claims companies won't keep on hand.	s3	Failure to disclose information about something that can put drivers out of work for weeks at great cost, if no spare liveried taxi is available.
44		Because the taxis are in Guildford green colours, some customers think drivers are employed by GBC.	s3	Failure to disclose information of costs that were known or should have been known by the Council.
45		Because the livery colour is similar to the local Aviva bus company, some customers think taxis are part of the local bus company.	s3	Failure to disclose information of costs that were known or should have been known by the Council.
46		Drivers can't do wedding or chauffeur work in Guildford green liveried taxis as customers don't like the colour.	s3	Failure to disclose information of costs that were known or should have been known by the Council.
47	Page 134	The wrap is easily damaged and when damage occurs the wrap for whole panels has to be replaced at significant cost.	s3	Failure to disclose information of costs that were known or should have been known by the Council.
48		The wrap can damage paintwork when removed, at significant cost to the drivers.	s3	Failure to disclose information of costs that were known or should have been known by the Council.
49		The livery fitters do damage the cars with screwdrivers etc, when lights and other car fittings are removed and refitted to enable wraps to be done.	s3	Failure to disclose information of costs that were known or should have been known by the Council.
50		The Council had done no risk assessment on any fitting companies suitability to disassemble the cars for the livery fitting.	s3	Failure to disclose information of potential costs that were known or should have been known by the Council.
51		The Council secretly disposed of their proof of concept livery demonstrator car, after it had been unwrapped, so that drivers could not inspect it. The Council would not say who the new owners were, or where the car had gone to.	s3	Failure to disclose information of information, by the Council hiding evidence that the livery installation and removal damaged the demonstrator car paintwork and did not protect it.

Agenda item number: 5(1) Appendix 4

52		The Council said that the livery wrap material colour would not vary. But in fact livery wrap material from same company has different shades making colour matching of repaired panels impossible.	s3	Failure to disclose information of costs that were known or should have been known by the Council.
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## Guide Dogs response to Guildford Borough Council's Taxi and Private Hire Vehicle Licensing Policy Review Public Consultation

18<sup>th</sup> December 2020

### About Guide Dogs:

Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work, we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms.

### Introductions:

There are an estimated 4,640 people living with sight loss in the Guildford Borough Council area<sup>1</sup>. This number is expected to increase to 5,540 people by 2030.

Taxis and private hire vehicles (PHVs) and the door to door service they provide are essential for disabled people. They are particularly important for the independence of blind and partially sighted people, who are unable to drive, and often face barriers when using public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners. [A 2019 Guide Dogs survey](#) found that 73% of assistance dog owners who have experienced an access refusal were refused by a taxi or PHV driver in a one-year period, despite this being a criminal offence under the Equality Act 2010. Such access refusals can have a significant impact on assistance dog owners' lives, leading to feelings of anger and embarrassment and a loss of confidence and independence.

As guide dog owners report:

- “Each refusal is crushing, confidence shattering, rejecting, and traumatic. I always feel that I don't want to go out after - but work dictates I must.” Guide dog owner, Stevenage.
- “I was left on my own at the side of the road in the dark. I am deaf and unable to phone for help and it made me feel very vulnerable. It makes me feel afraid to go out.” Assistance dog owner.

## Key recommendations:

- **Joint warranting:** We welcome the joint working approach taken by local authorities in Surrey. We agree that 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.
- **Disclosure and Barring Service (DBS):** Guide Dogs welcome any amendments to this policy that will allow the Borough Council to take further steps in ensuring the safety of passengers, including children and vulnerable adults.
- **Testing:** We are pleased to note that all applicants will be required to undertake disability awareness (including physical and sensory disability) training and we would ask that this includes awareness of the Equality Act 2010. We feel that the policy should be clear on how this training will be delivered and refresher training will be a requirement within a reasonable period. We would also recommend that all customer facing staff within a taxi operator are required to take part in such training. The inclusion of customer care training is also welcomed.
- **Medical assessment:** The policy should be more specific and state that a medical exemption certificate for carrying assistance dogs will only be issued when authorised by a medical practitioner and accompanied by medical evidence, such as a blood test, a skin prick test or clinical history. The medical exemption certificates should be accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'.
- **Updating the council:** Guide Dogs welcomes the requirement within the draft policy that "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".
- **CCTV:** We welcome the introduction of this requirement within the draft policy document. Guide Dogs are of the view that CCTV has great benefits in protecting both drivers and passengers from harm, inappropriate behaviour, abuse and poor customer service. This amendment would help to resolve disputes by providing important evidence. For example, if an assistance dog owner makes an allegation of being refused carriage by a driver, due to the person travelling with an assistance dog. As part of the

proposed disability awareness training, we would ask that drivers are reminded to make blind and partially sighted passengers aware that CCTV is in operation and that passengers have can operate the system, as they are unlikely to see signs notifying them of this.

- **Compliance and Enforcement:** We note that the draft policy states that all drivers are under a duty to comply with the Equality Act 2010 to carry, free of charge, any assistance dog. We advise highlighting within the policy that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence.
- **Prosecution:** The policy should state that Guildford Borough Council will use its best endeavours to investigate all reported violations of the Equality Act 2010 in a timely manner with a view to pursuing a conviction.
- **Sample purchasing:** The policy should state that the Borough Council will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.

### **Highlighting obligations under Equality Act 2010 in respect of Assistance Dogs**

The consequences of delayed travel, combined with the emotional impact of facing discrimination and confrontation when trying to carry out everyday activities, take a significant toll on assistance dog owners. Apart from feelings of anger and embarrassment, refusals can undermine the independence that assistance dogs bring to their owners. Assistance dog owners also reported that the stress of refusals has had a detrimental impact on their mental health and on whether they feel able to leave the house. This also has a negative impact on their ability to access work and other opportunities. As guide dog owners report:

- “I was very upset, it was dark, raining and 10pm at night. I was scared. I avoid evening invites, as I worry about getting home. I lose out on the chance of socialising with friends, which is bad, as I have no family.” Guide dog owner, Rochester.
- “I used to have a very tough two-hour commute to work. The taxi part of the journey was the shortest bit travel wise, but it always ended up being the bit that held me up the most because I was

having to spend time facing drivers who wouldn't take me with my dog. ... It's good that my contract was flexi hours otherwise I'm sure I would have been sacked for being late all the time - it happened so often." Guide dog owner, Daventry.

## **Enforcement**

While our survey shows that many assistance dog owners have been refused access over a one-year period, many of these incidents are not reported. Indeed, research in 2019 found that only 8% of owners who had been refused access had taken legal action which resulted in prosecution. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued.

Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated.

As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000. As failure to carry an assistance dog is a criminal offence, we recommend a zero-tolerance approach to enforcement of the Equality Act. We therefore recommend that it is clearly stated that failure to carry an assistance dog without the requisite medical exemption certificate will result in immediate suspension or revocation of a driver's license.

Further, the current conditions do not contain any reference to prosecution of drivers who refuse a passenger. We also recommend a zero-tolerance approach to enforcement of the Equality Act in seeking prosecutions. We therefore recommend that Guildford Borough Council will use its best endeavours to investigate all reported violations of the Equality Act in a timely manner, with a view to pursuing a conviction.

We also recommend that the Borough Council works together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.

## **Medical exemption certificates**

We believe the policy should specify that in order to apply for a medical exemption certificate for carrying assistance dogs:

- 1) this must be authorised by a medical practitioner and
- 2) **be accompanied by medical evidence which demonstrates the driver's genuine medical condition that is aggravated by exposure to dogs, such as a blood test, a skin prick test or clinical history.**

Further, it is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate's prescribed form and render it invalid. We therefore recommend that Guildford Borough Council issues exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E' and a braille marker to accommodate both braille readers and non-braille readers. Guide Dogs would be happy to supply the Borough Council with tactile exemption cards.

## **Disability equality training**

As stated above, drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. A Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality training for all taxi and PHV drivers and all other customer facing staff.

Therefore, to help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog.

We recommend that this training, as well as highlighting a driver's legal obligations and disabled people's rights, should focus on the concept of people being disabled by society's barriers and attitudes. It should highlight the role an organisation and individuals play in the



removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

Many of the positive experiences disabled people report when using taxis and PHVs come about following disability equality training. Councils that have introduced disability equality training report very positive results with fewer refusals, and drivers feeling more confident in assisting passengers with disabilities.

### **Contact at Guide Dogs**

Clive Wood - Regional Policy and Campaigns Manager (London & South)

[REDACTED]

Tel: [REDACTED]

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<sup>i</sup> <https://www.rnib.org.uk/professionals/knowledge-and-research-hub/key-information-and-statistics/sight-loss-data-tool>

**End of Document**

Guildford Borough Council – [Taxi Policy Consultation](#) Feedback

Prepared by Richard Waters, Chair of Guildford Environmental Forum’s Climate Crisis Group

7<sup>th</sup> January 2021, v0.2

For feedback, please contact [REDACTED]

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This feedback focuses exclusively on the aspects of the consultation relating to vehicle emissions (inc. maximum age of vehicles). It has been split into four sections:

- A.) Why it is important for tight emission standards in taxi licensing
- B.) Summary of consultation proposal
- C.) Feedback to consultation proposal
- D.) Useful links

#### **A. Why it is important for tight emission standards in taxi licensing?**

##### ***It’s good for Guildford***

- Due to the relatively high mileage of taxis and concentration in/around the centre of Guildford, they have a disproportionately high impact on local air quality. This negatively impacts the residents, visitors and workers of Guildford, and overall attractiveness of the town
- Guildford Borough Council has declared a Climate Emergency and with its licensed hackney vehicles being so visible on the streets of Guildford, a zero (or very low) emission fleet of vehicles would demonstrate its commitment to tackling climate change
- As urban centres will need to ‘compete’ more for footfall and businesses, good air quality can be a positive differentiator, alongside Guildford’s inherent cultural, geographical and historical strengths
- Guildford Borough Council is already asking residents and businesses to consider “...using cleaner, ultra low emission vehicles”, so strengthening the licensing policy would support this messaging (<https://www.guildford.gov.uk/article/19807/Air-quality-monitoring>)

##### ***It’s good for Taxi Drivers/operators***

- Poor air quality impacts taxi drivers themselves
- Zero-emission vehicles have significantly lower running costs, both in terms of costs of fuel, but also in maintenance. And as higher-emitting vehicles become less popular for the general public, the depreciation of these vehicles will increase, meaning finance costs will be relatively more, as their resale values will fall
- Zero emission vehicles can be more comfortable, with fewer vibrations and less noise
- As more businesses and organisations aim to reduce their environmental impact, they are likely to procure transport services from low/zero-emission providers
- The more local authorities can do to push for tighter emissions (both for taxi licensing and its own fleet procurement), the stronger the demand message will be heard by the OEMs, improving supply for everyone, and reducing costs

## B. Summary of consultation proposal related to emissions

The consultation suggests the following relating to emissions, with salient extracts paraphrased for brevity from the [source document](#):

- 6.1 – hybrids should have a minimum electric-only range of 10 miles, and fully electric with at least 70 miles range
- 7.1 – introduction of vehicle emission and age requirements:
  - 7.1.1 – licences first granted for vehicles up to five years old; renewals for vehicles only up to ten years old
  - 7.1.3 – vehicles for first licence must exceed Euro 6 from 1<sup>st</sup> April 2021; and Euro 6 for renewals from Jan 2025
  - 7.1.3 – From Jan 2030, all new licences and renewals must meet ULEV definition

## C. Consultation feedback

*N.B. For simplicity, the feedback does not differentiate between hackney carriage and private hire licences, nor consider the additional constraints which wheelchair-accessible vehicles may pose. Additionally, it does not include fuel-cell/LPG vehicles, which may be appropriate in some cases.*

Given the rapidly-evolving nature of zero-emission vehicle availability, charging infrastructure and UK Government support, it should be explicit in the policy that **any licensing policy relating to emissions will be reviewed every 2 years.**

**Proactive engagement with the trade** is important, including education on availability of UK Government grants and subsidies (for vehicles, charging infrastructure, taxation, etc.)

**Guildford Borough Council must be more ambitious in setting emission-related standards for taxi licensing in the Borough.** We are entering a decade of *unprecedented* change in the automotive sector, the national regulatory frameworks are aligned to this change (e.g. since this consultation was launched, the UK Government have brought forward the ban on pure diesel/petrol powered cars to 2030 and are further supporting public chargepoint infrastructure rollout), and so it must be reflected at a local level too. However, this feedback must also take account of the livelihoods of drivers (and any investment they have in an existing vehicle), and ensure there is a clear pathway for an eventual ambition of a fully-electric taxi fleet serving Guildford at the earliest possible opportunity.

The following changes are proposed (see Appendix A for visual summary). In essence, these recommendations ‘bring forward’ the dates for minimum emission requirements, but also some additional incentives for any driver who exceeds the minimum:

- **(as per consultation) From April 2021, any vehicle presented for licensing for the *first time* must be Euro 6 compliant**, especially important for minimising NOx emissions from diesel powertrains. [n.b. this is effectively covered by the maximum age of new vehicles being 5 years already, as all vehicles registered from September 2015 must be Euro 6 compliant]
- **From April 2023, any licence *renewal* must be Euro 6 compliant** (all vehicles registered from September 2015 are Euro 6 compliant, so this will encourage a small number of vehicles less than the 10 year age limit, but over 7.5 years and not Euro 6 compliant to be changed)
- **From April 2023, any vehicle presented for licensing for the *first time* must be at least an ULEV-compliant vehicle\***

- **From April 2021, any ULEV-compliant vehicle\* presented for licensing for *first time or renewal* will attract a reduced-rate in its licensing fees**
- **From April 2021 until April 2023**, any Driver/operator who replaces a non-Euro 6 compliant vehicle with a ULEV, will earn a one-off £1,500 scrappage cashback payment (helping accelerate the removal of most-polluting vehicles from Guildford's roads as soon as possible)
- **From April 2028, any vehicle presented for licensing for the *first time* must be Zero-emission** [n.b. pace of EV availability and cost may mean this can be brought forward]
- **(as per consultation) From April 2030, any vehicle presented for licence renewal must be ULEV-compliant.** [n.b. this means non-ULEV vehicles first registered in 2021 or 2022 cannot be renewed for full ten year age policy period]
- Alongside 'raising the bar' on the *minimum* requirements, **further incentives for drivers to choose a zero-emission vehicle (ZEV):**
  - Priority bays in taxi ranks (enforcement easy through [recently announced green number plates](#))
  - Zero cost taxi licensing fees for first three years of registration
  - Additional financial incentive over and above UK Government by Council to encourage uptake of ZEVs (see Appendix A for 'ZEV Incentive Scheme')

Additionally, to demonstrate commitment to this policy, **Guildford Borough Council (and/or Surrey County Council) should provide 'taxi-only' chargepoints and/or subsidised charging costs for public chargepoints. These should be positioned in areas of frequent taxi drop-off and pick-up locations. New developments (e.g. North Street) should include provision of taxi charging in their design.**

\*Note on ULEVs

There are various definitions of the standards required to be a 'ULEV' vehicle, so this must be clear in any policy. Two aspects are relevant:

- Maximum g CO<sub>2</sub>/km; **50g CO<sub>2</sub>/km is appropriate**
- Minimum electric only range (miles). Plug-in hybrid electric vehicles with a very low electric-only range may never be charged in reality, so a significant electric-only range is highly recommended. **70 miles** is now the standard set to support eligibility for the [UK Government's Plug-in Grant](#), and the consultation proposal of 10 miles of range is **not** adequate. It could be increased each year potentially for new licences?

Plug-in hybrids are seen as a 'stop-gap' before fully electric vehicles are the default choice, hence the necessity to update the licensing to reflect the technological change, and the additional incentives to help drivers go fully electric.

#### D. Useful Links

- LowCVP 'Low Emission Taxi Guide' - <https://www.lowcvp.org.uk/projects/passenger-car-working-group/LET.htm>
- Low-emission vehicles eligible for a plug-in grant - [Low-emission vehicles eligible for a plug-in grant - GOV.UK \(www.gov.uk\)](#)

Appendix A: Proposed taxi licensing for Guildford Borough Council - DRAFT

		First year of vehicle registration																					
		2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030		
Vehicles which are eligible for licencing in respective year (only shaded cells valid)	2021	NEW							Euro 6	Euro 6	Euro 6	Euro 6	Euro 6*										
	2021	RENEWAL	too old	< Euro 6	< Euro 6	< Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	n/a										
	2022	NEW	too old	too old	too old	too old	too old	too old	too old	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6*									
	2022	RENEWAL	too old	too old	< Euro 6	< Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	n/a									
	2023	NEW	too old	too old	too old	too old	too old	too old	too old	too old	Euro 6	Euro 6	Euro 6	Euro 6	ULEV								
	2023	RENEWAL	too old	too old	too old	x	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	n/a								
	2024	NEW	too old	too old	too old	too old	too old	too old	too old	too old	too old	Euro 6	Euro 6	Euro 6	ULEV	ULEV							
	2024	RENEWAL	too old	too old	too old	too old	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	ULEV	n/a						
	2025	NEW	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	Euro 6	Euro 6	ULEV	ULEV	ULEV						
	2025	RENEWAL	too old	too old	too old	too old	too old	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	ULEV	ULEV	n/a					
	2026	NEW	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	Euro 6	ULEV	ULEV	ULEV	ULEV					
	2026	RENEWAL	too old	too old	too old	too old	too old	too old	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	ULEV	ULEV	ULEV	n/a				
	2027	NEW	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	ULEV	ULEV	ULEV	ULEV	ULEV			
	2027	RENEWAL	too old	too old	too old	too old	too old	too old	too old	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	ULEV	ULEV	ULEV	ULEV	n/a			
	2028	NEW	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	ULEV	ULEV	ULEV	ULEV	ULEV	ZEV		
	2028	RENEWAL	too old	too old	too old	too old	too old	too old	too old	too old	Euro 6	Euro 6	Euro 6	Euro 6	Euro 6	ULEV	ULEV	ULEV	ULEV	ULEV	n/a		
	2029	NEW	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	ULEV	ULEV	ULEV	ULEV	ZEV	ZEV	
	2029	RENEWAL	too old	too old	too old	too old	too old	too old	too old	too old	too old	Euro 6	Euro 6	Euro 6	Euro 6	ULEV	ULEV	ULEV	ULEV	ULEV	ZEV	n/a	
	2030	NEW	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	ULEV	ULEV	ULEV	ULEV	ZEV	ZEV	ZEV
	2030	RENEWAL	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	too old	ULEV	ULEV	ULEV	ULEV	ZEV	ZEV	n/a

\* For Euro 6 vehicles first registered in 2021 or 2022, they can only be renewed until 2029

Scrapage Incentive for < Euro 6 [£1500 for ULEV]

ULEV: <50g/km CO2, and at least tbc miles of electric-only range

ZEV Incentive Scheme (payable in first year of licence only)						
£3,500	£3,000	£2,500	£2,000	£1,500	£1,000	£500

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**GUILDFORD  
BOROUGH**

**Privacy impact assessment for camera recording system (CCTV)**

Use this template to record the PIA process and results. You should start to fill in details from the beginning of a project and amend the answers as you make progress with your business case. Keep a record of each draft of your PIA.

Please inform the Data Protection Officer if you amend your PIA after your business case has been approved.

**Summary information about the system**

	<b>Name of system</b>	CCTV (in taxis and PHV's) Full name TBA
	<b>Summary of objective and background</b> (the PIA will ask for a more detailed description later in the form)	The mandatory introduction and instulation of a standard,secure CCTV system in all Guildford Licenced vehicles, installation could begin in 2021.  The system will be GDPR compliant.
	<b>Relationships</b> For example, with other services, Local Authorities or organisations	Funding application from PCC submitted. Support investigations by Surrey Police and other statutory bodies.
	<b>Cross reference to other projects</b>	
	<b>Project Manager (where relevant)</b>	Mike Smith
	<b>Name and job title of Information Asset Owner</b> (see CCTV authorisation procedure rules)	Justine Fuller

**Principle 1**

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals

**Describe the established and proper legal basis for the scheme.** For example, it would not be appropriate for the Council to use CCTV to investigate a matter that is not within its legal powers to investigate (e.g. a police matter or an issue where enforcement powers lie with another organisation).

Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence. The use of CCTV in all vehicles will provide increased level safety for the public and the driver. The use of the system will allow the authority to fulfil its statutory obligations to public safety and other agencies to lawfully access evidence.

The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.

**How will you make sure that the people recorded are aware that it is happening?**

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is important that individuals are fully aware.

The system will offer continuous visual recording upon ignition, but there will be an option to turn this off by the driver should the vehicle be used for personal use. Audio recording will only be activated upon the driver/passenger pressing a button. Data will be stored on a secure encrypted hard drive which only GBC has access to upon request. The spec should you need it is in the draft policy document at: <https://www.guildford.gov.uk/taxipolicy>

As well as clear signage in vehicles, information on booking systems will be introduced. This maybe text on a website, scripts or automated messages on telephone systems.



<p><b>Why is the scheme necessary to address a pressing need (such as public safety or crime prevention)?</b></p>
<p>The use of CCTV in all vehicles will provide increased level of confidence and safety for the public and the driver.</p> <p>There is an inherent, structural vulnerability relating to taxis and PHVs: getting into a taxi/ PHV, an individual puts themselves under the control of a stranger in a confined space with no physical control over where they are taken. The primary role of the licensing regime is to manage this risk, in particular by satisfying themselves that only those who are fit and proper to do so hold a licence. CCTV systems can act as an additional safeguard, providing protection, confidence and reassurance to the public when they are travelling in a taxi or PHV as well as to drivers, who can also be victims of violence and abuse. Mandating CCTV has been seen by some authorities as a proactive preventative measure that can be taken to protect passengers and drivers. It can act as a deterrent to committing an offence as people are more likely to police their own behaviour. Where an offence has taken place the images/audio recording that CCTV systems capture can provide important evidence in a criminal investigation.</p>
<p><b>Explain how the CCTV is justified and proportionate in the circumstances.</b></p>
<p>Following high profile incidents involving offences committed by licenced drivers which impacted on the confidence of the public to use public transport the use of CCTV is an effective tool to increase safety for all, we cannot avoid the fact that over recent years there have been a number of high profile cases of licensed drivers abusing their passengers' trust, including serious cases of child sexual exploitation.</p> <p>The Hackney Carriage and Private Hire trades have raised the issues of violence and theft against drivers in meetings of the trade working group.</p> <p>Licensing Services already encourages self-reporting of incidents by passengers and drivers, with all complaints investigated. Surveillance camera footage will assist in making accurate and fair licensing decisions. There have been several occasions when investigating complaints where surveillance camera footage would have assisted, due to conflicting accounts.</p> <p>Surveillance cameras can help deter crime, but also provide evidence of crimes which can be used by the police to apprehend perpetrators and used in court to achieve successful prosecutions.</p> <p>The deterrence of crime is the primary objective of this project, particularly to safeguard vulnerable passengers and reassure drivers.</p>
<p><b>What problems might arise from use of the proposed CCTV scheme?</b></p>
<p>Concerns of the public that the authorities are spying on the public. The concern that the unlawful misuse of the data and who has access. Consultation and engagement are critical steps when considering deploying CCTV and even more critical when mandating its use and can help to shape the scope of the policy.</p>
<p><b>Explain what less privacy-intrusive solutions (for example, improved lighting) you have considered and why you think they will not be able to achieve the same objectives.</b></p>
<p>The use of CCTV provides increase levels of confidence for both the driver and passenger. The use of CCTV has been shown to significantly impact on crime levels on public transport and offers authorities to obtain evidence of both crimes and conduct which is compelling.</p>
<p></p>

Expand on the information you provided in the summary, covering:

- what the project aims to achieve – for example, public safety and security or staff monitoring and training or traffic flow monitoring or prevention and detection of crime and so on.
- Describe what quality is required. For example: Detecting presence (i.e. whether a person is present in an image without the need to see their face), Recognising (to recognise someone who is known or to determine that someone is NOT known), Identifying (to record high quality facial images that could be used in court to prove someone's identity beyond reasonable doubt)
- what the benefits will be to the organization and any other parties

Feel free to cross reference to other documents related to the project such as the Project Initiation Document and any reports to Corporate Management Team and Committees, which might record manager support for the proposal. But you should ensure any such documents are attached or linked to this PIA.

The system will record internal video footage of the driver and any passengers in the vehicle when the vehicle is being used as for private hire or hackney carriage use. Passengers can be anybody, including children or vulnerable groups.

Audio recording is not normally recorded, but recording will depending on the system selected be triggered by:

- Passengers' panic button
- Driver's panic button
- G-force sensor indicating a crash
- Shouting detected by a microphone
- Door opening when vehicle is in motion

## Part 2: Describe the information flows

Ideally you should map the system to explain how the information flows into, within and out of it.

Show the following

- What will be recorded?
- Where will the recordings take place? For example, how many cameras are involved, where will they be located and where will they feed to in order to store the recordings?
- What services, contractors, service partners, third parties and so on will have routine access to the system and its recordings?
- What disclosures will be made from the system and in what circumstances?
- What will be the routine retention period for recordings of incidents?
- You should give an indication of the scale of the surveillance – such as the number of individuals likely to be affected, where known.

Licensing Services will be the primary user of the data, however it is likely that the police will request data to assist with their investigations as well.

Other requests are expected from:

- Other licensing authorities – to make a licensing decision on a licensed driver or vehicle proprietor
- Motor insurance companies – to investigate claims made by the driver, vehicle proprietor or other drivers involved in an accident with the vehicle

When data is shared this is normally via:

- Secure email
- Encrypted email
- Encrypted data drive
- Disc, transferred directly between officers from the organisations



**Part 3: Consultation**

<b>Stakeholders to be consulted</b>		
You should consider in detail what the interests of the various stakeholders are and the level of involvement they will have in the PIA.		
Do not list stakeholders if they are already part of your project team or a separate PIA team.		
<b>Stakeholder: Name/organisation/role</b>	<b>What interests do they have in the proposal?</b>	<b>How are you going to consult with them?</b>
Surveillance Camera Commissioner (Home Office) and Information Commissioner's Office	Regulatory body	Online consultation
Councillors	The close involvement of councillors and ensuring there is political buy-in throughout the policy development process is vital and councillors will need to be equipped with the evidence they need to determine whether or not mandatory CCTV is appropriate. Councillors' key role in providing political accountability for decisions is particularly important where proposals may attract some opposition.	Online consultation Reports to committee
Taxi/PHV trade bodies, operators and drivers	Providers of service	Online consultation TAG Meetings
Residents	User of the service	Online consultation
Taxi/PHV user groups	As above	Online consultation
Suppliers of audio visual equipment	Suppliers of equipment	Tendering process
CCTV manager	User of information	Online consultation
Surrey Police	Investigation	Online consultation
SCC	User	Online consultation

**Consultation Plan**

**Note:** If there is already a consultation strategy or plan in place for the project, you don't need to have a separate one for this PIA. You do, however, need to make sure that any consultation encompasses all the privacy aspects of the project.

Explain below what approach you are taking to consultation.

How will the results of the consultation be analysed and used to influence the CCTV project?

Consultation process was conducted in 2020 and the results are available for review.

**What could be done to minimise intrusion for those that may be monitored, particularly if specific concerns have been expressed?**

Audio recording is disabled by default, but a five-minute recording could/will be triggered by:

- Passengers' panic button
- Driver's panic button
- Shouting detected by a microphone
- Door opening when vehicle is in motion

An audible warning and visual light shall indicate when audio recording is occurring.

Full specification pending once supplier formally selected.

**Part 5: Approval and integration of the PIA outcomes back into the project plan or the ongoing management of the process or system**

Who is responsible for putting in place the solutions that have been approved?

Who is the contact for any privacy concerns that may arise in the future?

Action to be taken	Date for completion of actions	Responsibility for action

Contact point for future privacy concerns (post title with responsibility)

TBA

**Approval for the PIA**

Name	
Post title	
Responsibility in relation to the project	
Signature	
Date of approval	
Planned date of next review of PIA	

**Consider how the recordings will be managed in a way to minimise any unwarranted impact on the privacy of those recorded (for example, storage of data, destruction of data).**

Explain

**Explain the arrangements you have put in place to review the CCTV to ensure it continues to meet its stated purpose and is still necessary and proportionate.**

Explain

**Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes.**

What retention periods are suitable for the personal data you will be processing?

Are you procuring software which will allow you to delete information in line with your retention periods?

**Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**

Do any new systems provide protection against the security risks you have identified?

What training and instructions are necessary to ensure that staff know how to operate a new system securely and in accordance with your procedures?

Will someone (other than Council employees) be using or storing information on behalf of the Council? If so, have they provided an information security guarantee and is the arrangement formalised by a written contract, which restricts the service provider to acting only on the instructions of the Council?



## Annex 4

### Information Security and Technical Considerations

#### Part 2 Privacy Impact Assessment Key questions

<p><b>Who will have access to the information held or produced by the asset?</b></p>	<p>Licensing Services will be the primary user of the data, however it is likely that the police will request data to assist with their investigations as well.</p> <p>Other requests are expected from:</p> <ul style="list-style-type: none"> <li>• Other licensing authorities – to make a licensing decision on a licensed driver or vehicle proprietor</li> <li>• Motor insurance companies – to investigate claims made by the driver, vehicle proprietor or other drivers involved in an accident with the vehicle</li> </ul>
<p><b>Is there a useable audit trail in place for the asset. For example to identify who has accessed recorded or live footage? Please describe it in detail</b></p>	<p>Footage will be retrieved by an authorised officer in the course of investigating a complaint or crime. Depending on the solution procured, this may be via physical or remote connection.</p>
<p><b>How and where will the information be kept, stored, accessed?</b></p>	<p>On a database</p>
<p><b>Will any information be sent or hosted off-site?</b></p> <p><b>If yes where?</b></p>	<p>No</p>
<p><b>Please state by which method the information will be transported</b></p>	<p>Encrypted email GSx Mail By hand</p>
<p><b>Does this arrangement include any of the following being carried out, on behalf of the Council, by any other organisation, person or individual (not directly employed by the Council)</b></p> <p>If you answer “yes” to any of these you must make sure they have provided a sufficient security guarantee and that the arrangement is under a written contract under which the data processor is to act only on the instructions of the Council</p>	<ul style="list-style-type: none"> <li>• Obtaining personal data</li> <li>• Recording personal data</li> <li>• Holding (or hosting) personal data</li> <li>• Organisation, adaption or alteration of personal data</li> <li>• Retrieval, consultation or use of the information or data</li> <li>• Disclosure of the information or otherwise making it available</li> <li>• Alignment, combination, blocking, erasure or destruction of personal data</li> </ul>

Agenda item number: 5(1)

Appendix 5

	<b>See Appendix 5 for the data processor security questionnaire</b>	
	<b>Is the PIA approved? If not, please state why and set out the improvement plan required to ensure the PIA can be approved</b>	Yes  No

## Annex 5

### Information Security Considerations in respect of data processors\*

\*A data processor is anyone who will do any of the following on behalf of the Council:

- Obtaining personal data
- Recording personal data
- Holding or hosting personal data
- Carrying out any operation or set of operations on the information or data
- Organisation, adaption or alteration of the information or data
- Retrieval, consultation or use of the information or data
- Disclosure, dissemination or otherwise making information or data available
- Alignment, combination, blocking, erasure or destruction of personal data

## SERVICE PROVIDER'S INFORMATION SECURITY

**Name of service provider or organisation:**

---

**Description of Service to be provided or name of contract:**

(For example, what categories of personal information will be processed\* on behalf of Guildford Borough Council and how?)

---

Please note that asterisked items (\*) are not applicable to sole traders.

### ORGANISATIONAL SECURITY

	Measures	Tick as appropriate	Details, where required
1.	Has the service provider appointed an individual to take control of data protection responsibilities?  If so, please provide the name and contact details		
2.	Has the service provider implemented a Data Protection Policy?  If so, please return a copy with this questionnaire.		
3.	Has the service provider achieved certification as complying with any recognised national or international standards relating to information security		

	Measures	Tick as appropriate	Details, where required
	(such as ISO27001)?  If so, please provide evidence of certification		
4	Has the service provider passed a recent audit relating to information governance standards?  If so, please provide evidence, such as an executive summary of the audit report.		
5	Will a sub contractor have access to the Council's personal information?  If so please provide identify the sub-contractor(s)		
6	If the answer to the above was 'Yes', please describe what processing the sub contractor will be carrying out (e.g. hosting a database)		
7	Please provide detailed evidence to show the extent to which the sub contractor's security arrangements have been vetted to ensure they are at least the same as the contractor's		
8	Does the service provider work to or comply any regulations or codes of practice relevant to the use of personal information?  Please describe (For example, the Market Research Society Code of Conduct, PCI Security Standards and so on)		
4.	How does the service provider vet and train their staff and subcontractors, who will have access to the Council's personal information,  Please provide details of vetting and training procedures: service provider and sub contractors		
5.	Does the Service Provider treat any breach of their data protection policy and procedures as a disciplinary offence?  Please provide evidence, for example, the relevant wording included in employment contracts.		

	Measures	Tick as appropriate	Details, where required
6.	<p>What controls are in place to restrict access to the personal information to authorised people only?</p> <p>Please briefly describe</p> <p><i>(Sole traders or organisations which make use of home facilities should indicate measures taken to ensure unauthorised access to the information does not occur at home)</i></p>		
7.	<p>Does the service provider have provisions in place with their sub contractors to ensure similar levels of protection can be guaranteed if the subcontractor has access to the personal information?</p> <p><i>Note: this is relevant only if the contract allows the service provider to employ a sub-contractor</i></p>		

**TECHNICAL SECURITY**

	Measures	Description
1	<p>Location of servers, which will host the data?</p>	

Appendix 5

2.	<p>Describe the technical measures restricting access to systems holding personal data</p> <p><b>Minimum standards</b>          If customers enter or access their own personal data (e.g. to access their account), the connection must be via https:// and require a complex password)</p> <p>If the system will be hosted outside of the Council's network and protectively marked information can be accessed remotely e.g. via the internet, the minimum security standard is two-factor authentication (for example, complex password in addition to a soft token or biometrics or IP address restriction)</p>	
3.	<p>If the service provider will host a system remotely, how will access be restricted in the event of a member of staff leaving the Council's employment at short notice?</p>	
4.	<p>What technical measures in place to secure personal information when in transit?</p> <p>If protectively marked information will be transferred, the data must be encrypted</p>	
5.	<p>If automated systems are to be provided, describe the security measures in place</p> <p>(bear in mind that sensitive personal data will require more stringent security than other kinds of information)</p>	
6.	<p>Is the personal information backed up on a daily basis and stored in a secure site?</p>	
7.	<p>When was the last penetration testing carried out on the system and what was the result?</p>	
8.	<p>If protectively marked information is involved, describe how access to it will be audited or recorded so that breach allegations can be investigated</p>	

**PHYSICAL SECURITY**

	Measures	Tick as appropriate	Description, where required
1	Are the premises on which the personal information is to be stored secure?		
2	Is access to those premises restricted?		
3	Are the premises subject to 24-hour security?  Please describe (eg CCTV, security guards etc)		
4	Describe the access restrictions in place for non-automated information (e.g. paper files, discs, microfilm and microfiche)  (eg, lockable filing cabinets, clear desk policies etc)		
5	Are any copies of the personal information, printouts, obsolete back-up tapes etc, disposed of securely?  Please describe		
6	Is obsolete hardware and software from which the information could be recovered disposed of securely?  Please describe		
7	Does the service provider have an auditable retention and destruction policy?  Please return a copy of the policy with this questionnaire		

**LOCATION AND LEGISLATION**

	Measures	Tick as appropriate	Description, where required
1	Will the information be stored on servers outside of the European Economic Area		

Appendix 5

	(EEA)?		
2	Will the Service Provider confirm that they will comply with the General Data Protection Regulation?		

Guildford Borough Council reserves the right to audit the service provider to monitor compliance unless the service provider can provide evidence of having successfully passed a data protection audit provided by a reputable third party assessment body.

---

I certify as an authorised representative of the service provider that the answers to the above questions are true and guarantee that any measures indicated will be applied to any personal information used on behalf of Guildford Borough Council for the purposes of this agreement.

PRINT NAME:

POSITION:

NAME OF SERVICE PROVIDER OR ORGANISATION:

SIGNATURE:

DATE:

**\*DEFINITIONS:**

**“Personal data” (“personal information”):** data relating to a living individual who can be identified...including any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual

**“Processing”** includes any of the following activities: Obtaining, Recording, Holding information, Carrying out any operation on the information, Organisation, Adaption, Alteration, Retrieval, Consultation, Use, Disclosure by transmission, dissemination or otherwise making available, Alignment, combination, blocking, Erasure or destruction of information or data



## Equality Impact Assessment

The purpose of an assessment is to understand the impact of the Council's activities\* on people from protected groups and to assess whether unlawful discrimination may occur. It also helps to identify key equality issues and highlight opportunities to promote equality across the Council and the community. The assessment should be carried out during the initial stages of the planning process so that any findings can be incorporated into the final proposals and, where appropriate, have a bearing on the outcome.

(\*Activity can mean strategy, practice, function, policy, procedure, decision, project or service)

Name of person completing the assessment	Mike Smith Licensing Team Leader	Date of assessment	5 February 2021
--	-------------------------------------	--------------------	-----------------

Name of the proposed activity being assessed	Hackney Carriage and Private Hire Licensing Policy.	Is this a new or existing activity?	Existing
--	---	-------------------------------------	----------

Who will implement the activity and who will be responsible for it?	The Licensing Service will implement and be responsible for the Policy.
---	---

### 1. Determining the relevance to equality

What are the aims, objectives and purpose of the activity?	The purpose of taxi licensing is for the protection of the travelling public.
--	---

Is this a major activity that significantly affects how services or functions are delivered?	Yes	Who will benefit from this activity and how?	The public and licensed drivers will benefit from the measures outlined in the Policy.
--	-----	--	--

Does it relate to a function that has been identified as being important to people with particular protected characteristics?	Yes	Who are the stakeholders? Does the activity affect employees, service users or the wider community?	The wider public
---	-----	---	------------------

**Based on the above information, is the activity relevant to equality?**

<p><b>Yes – continue to section 2</b></p>    <p><b>No – please record your reasons why the activity is not relevant to equality</b></p>	Yes.
---	------

<p>2. Is the proposed activity accessible for all the protected groups listed below? <i>(Consider in what ways the activity might create difficulties or barriers to parts of the workforce, community or protected groups. How might one or more groups be excluded because of the activity?)</i></p>			
<b>Protected groups</b>	<b>Yes</b>	<b>No</b>	<b>Evidence</b>

Disability	Yes		<p>The requirements of the Policy apply to any applicant/licence holder equally, with the purpose of the Policy pursuant to the legitimate aim of public protection. However the Policy allows each application to be treated on its merits and does not prevent individuals making an application for the Council to consider a departure from the Policy.</p> <p>The 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.</p>
Race	Yes		
Gender	Yes		
Sexual orientation	Yes		
Age	Yes		
Religion or belief	Yes		
Transgender or transsexual	Yes		
Marriage and civil partnership	Yes		
Pregnancy or maternity	Yes		

3. Is it likely the proposed activity will have a negative impact on one or more protected groups?			
<b>Protected groups</b>	<b>Yes</b>	<b>No</b>	<b>Evidence</b>
Disability		No	<p>The 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</p>
Race		No	

			groups.
Gender		No	The Council previously had a policy of requiring an all accessible hackney carriage fleet, which was never fully implemented. In 2015 this requirement was removed following consultation and replaced with an incentive to provide accessible vehicles through fee incentives. This policy remains in place.
Sexual orientation		No	
Age		No	
Religion or belief		No	
Transgender or transsexual		No	
Marriage and civil partnership		No	
Pregnancy or maternity		No	

4. What action can be taken to address any negative impact? What measures could be included to promote a positive impact? (*Consider whether it is possible to amend or change the activity due to the likely adverse impact whilst still delivering the objective. Is it possible to consider a different activity which still achieves the aims but avoids an adverse impact? Is an action plan required to reduce any actual or potential adverse impact?*)

There are no negative impacts identified. The Council regularly engages with the licensed trade through newsletter and TAG meetings where opportunities are used to discuss relevant issues, promote standards and ensure compliance.

5. What are the main sources of evidence that have been used to identify the likely impacts on the different protected groups? (*Use relevant quantitative and qualitative information that is available from sources such as previous EIA's, engagement with staff and service users, equality monitoring, complaints, comments, customer equality profiles, feedback, issues raised at previous consultations and known inequalities*).

The Policy has been subject of wide public consultation including consultation with the trade and user groups.

There is regular engagement with the licensed trade through newsletters and TAG meetings. Similarly the public are able to report any issues to the Council for investigation, with any trends monitored.

6. Has any consultation been carried out (e.g. with employees, service users or the wider community)? Please provide details

Yes, full public consultation has taken place, see details in the Committee report.

7. Is further consultation required as a result of any negative impact identified? If so, what groups do you intend to engage with and how?

No. The Council will however continue to engage with the trade, taxi users and relevant groups.

8. Conclusion of Equality Impact Assessment - please summarise your findings

The Council's Licensing Policy was due for review following changes introduced in 2015 to improve standards and public safety. The Council is required to have regard to the Statutory Taxi and Private Hire Vehicle Standards published in July 2020 when reviewing its Policy. The Standards focus on protecting children and vulnerable adults, however by extension all passengers will benefit from the recommendations contained in it.

The 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. Full public consultation on these measures, including consultation with the trade and user groups and no issues have been identified as a result of this assessment.

**Name of person completing assessment: Mike Smith**

**Date: 5 February 2021**

**Job title: Licensing Team Leader**

**Signature:**

Agenda item number: 5(1)  
Appendix 6

**Senior manager name:**

**Date:**

**Signature:**

Licensing Committee Report

Ward(s) affected: All

Report of the Director of Service Delivery

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: James Steel

Tel: 07518 995615

Email: james.steel@guildford.gov.uk

Date: 24 March 2021

## Taxi and Private Hire Fees and Charges 2021-22

### Executive Summary

Taxi and private hire fees and charges are normally reviewed each year using a methodology to set fees as approved by Licensing Committee. On 24 November 2020 the Executive resolved to 'freeze' fees and charges for 2021-22 in light of concerns about the coronavirus pandemic and to balance the Council's role in both supporting local business and being able to cover its costs in difficult financial circumstances.

### Recommendation to Licensing Committee

That the Licensing Committee notes the current circumstances affecting the calculation of fees and charges, agrees that the fees and charges for 2021-22 remain at the current level and notes that fees and charges are planned to be reviewed again for 2022-23.

### Reason for Recommendation:

To ensure the Committee understands the rationale for fees remaining at the current level.

### 1. Purpose of Report

- 1.1 To brief the Licensing Committee on the setting of Taxi and Private Hire Licensing fees for 2021/22.

### 2. Strategic Priorities

- 2.1 Setting taxi and private hire fees and charges will contribute to our fundamental themes and priorities 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 Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) allow the Council to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The legislation specifies the elements that can be included in the cost of the licence fee.
- 3.2 The cost of issue and administration can be recovered in drivers’ licence fees. In respect of vehicle and operator licences, the reasonable cost of inspecting vehicles, providing hackney carriage stands and any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 3.4 Fees which are not set by statute can be set locally by the Council, with the desire to fully recover costs so that taxpayers are not subsidising a business licence for which the holder derives economic benefit. Officers in Regulatory Services keep comprehensive daily time records for the purpose of fee setting, where officer time and budgeted costs are combined and divided over the number of applications for the previous year giving a unit fee cost per application. This is the basis of the methodology used to calculate Taxi and Private Hire licensing fees approved by the Committee in September 2016.
- 3.5 Locally set fees are normally reviewed in time for the start of the financial year, meaning that fees need to be included in the budget book in time for budget Council in February, or in the case of Taxi Licensing Fees presented to Licensing Committee in January for the required statutory consultation.

### **4. Setting Fees for 2021-22**

- 4.1 The current pandemic has had a considerable impact on the Country. Many businesses have either been required to close or have seen traditional revenue streams diminish meaning they are facing uncertain futures. The Council as part of its Corporate Strategy 2018-23 has committed to support economic growth and as such many businesses have been turning to the Council since the pandemic began for assistance, including numerous requests for reductions in fees to support their continued operation.
- 4.2 At the same time the Council’s finances have been impacted by additional expenditure caused by the pandemic meaning that difficult decisions will likely have to be taken about future expenditure.
- 4.3 The pandemic and the Future Guildford programme has also diverted the Council’s resources away from activities such as fee setting. As such due to these demands we do not have all the data required to calculate the fees, meaning that the deadline for January Licensing Committee has passed.



- 4.4 The methodology includes an internal audit review and approval from finance, audit and legal. A number of taxi drivers have left the profession due to the current situation and resultant lack of work, meaning that a fewer number of licence holders are renewing. At the same time, Officers have been required to spend time devising and consulting on a new Policy due to the National Standards announced in July 2020 which the Government expects Councils to implement as soon as possible, despite the pandemic. Whilst application numbers have reduced, the budgeted costs have not been revised meaning that the Council's costs are split over fewer licence holders, likely to result in higher fees.
- 4.5 Any increase in fees under the current climate is likely to be extremely unpopular with business, many of whom are struggling and looking to the Council for support. This is likely to result in an increase in officer time to respond to complaints about higher fees, and a risk of reputational damage to the Council from adverse publicity.
- 4.6 However, the Executive on 24 November 2020 resolved to make no changes to the Council's fees and charges for 2021-22 and as such this position is presented to the Licensing Committee.

## **5. Equality and Diversity Implications**

- 5.1 There are no equality and diversity implications arising from the taxi and private hire fees and charges.

## **6. Financial Implications**

- 6.1 With the Councils own financial position in mind, it is important that the Council is able to recover the costs it is entitled to, however without adhering to the methodology to set fees, any fees set may be open to challenge. Additionally, the position of the Executive's decision to keep fees at the same level is perhaps the most sensible solution under the current circumstances and is reasonable in terms of supporting local businesses given the reasons outlined above.
- 6.2 The Council cannot make a profit from fees and must carry forward any surplus. Any deficit is carried forward and will be recovered in subsequent years. Surpluses or deficits will be considered when fee setting in future years with the objective of recovering or refunding any surplus or deficit over a rolling three year cycle.
- 6.3 The fees and budgetary position is planned to be reviewed for 2022-23 where it is hoped that the efficiency savings realised by the Future Guildford programme will be realised.

## **7. Legal Implications**

7.1 The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The fees must be set at a level which ensures that the Council does not make a profit.

7.2 Section 53(2) of the Act states, in relation to drivers' licences for hackney carriage and private hire vehicles:

“Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.”

7.3 Section 70 of the Act states, in relation to vehicle and operators' licences:

“(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

- (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
- (b) the reasonable cost of providing hackney carriage stands; and
- (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.”

7.4 As the current fees are not being varied, no consultation is required and the existing charges will remain in place until such time as they are reviewed again.

## **8. Human Resource Implications**

8.1 There will no additional human resource implications because of the taxi and private hire fees and charges.

## **9. Conclusion**

9.1 Taxi and private hire fees and charges are normally reviewed each year using a methodology to set fees as approved by Licensing Committee. On 24 November 2020 the Executive resolved to 'freeze' fees and charges for 2021-22 in light of concerns about the coronavirus pandemic and to balance the Council's role in both supporting local business and being able to cover its costs in difficult financial circumstances.

**10. Background Papers**

[Minutes of the Executive, 24 November 2020](#)

[Local Government \(Miscellaneous Provisions\) Act 1976](#)

**11. Appendices**

There are no appendices to this report.

<b>Service</b>	<b>Sign off date</b>
Finance / 151 Officer	<i>18 February 2021</i>
Legal / Governance	<i>16 February 2021</i>
HR	<i>19 February 2021</i>
Equalities	<i>19 February 2021</i>
Lead Councillor	<i>26 February 2021</i>
CMT	<i>19 January 2021</i>
Committee Services	<i>16 March 2021</i>

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Licensing Committee Report  
Report of Strategic Services Director  
Author: Sophie Butcher  
Tel: 01483 444056  
Email: sophie.butcher@guildford.gov.uk  
Date: Wednesday 24 March 2021

## Licensing Committee work programme: 2021-22

### Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2021-22 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: 2021-22

**Licensing Committee**  
**Draft Work Programme 2021-22**

<b>March 2021</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
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

<b>May 2021</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
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**

<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>

**September 2021**

<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
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**

<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Gambling Policy Approval	The Committee to consider and approve a Gambling Policy.	Mike Smith, Licensing Team Leader 01483 444387

<b>January 2022</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>

<b>March 2022</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>

<b>UNSCHEDULED ITEMS</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>