



GUILDFORD
BOROUGH

James Whiteman
Managing Director

www.guildford.gov.uk

Contact Officer:

Sophie Butcher, Committee Officer
Tel no: 01483 444056

19 September 2017

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **WEDNESDAY 27 SEPTEMBER 2017 at 7.00 pm.**

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE COMMITTEE

Chairman: Councillor David Elms
Vice-Chairman: Councillor Mike Parsons (The Deputy Mayor)

Councillor Graham Ellwood
Councillor David Goodwin
Councillor Christian Holliday
Councillor Mike Hurdle
Councillor Jennifer Jordan
Councillor Nigel Kears
Councillor Nigel Manning (The Mayor)

Councillor Marsha Moseley
Councillor Dennis Paul
Councillor Tony Phillips
Councillor David Quelch
Councillor James Walsh
Councillor David Wright

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.

Five fundamental themes that support the achievement of our vision:

- **Our Borough** - ensuring that proportional and managed growth for future generations meets our community and economic needs
- **Our Economy** - improving prosperity for all by enabling a dynamic, productive and sustainable economy that provides jobs and homes for local people
- **Our Infrastructure** - working with partners to deliver the massive improvements needed in the next 20 years, including tackling congestion issues
- **Our Environment** - improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy
- **Our Society** - believing that every person matters and concentrating on the needs of the less advantaged

Your Council – working to ensure a sustainable financial future to deliver improved and innovative 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.

Mission – for the Council

A forward looking, efficiently run Council, working in partnership with others and providing first class services that give our society value for money, now and for the future.

AGENDA

1 APOLOGIES

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the revised 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.

3 MINUTES (Pages 1 - 2)

To confirm the minutes of the meeting of the Licensing Committee held on 27 March 2017.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 STREET TRADING POLICY - APPROVAL FOR CONSULTATION (Pages 3 - 20)

That the Committee approves the draft Street Trading Policy for public consultation, and instructs officers to carry out the consultation over a 12 week period.

6 STREET TRADING RESOLUTION - APPROVAL FOR CONSULTATION (Pages 21 - 28)

That the Committee approves the draft Street Trading resolution for consultation, and instructs officers to carry out the statutory consultation process.

7 TAXI AND PRIVATE HIRE LICENSING POLICY - CARD PAYMENTS (Pages 29 - 32)

That the Licensing Committee notes the draft changes to the taxi and private hire taxi policy which will be subject to for public consultation over a 6 week period.

8 TAXI AND PRIVATE HIRE POLICY - CONSULTATION ON CHANGES TO CONVICTIONS POLICY (Pages 33 - 52)

That the Licensing Committee notes the draft changes to the taxi and private hire taxi policy which will be subject to public consultation over a 6 week period.

9 BEST BAR NONE AND PURPLE FLAG UPDATE

To receive a verbal update on Best Bar None and Purple Flag.

10 LICENSING COMMITTEE WORK PROGRAMME (Pages 53 - 56)

To consider the Licensing Committee Work Programme.

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AN ALTERNATIVE FORMAT**

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LICENSING COMMITTEE

- * Councillor David Elms (Chairman)
- * Councillor Mike Parsons (Vice-Chairman)

- | | |
|---------------------------------|--|
| Councillor Graham Ellwood | * The Deputy Mayor, Councillor Nigel Manning |
| Councillor David Goodwin | * Councillor Marsha Moseley |
| * Councillor Gillian Harwood | * Councillor Dennis Paul |
| * Councillor Christian Holliday | * Councillor Tony Phillips |
| * Councillor Mike Hurdle | * Councillor James Walsh |
| * Councillor Jennifer Jordan | Councillor David Wright |
| * Councillor Nigel Kearse | |

*Present

L31 APOLOGIES

Apologies for absence were received from Councillors Graham Ellwood and David Goodwin.

L32 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interest.

L33 MINUTES

The minutes of the meeting held on 11 January 2017 were confirmed as a true record and were signed by the Chairman.

L34 FEES AND CHARGES 2017-18 OBJECTIONS

The Committee was informed that despite a proposed reduction to most fees, one objection had been received from the Guildford Hackney Association. Therefore, the advertised fees and charges for 2017-18 could not come into effect until the objection had been considered formally. In addition, the Committee were asked to note that the Private Hire Operators fee had been reduced from that advertised due to the exclusion of some officer time which was not recoverable. After consideration of the objection, the Licensing Committee were asked to approve the revised fees and charges as set out in Appendix 3.

The Committee considered the objection and agreed that as there was no substance to the objection there was no basis for modifying the fees further. The Committee

RESOLVED: that the Taxi and Private Hire Fees and Charges for 2017-18, as set out in Appendix 3 of the report, be approved with effect from 1 April 2017.

L35 GAMBLING POLICY REVIEW - LOCAL AREA PROFILE - APPROVAL FOR CONSULTATION

The Committee noted that the Gambling Act required the Council as licensing authority to prepare and publish a Statement of Principles every three years. The existing Statement of Principles was published in January 2016.

In guidance published by the Gambling Commission it was recommended that Local Authorities produced a local area profile examining the risks associated with gambling in the area.

The Committee therefore considered and approved a draft Local Area Profile for Guildford Borough for consultation. The Committee noted that following consultation, a further report would be presented to the Licensing Committee at its meeting on 27 September 2017 seeking

approval to the draft Local Area Profile for inclusion within the Current Statement of Principles for adoption by Council at its meeting on 10 October 2017. The Committee

RESOLVED: to approve the draft Local Area Profile for public consultation, and instruct officers to carry out the consultation over a 12-week period.

L36 MYSTERY SHOPPER REVIEW

The Committee noted the results of the mystery shopper survey undertaken in November 2016 to monitor the quality and service offered by the taxi and private hire trade in Guildford. The survey concluded that the availability and quality of service provided by private hire vehicles and hackney carriages in Guildford was generally good.

The Committee endorsed the proposal to conduct a further survey in three years' time as part of the commitment to monitor the quality and availability of the service.

L37 UNMET DEMAND SURVEY RESULTS

The Committee considered an update on a hackney carriage unmet demand survey undertaken in November 2016 concerning hackney carriage numbers and availability of wheelchair accessible vehicles.

The survey concluded that there was a low level of unmet demand, through the presence of passenger queues from time to time. However, this was periodic rather than continuous, and was not sufficient to indicate the presence of significant unmet demand. The survey also concluded that there was good availability of accessible vehicles.

The Committee noted the updated and agreed that a further survey be undertaken in three years' time as part of the commitment to the trade and Access Group to monitor the policy on taxi numbers and provision of accessible vehicles.

L38 LICENSING COMMITTEE WORK PROGRAMME

The Committee noted its work programme.

The meeting finished at 7.10 pm

Signed

Chairman

Date

Licensing Committee Report

Report of the Licensing Team Leader

Author: Mike Smith

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Lead Councillor responsible: Graham Ellwood

Tel: 07899 846626

Email: graham.ellwood@guildford.gov.uk

Date: 27 September 2017

Street Trading Policy

Executive Summary

The Council is the Licensing Authority for Street Trading under the Local Government (Miscellaneous Provisions) Act 1982. In November 2008 the Licensing Committee adopted the current Street Trading Policy. The Council has previously designated a list of streets in the Borough as “consent” or “prohibited” streets in order to control Street Trading.

This report seeks approval from the Licensing Committee to consult on an updated Street Trading Policy for the Guildford Borough.

Following consultation, a further report will be presented to the Licensing Committee on 26 March 2018 with the results of the consultation and seeking approval for adoption of the Policy.

Recommendation to Licensing Committee

That the Committee approves the draft Street Trading Policy for public consultation, and instructs officers to carry out the consultation over a 12 week period.

Reasons for Recommendation:

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

1. Purpose of Report

- 1.1 The report informs the Committee of the proposed changes to the Council’s Policy concerning Street Trading in the Borough.
- 1.2 It asks the Committee to approve a public consultation exercise on the proposed draft Street Trading Policy in Appendix I.

2. Strategic Framework

- 2.1 The Street Trading Policy balances the right of an applicant to make an application under the Local Government (Miscellaneous Provisions) Act 1982 to trade in the Borough, and to have the application considered on its merits; against the right of any person to live in the Borough without being disturbed by the trading activity, and the rights of established businesses to continue trading creating a vibrant local economy.
- 2.2 An appropriate balance will help businesses to develop successfully whilst providing assurance to the public and existing traders.
- 2.3 The Policy will assist applicants for a consent to identify suitable trading locations, and provide guidance to enable the Council to make consistent decisions when determining applications.
- 2.4 As such, updating the Street Trading Policy will contribute to our fundamental themes and priorities as follows:

Our Borough – ensuring that proportional and managed growth for future generations meets our community and economic needs

Our Economy – supporting business, growth and employment

Our Environment – improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy

3. Background

- 3.1 Street Trading is defined as the selling (or exposing or offering for sale) of any article in a street or other area where the public have access without payment.
- 3.2 Under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, (the Act) a Local Authority may designate streets within its district as “consent” streets or “prohibited” streets in order to control street trading.
- 3.3 The [current street trading policy](#) was approved in November 2008 and lists a number of streets, predominantly in the town centre, as either consent or prohibited streets.
- 3.4 The current policy is due for review as it does not offer comprehensive guidance on the application process, the criteria used to determine applications, or the assessment of suitable street trading sites. Similarly, the current conditions are replicative and out of date.
- 3.5 Whilst street trading is relatively well controlled in the town centre, the Council has no control in other areas where it has not designated a street as either a

consent or prohibited street. This can result in the Council being unable to effectively respond to complaints associated with trading in areas where no provisions exist.

4. Proposed Changes

- 4.1 It is proposed to extend the street trading consent scheme to designate all streets in the Borough as “consent” streets. This means that no trading in any area of the Borough would be permitted without the consent of the Council. This is a common approach in other Local Authorities.
- 4.2 The extension of the Street Trading Scheme is achieved through the Council passing a resolution, and publishing it in accordance with the provisions of the Act. This resolution is the subject of a separate report to the Committee.
- 4.3 Extending the scheme and updating the Policy will allow the Council to have control over all street trading in the Borough. Whilst there will be a small additional increase in administration and cost to a business wishing to trade on the street in an area previously not covered, the scheme will provide a number of benefits which outweigh this:
- The scheme will provide protection to existing retail traders, and security to consent holders, as any new trader will have to apply to the Council for permission to trade.
 - There will be a consultation process for any new application where local representations, including from the public, existing business groups, and members will be taken into account, ensuring any new application meets local needs.
 - Traders will be regulated to protect the public across the Borough.
 - High quality street trading concessions in the right location will enhance the local environment.
 - A resolution designating all streets means that as streets evolve during redevelopment, the Council retains control without having to revisit the list of consent streets.
- 4.4 In dealing with a street trading application, there is no appeal mechanism for a refused application. However the draft updated Policy details that any contentious application could be referred to the Council’s Licensing Regulatory Sub-committee, who will consider the application on its merits.
- 4.5 The draft policy recognises that any trading will fall within the scope of requiring regulation, including trading at events held in the Borough. The draft policy recognises the difference in size and type of event, and recommends that incidental trading at community/charitable events will be subject to an administrative charge only to authorise trading activities.

5. Consultation

- 5.1 Consultation is critical to ensure any changes to the Street Trading Policy are clear and transparent for businesses, responsible authorities and the public.
- 5.2 If the Committee approves the draft Policy, we will follow our consultation standards over a 12 week period to ensure we consult with all interested consultees by:
- Writing to or emailing the responsible authorities listed in the draft Policy
 - Writing to or emailing people who represent the interests of persons carrying on businesses in Guildford, or persons who may be affected such as current consent holders
 - Publicising the draft Policy on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.
- 5.4 We will then analyse the comments, prepare any changes considered appropriate to the policy for final approval and present a further report to the Licensing Committee on 26 March 2018.

6. Financial Implications

- 6.1 The financial implications associated with the recommendation of carrying out a public consultation on the draft Street Trading Policy can be financed from the Licensing budget.
- 6.2 The cost of administering the scheme can be recovered through street trading fees, which are reviewed annually. The fees must be set at a level to recover the cost of the scheme and cannot be used to raise income.

7. Legal Implications

- 7.1 There is no requirement to have a Street Trading Policy, however it is good practice for the Council, as a licensing authority, to have a policy which provides the framework for consistent decision making.
- 7.2 The Licensing Committee will be presented with the consultation results and any further proposed changes and asked to approve the final policy.

8. Human Resource Implications

- 8.1 There will not be any additional human resource implications associated with the consultation exercise.

9. Conclusion

- 9.1 Extending the current Street Trading scheme across the Borough, and updating the Street Trading Policy will allow the Council to improve control of Street Trading in the Borough.

- 9.2 Following consultation, a further report will be presented to the Licensing Committee on 26 March 2018 recommending adoption of the revised Policy.

10. Background Papers

[Guildford Borough Council Street Trading Policy and list of consent and prohibited streets, adopted 2008.](#)

11. Appendices

Appendix I: Draft Street Trading Policy

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GUILDFORD BOROUGH COUNCIL STREET TRADING POLICY

2017

Contents:

- 1. Introduction**
- 2. Determining Street Trading Consent Applications**
- 3. Fees**
- 4. Conditions**
- 5. Street trading events**
- 6. Enforcement**
- 7. Review procedures**

APPENDIX I - Conditions

DRAFT

1. Introduction

Street Trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street. Under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, a Local Authority may designate streets within its district as “consent” streets in order to control street trading, whereby trading would not be permitted without the permission of the Authority.

In order to provide guidance to applicants and decision makers, The Council has adopted the following policy.

The aim of the Guildford Borough Council Street Trading Policy (the Policy) is to prevent obstruction of the streets of the Borough and ensure the safety of persons using them. In doing so, it recognises the importance of local businesses to the local economy and that occasional, community-run events and those of a similar nature, are important factors in the life of Guildford. The Policy also seeks to ensure that activities do not cause nuisance or annoyance to the people of the area.

This Policy will guide the Council when it considers applications under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Council has adopted this legislation and all streets have been determined as ‘consent’ streets. This means that anyone who wishes to trade on a consent street must hold a street trading consent. The definition does not include buildings themselves or commercial premises.

For clarification:

- A street includes a street, highway or other area to which the public have access without payment and as such any land adjacent to the street will also fall within the scope of this policy.
- There are some exemptions from requiring a consent to trade, including Markets established under a relevant grant.
- Street Trading is defined as “the selling or exposing or offering for sale of any article (or living thing) in a street” and any queries regarding the above can be dealt with by the Licensing service on a case by case basis.

Street trading during events, of both a community nature or commercial venture are subject of special provisions in Chapter 5 of the Policy.

Applicants should be aware that The Council is the land owner for some streets in the Borough for which there may be an additional charge and restrictions on availability.

2. Determining Street Trading Consent Applications

2.1 Submission of the application

An application for a Street Trading Consent must be made to the Council, and the following will be required to be submitted with the application:

- A completed Street Trading Consent Application Form.
- The payment of the full fee as appropriate for the periods of trading applied for. (The fee will be returned if the application is refused)
- Where the proposed street activity is from a fixed position, a copy of a map of a legible scale. The map should clearly identify the proposed site position.
- Colour photographs showing the front, side and rear aspects of the stall, van, barrow, cart etc that will be used for the street trading activity.
- One passport size photograph of the applicant.
- A basic disclosure certificate (dated within the last 3 years) for the applicant.
- A copy of a current certificate of insurance that covers the street trading activity for third party and public liability risks, to a minimum value of £5 million.

An applicant for a Street Trading Consent should allow a minimum of 60 days for the Council to carry out consultation and process any application.

2.2 Consultations

Before a Street Trading Consent is granted the Council will carry out a consultation process with various persons and groups on all applications. In particular the following organisations or persons will be consulted where appropriate:

- Guildford Borough Council Economic Development
- Guildford Borough Council Environmental Health Service (including Environmental Control and Food and Safety Teams)
- Guildford Borough Council Estate Management
- Guildford Borough Council Planning
- Guildford Borough Council Town Centre Management
- Surrey County Council Highways
- Surrey Fire & Rescue Service
- Surrey Police
- The appropriate Local Ward Councillor(s)
- The appropriate Parish or Town Council
- The Guildford Business Improvement District

In addition to the above, further consultations may be carried out with property owners and occupiers in the vicinity of the proposed site who may be affected by the application. This consultation will be by the Council requiring the applicant to notify the relevant property owner/occupiers in writing, or by requiring the applicant to erect a notice at the proposed site for the

consultation period. If the applicant is asked to carry out this further consultation and does not carry this out to the Council's satisfaction, the application may be refused.

Written representations from the above organisations and occupiers of properties will be taken into consideration when determining an application.

The Council will take into account any representations made by a person, business or body that is likely to be directly affected by a successful application. In addition, the representation must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application.

The consultation period will run for 28 days. Responses received after this period will only be considered at the discretion of the Licensing Team.

2.3 Site Assessment

Street Trading Consents from static locations will not normally be granted where:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site, or
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes, or
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes, or
- There is a conflict with Traffic Orders such as waiting restrictions, or
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
- The trading unit obstructs the safe passage of users of the footway or carriageway, or
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
- The site does not allow the Consent Holder, staff and customers to park in a safe manner, or
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

Trading from lay by locations is restricted to sites which provide:-

- Sufficient width to allow vehicles to park and pass.
- Sufficient length to allow several large vehicles to park without causing congestion.
- A verge (minimum width 1 metre) physically separating the lay by and the highway.

2.4 Criteria used to determine the Application

The Council will use the criteria listed in this Policy below in determining any applications for Street Trading Consents. Any representations received will be considered against these criteria. All criteria should normally be satisfied, with equal weight applied to each of the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

Public Safety: The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to both the applicant’s customers and other members of the public using the street. In particular reference will be made to the guidelines set out in section 2.3 on site assessment criteria.

Public Order: The street trading activity should not present a risk to good public order in the locality in which it is situated.

Avoidance of Nuisance: The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site.

Character of the Area: In determining the area for the proposed activity, the following will be taken into consideration:

1. The presence of like outlets already existing in the immediate locality of the proposed street trading site.
2. The general needs of a locality, should no comparable outlets exist. Applicants may be asked to demonstrate to the Council the need for the proposed street trading activity.
3. The quality of the goods sold by the applicant.
4. The appearance of the applicant’s stall, van, barrow, cart etc.

Compliance with legal requirements: The proposed street trading activity should be carried out from a trading unit that complies with all relevant legislation such as food hygiene and health and safety.

Consultees’ Observations: In relation to the points above, consideration will be given to written observations from consultees. Any representations made to the proposed street trading activity will be considered in terms of relevance to the application that has been made.

2.5 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines. On approving the application the Council will issue a Street Trading Consent to which conditions will be attached. The Consent will also contain specific terms such as days and hours when street trading is permitted and the goods that may be sold. A copy of the Council's standard conditions, which will be attached to Street Trading consents, are shown at Appendix I. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit street trading between 07:00 and 23:00. Street Trading outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

Should a trader wish to trade for more than 28 days in one location, they will be required to obtain planning permission from the Council before any consent is granted.

Traders who have consent to trade in the town centre will not be able to do so on Market days, or at a time where there is an event of cultural, community or historical significance taking place in the town centre.

The conditions attached to the Consent form part of the approval to carry out street trading in the Borough of Guildford. Conditions must be complied with at all times and failure to do so could lead to the Consent being revoked, or not renewed. Consent Holders must therefore familiarise themselves with the terms and conditions attached to the Street Trading Consent and comply with the requirements.

2.6 Issue of Street Trading Consents

A Street Trading Consent for any particular site will be issued for a period of 12 months. Shorter term Consents, for example for one off events, for a certain number of days or for seasonal trading may be issued depending on local circumstances.

The Consent granted is specific to the person to whom it is issued and is non-transferable and there can be no sub-letting.

In all cases when a Consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases the application will be required to go through the full consideration process outlined in these guidelines.

No trading is permitted until a consent has been granted.

2.7 Decision to refer applications to the Licensing Regulatory Sub-Committee

Applications which attract representations which are considered to be relevant or which do not meet the criteria in this policy may be determined by the Licensing Regulatory Sub-committee. A representation will be considered to be relevant if it is made by a person, business or body that is likely to be directly affected by a successful application. In addition, the representation must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application.

The Local Government (Miscellaneous Provisions) Act 1982 does not make provision for an unsuccessful applicant to appeal against the decision of the Council in relation to the refusal of Street Trading Consents.

3. Fees

A fee is payable for Street Trading Consents and payment should be made on application or renewal.

The fee will be refunded if an application is refused.

If a consent is surrendered or revoked, the Council may, at its discretion, refund all or part of the fee if considered appropriate in the circumstances.

Fees are reviewed annually and published on the Council's website.

4. Conditions

Consents will be subject to Standard Consent Conditions in all cases in order to promote public safety and avoid obstructions, nuisance and annoyance. Other conditions may be attached to a Consent and will be relevant to the category of Consent issued and the nature of the local environment. The Council's Standard Consent Conditions can be seen in Appendix I.

The Council may at any time vary the conditions of a Street Trading Consent.

5. Street trading during events

This Policy recognises that street trading will take place at various events throughout the Borough and aims to promote and support the organisers of events and encourage traders to attend. The Policy recognises that events take place for different reasons, from small scale events for charitable or community purposes to larger scale commercial ventures.

Community and Charity events are important in terms of promoting local causes and participation in local matters. The Council should assist organisers of these types of events in order to encourage community engagement. It should also be recognised that Commercial events have an importance to the district in terms of promoting tourism and economic growth and that The Council should also assist organisers of commercial events. It should be recognised that The Council does also have a regulatory role to protect the public and existing businesses at any event.

Recognising the difference between the two types of event, as such the Council's Street Trading Policy and any fees payable distinguishes between the two categories, Community/Charitable events; and Commercial Events:

Community and Charitable events:

Community and similar events will normally be organised by a Town or Parish Council, Guildford Borough Council or by a recognised group or charity with aims of engaging with and providing support to the local community. Any trading activity will be incidental to the event and where the event organiser does not charge a pitch or similar fee to trade at the event.

A nominal administration fee may be charged to authorise street trading at an event of a community or charitable nature.

Commercial events:

Commercial events will normally be organised by an independent person or group as a commercial venture, with aims of attracting the wider community for a commercial purpose. Trading will be the main feature of the event and where the event organiser charges a pitch or similar fee to trade at the event.

The Council's full street trading application fees will be charged to authorise street trading at an event of a commercial nature.

Each special event application will be judged according to its merits and may be referred to the Licensing Regulatory Sub-Committee for determination.

At such special events the Council may issue one single use Consent to the person organising the event to authorise trading which takes place.

The decision as to whether an event falls within the Community/Charitable or Commercial Fee structure rests with the Licensing Team, with the Officer's decision being final. Event organisers are recommended to contact the Licensing Service at the earliest opportunity in order to discuss what consents may be required for their event.

6. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation.

Obtaining a Consent does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning controls, and applicants must ensure all such permissions, etc. are in place prior to trading.

Holders of a Pedlar's Certificate are permitted to move around to sell their goods, however must not stay in one location offering their goods for sale. Pedlars selling goods in one spot will fall within the scope of Street Trading and as such will require a consent.

Where street trading activities are conducted without appropriate Consents the Council will investigate and take appropriate enforcement action in accordance with its Enforcement Policy. This will include asking those trading without a consent to cease the activity and leave the area, but may also include formal action.

The Council will ask traders causing a nuisance to cease the activity that they are conducting and leave the area.

7. Review Procedures

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of street trading generally or as a result of local considerations within the Guildford Borough. In any case, this Policy will be reviewed within five years of adoption or as a result of any major legislative changes.

APPENDIX I - Conditions

Definitions:

'Consent Street' means a street in which street trading is prohibited without a Consent from Guildford Borough Council

'Street' includes any road, footway, lay-by or other open area to which the public have access without payment

'Street Trading' means the selling, or exposing or offering for sale, of any article in a street

'Council' or 'Borough Council' means Guildford Borough Council

'Authorised Officer' means any authorised officer of Guildford Borough Council.

'Trader' means the person(s) to whom the consent has been granted or renewed and includes any other person employed or assisting the principal trader.

'Police Officer' means any Police officer of Surrey Police.

Street Trading Consents - Standard Conditions

1. The trader is permitted to operate from a stationary vehicle or stall in the position indicated by the deposited plan. In the event of this position being unavailable for any reason beyond the control of the Borough Council the position may be relocated at any authorised officer's discretion to another nearby area.
2. The trader shall pay to the Borough Council the appropriate fee for the grant or renewal of a street trading consent. The consent will be revoked if the trader fails to pay fees due.
3. The trader shall at all times, whilst trading, provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of the day's trading. The trader shall collect any litter or food waste originating from the business and deposited on the highway by the customers.
4. The trader shall not deposit fat or other liquid or solid waste onto land or into highway drains.
5. The trader shall not operate in a manner which causes nuisance to the Council, public or other persons in the vicinity. The trader will not be permitted to use loudspeakers, radios, or any amplified sound.
6. No animals shall be present on any stall or vehicle.

7. The trader shall comply with all relevant statutes, regulations and bylaws for the time being in force and with the conditions of the consent.
8. The trader shall comply with all requirements of the Food Hygiene (England) Regulations 2013, Regulation (EC) N0 852/2004 on the hygiene of foodstuffs and any associated legislation.
9. The trader shall allow access by any authorised officer or his/her representatives at all times to ensure that the terms of the consent are being carried out to their satisfaction.
10. The trader shall display his street trading consent, which shall be plainly visible to the public and available for inspection by officers of the Council or Police.
11. The trader shall provide insurance to the sum of £5 000 000 to ensure against third party liability claims and to indemnify the Borough Council against all claims, liabilities, actions, demands and expense arising in respect of the grant or renewal of this consent. The trader shall provide insurance certificate upon application and on demand for inspection by the Borough Council.
12. The trader is not permitted to hold any auction sale.
13. If the consent allows the trader to trade from a vehicle, or stall, the trader shall only use the approved vehicle or stall and may not trade from any other vehicle or stall. No table, chairs or similar articles shall be placed outside the vehicle/stall without the prior approval of the Council.
14. The trader shall comply with all reasonable requirements of any authorised officer or Police officer, including temporarily ceasing trading where necessary for public order or safety reasons.
15. No child under the age of 17 shall be engaged in the trading.
16. The consent is personal to the applicant and is not transferable to any other person, firm or company.
17. No sub-letting of consents is permitted.
18. The trader or his employees may not sell, display or wear any article which is offensive either in writing or pictures. The authorised officer's decision as to what is offensive is final.
19. The trader shall reimburse all costs incurred by the Council as a result of any damage caused by the trader's occupation of the approved site.
20. The Council may revoke the consent forthwith if there is any breach by the trader of any of the terms contained therein.

21. The Council may revoke this consent at any time and will normally give four weeks' notice of revocation unless earlier revocation is appropriate due to a breach of the conditions.
22. The trader shall maintain his vehicle/stall in good condition, to the satisfaction of the Council.
23. The trader shall move his vehicle/stall at the end of each day's trading.
24. Traders who have consent to trade in the town centre will not be authorised to do so on Market days, or at a time where there is an event of cultural, community or historical significance taking place in the town centre. The Council will notify the trader of the dates when trading is not permitted.
25. The trader shall not place or display any sign on or adjacent to the highway.
26. The trader shall at all times display a conspicuous and clearly legible Tariff Board on the vehicle or stall showing the Tariff for the goods on sale.

The Council may at any time vary, substitute or modify the conditions as shown above.

Licensing Committee Report

Report of the Licensing Team Leader

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Date: 27 September 2017

Street Trading Resolution

Executive Summary

The Council is the Licensing Authority for Street Trading under the Local Government (Miscellaneous Provisions) Act 1982. In November 2008 the Licensing Committee adopted a Street Trading Policy and designated a list of streets in the Borough as “consent” or “prohibited” streets in order to control Street Trading.

This report seeks approval from the Licensing Committee to designate all streets in the Borough as “consent” streets in order to improve control of Street Trading and to rescind the existing designation.

The designation process is prescribed in law, and following consultation, a further report will be presented to the Licensing Committee on 17 January 2018 to consider any objections received and to pass the necessary resolution.

Recommendation to Licensing Committee

That the Committee approves the draft Street Trading resolution for consultation, and instructs officers to carry out the statutory consultation process.

Reasons for Recommendation:

To follow the statutory process necessary to change the Council’s Street Trading resolution, and to allow for any representations to the proposed resolution to be made and subsequently considered.

1. Purpose of Report

- 1.1 The report informs the Committee of the proposed changes to the Council’s Street Trading resolution.

- 1.2 It asks the Committee to approve a public consultation exercise on the proposed draft Street Trading resolution in Appendix I.

2. Strategic Framework

- 2.1 Street Trading balances the right of an applicant to make an application under the Local Government (Miscellaneous Provisions) Act 1982 to trade in the Borough, and to have the application considered on its merits; against the right of any person to live in the Borough without being disturbed by the trading activity, and the rights of established businesses to continue trading creating a vibrant local economy.
- 2.2 An appropriate balance will help businesses to develop successfully whilst providing assurance to the public and existing traders.
- 2.3 An updated resolution will enable the Council to manage street trading across the Borough in areas where currently no control exists.
- 2.4 As such, updating the Street Trading resolution will contribute to our fundamental themes and priorities as follows:

Our Borough – ensuring that proportional and managed growth for future generations meets our community and economic needs

Our Economy – supporting business, growth and employment

Our Environment – improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy

3. Background

- 3.1 Street Trading is defined as the selling (or exposing or offering for sale) of any article in a street or other area where the public have access without payment.
- 3.2 Under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, (the Act) a Local Authority may designate streets within its district as “consent” streets or “prohibited” streets in order to control street trading.
- 3.3 The existing street trading resolution was passed on 29 July 1987 and designates a number of streets, predominantly in the town centre, as either consent or prohibited streets. The [current street trading policy](#) was approved in November 2008
- 3.4 Whilst street trading is relatively well controlled in the town centre, the Council has no control in other areas where it has not designated a street as either a consent or prohibited street. This can result in the Council being unable to effectively respond to complaints associated with trading in areas where no provisions exist.

4. Proposed Changes

- 4.1 It is proposed to extend the street trading consent scheme to designate all streets in the Borough as “consent” streets. This means that no trading in any area of the Borough would be permitted without the consent of the Council. This is a common approach in other Local Authorities.
- 4.2 The extension of the Street Trading Scheme is achieved through the Council passing a resolution, and publishing a notice. An updated Policy covering Street Trading is the subject of a separate report to the Committee.
- 4.3 Extending the scheme and updating the Policy will allow the Council to have control over all street trading in the Borough. Whilst there will be a small additional increase in administration and cost to a business wishing to trade on the street in an area previously not covered, the scheme will provide a number of benefits which outweigh this:
- This policy will provide protection to existing retail traders, and security to consent holders, as any new trader will have to apply to the Council for permission to trade.
 - There will be a consultation process for any new application where local representations, including from the public, existing business groups, and members will be taken into account, ensuring any new application meets local needs.
 - Traders will be regulated to protect the public across the Borough.
 - High quality street trading concessions in the right location will enhance the local environment.
 - A resolution designating all streets means that as streets evolve during redevelopment, the Council retains control without having to revisit the list of consent streets.
- 4.4 In dealing with a street trading application, there is no appeal mechanism for a refused application. However the draft updated Policy details that any contentious application could be referred to the Council’s Licensing Regulatory Sub-committee, who would consider the application on its merits.
- 4.5 In updating the resolution, it is recognised that any trading would fall within the scope of requiring regulation, including trading at events held in the Borough. The draft policy recognises the difference in size and type of event, and recommends that incidental trading at community/charitable events may be subject to an administrative charge only to authorise trading activities.

5. Consultation

- 5.1 The Act specifies the process for designating consent streets. In order to designate all streets in Guildford Borough as consent streets, the Council must publish in a local paper a notice stating its intention to pass a resolution to do so. A copy of the resolution must be served on the police and highways authority. A period of at least 28 days must be given for representations to be made. The Council must consider any representations before passing the resolution. Once the resolution has been passed the Council must publish notice that the resolution has been passed in two consecutive weeks in a local paper. The first publication must be not less than 28 days before the date specified in the resolution for the designation to come into force.
- 5.2 Consultation is critical to ensure any changes to the Street Trading resolution are clear and transparent for businesses, responsible authorities and the public.
- 5.3 If the Committee approves the draft resolution, we will follow the consultation requirements as set out in the Act. In addition, we also intend to consult with all interested persons by:
- Writing to or emailing the responsible authorities listed in the draft Policy
 - Writing to or emailing those people representing the interests of persons carrying on businesses in Guildford, or persons who may be affected such as current consent holders
 - Publicising the draft resolution on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.
- 5.4 Following the end of the consultation period, a further report detailing any representations received will be brought to Licensing Committee on 17 January 2018.

6. Financial Implications

- 6.1 The financial implications associated with the designation of all streets in the Borough as consent streets can be financed from the Licensing budget.
- 6.2 The cost of administering the street trading scheme can be recovered through street trading fees, which are reviewed annually. The fees must be set at a level to recover the cost of the scheme and cannot be used to raise income.

7. Legal Implications

- 7.1 The Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 sets out the process for designating consent streets and rescinding the existing street trading resolution. The process is set out in paragraph 5.1 above and must be followed.

- 7.2 A further report will be brought to the Licensing Committee following the publication of the notice of intention to pass the resolution, so that the Committee can consider any representations and pass the resolution if considered appropriate.

8. Human Resource Implications

- 8.1 There will not be any additional human resource implications associated with the consultation exercise.

9. Conclusion

- 9.1 Extending the current Street Trading scheme across the Borough, and updating the Street Trading Policy would allow the Council to improve control of the Street Trading offering in the Borough.
- 9.2 The necessary designation process to amend the list of consent streets will be followed.

10. Background Papers

[Guildford Borough Council Street Trading Policy and list of consent and prohibited streets, adopted 2008.](#)

11. Appendices

Appendix I: Draft Street Trading Resolution

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Local Government (Miscellaneous Provisions) Act 1982

Schedule 4 – Adoption of Street Trading Consent Provisions

Notice is given that Guildford Borough Council intends to pass the following resolution relating to street trading in its area:

That with effect from [DATE to be determined by Licensing Committee on 17 January 2018 after consultation] all streets within Guildford Borough shall be designated as Consent Streets. The term “street” includes any road, footway, beach or other area to which the public have access without payment and any service area as defined in section 329 of the Highways Act 1980.

This resolution will rescind and replace the existing resolution dated 29 July 1987 which currently designates a number of prohibited and consent streets in the Borough.

This resolution will make it an offence to sell or expose or offer for sale any article (including a living thing) in a street without first obtaining a consent from Guildford Borough Council.

There are legal exemptions from the requirement to obtain consent from the local authority to carry out street trading. The exemptions include authorised pedlars, markets and fairs permitted by charter or legislation, news vendors, sales from petrol filling stations, sales from a shop or street outside a shop when used as part of the business of the shop, roundsmen, charity collections authorised by the Council and trading from facilities or structures authorised under the Highways Act 1980.

Any person wishing to make representations about this resolution may do so in writing to the Licensing Service, Guildford Borough Council, Millmead House, Millmead, Guildford, Surrey, GU2 4BB by no later than (DATE) (28 days from the date the Notice is published).

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Licensing Committee Report

Ward(s) affected: All

Report of the Licensing Team Leader

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Date: 27 September 2017

Taxi and Private Hire Licensing Policy – Card Payments

Executive Summary

This report details proposed changes to the Taxi and Private Hire Licensing Policy to help customers access the taxi service and prevent crime through the introduction of a requirement that all hackney carriages have the facility to accept payments by credit/debit card from 1 April 2019.

The Lead Member has delegation to approve the Consultation.

Recommendation to Licensing Committee

That the Licensing Committee notes the draft changes to the taxi and private hire taxi policy which will be subject to for public consultation over a 6 week period.

Reason for Recommendation:

To update the Committee on the intended changes to the taxi and private hire policy.

1. Purpose of Report

1.1 The report informs the Committee of the background to the proposed amendments to the Taxi and Private Hire Policy 2015-2020.

1.2 It asks the Committee to note the proposed changes to the policy.

2. Strategic Priorities

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

- **Our Society** - believing that every person matters and concentrating on the needs of the less advantaged
- **Our Economy** – supporting business, growth and employment

3. Background

- 3.1 The current Taxi and Private Hire 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 (QCF).
- 3.2 Since the introduction of the policy, the licensed taxi trade has faced a considerable increase in competition from mobile phone application based private hire operators, where the transaction is completed using customer's pre-registered credit/debit card details making payment options for customers more convenient.
- 3.3 Additionally, taxi drivers are often vulnerable to crime through disputes about payment and through carrying amounts of cash.

4.0 Proposed changes

- 4.1 It is proposed to introduce an amendment to the hackney carriage vehicle licence requirements to require that all taxis have the facility to accept payments by credit and debit card by 1 April 2019.
- 4.2 It is recommended that the device, as a minimum specification, accepts Visa and Mastercard credit and debit cards, accepts contactless payments and provides a receipt.
- 4.3 Such a change will make travelling by taxis easier and a more attractive option to customers. Similarly, this change will also improve safety for drivers. The deadline of 1 April 2019 also allows a reasonable implementation period for proprietors.
- 4.4 Currently, a number of proprietors do accept card payments, however this is by no means universal. The mandating of this requirement is an increasing approach by licensing authorities, including London taxis. The acceptance of card and contactless payments was the subject of a Transport for London (TfL) consultation in 2016 that found 86 per cent of respondents backed card acceptance, with 68 per cent agreeing that passengers should also be able to pay using contactless payments. The Council would seek to advise the public that this facility is available in Guildford taxis.
- 4.5 Any costs of providing card payment terminals could be recovered by the proprietor through adding this as a running cost to the hackney carriage fare calculator.

5. Consultation

- 5.1 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.
- 5.2 We will follow our consultation standards over a 6 week period to ensure we consult with all interested consultees by:
- Writing to or emailing those who are current hackney carriage licence holders
 - Publicising the Policy changes on the Council's website
 - Using social media to inform the public of the consultation and directing them to the website.
- 5.4 We will then analyse the comments, prepare any changes considered appropriate to the Policy for final approval and present a further report to the Licensing Committee on 17 January 2018 for recommendation to Full Council.

6. Equality and Diversity Implications

- 6.1 There are no equality and diversity implications in consulting on the proposed changes to the policy.

7. Financial Implications

- 7.1 The consultation exercise can be managed from the current Licensing budget.
- 7.2 Initial consultation with the trade and suppliers estimates that there would be a cost of about £500 per annum to provide a suitable card payment device. Some suppliers have different purchasing options available to suit the circumstances of proprietors, with some taking a percentage (typically about 1%) of the transaction fee. As such, on a typical £10 fare, a fee of about 10p would be taken by the device provider.
- 7.3 The cost of providing a card payment device could be recovered by the proprietor through recompensing this as a cost in the approved taxi fare calculator.

8. Legal Implications

- 8.1 There is no statutory requirement to have a taxi and private hire licensing policy; however, it is good practice to do so. A policy assists with consistent decision-making; however each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.
- 8.2 In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to

refuse a licence to drivers if we are not satisfied that the drivers are fit and proper persons to hold a licence. They also allow conditions to be attached to licences (with the exception of hackney carriage driver's licences).

9. Human Resource Implications

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

10. Summary of Options

10.1 The Licensing Committee note the report.

10.2 Licensing Committee will receive a report on the findings of the consultation on the 17 January 2018.

11. Conclusion

11.1 Approving consultation on this change to the Taxi and Private Hire Licensing Policy will help ensure travelling by taxis is easier and a more attractive option to customers. Similarly, this change will also improve safety for drivers.

12. Background Papers

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

13. Appendices

None

Licensing Committee Report

Ward(s) affected: All

Report of Head of Health and Community Care Services

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Date: 27 September 2017

Taxi and Private Hire Licensing Policy

Executive Summary

This report details proposed changes to the Taxi and Private Hire Licensing Policy to help prevent the sexual exploitation of children by introducing consistent standards across Surrey.

Since the introduction of the Taxi and Private Hire Licensing Policy in 2015, the Surrey Safeguarding Children Board (SSCB) and its partners including all 11 Surrey Local Authorities have agreed a Child Sexual Exploitation Strategy and action plan which proposes introducing further changes to protect vulnerable children across the county.

The key changes are:

- Adopting a consistent taxi and private hire convictions policy across Surrey
- Mandatory CSE training for all taxi and private hire drivers in Surrey

The Lead Member has delegation to approve the Consultation.

Recommendation to Licensing Committee

That the Licensing Committee notes the draft changes to the taxi and private hire taxi policy which will be subject to public consultation over a 6 week period.

Reason for Recommendation:

To update the Committee on intended changes to the taxi and private hire policy.

1. Purpose of Report

- 1.1 The report informs the Committee on the background to the proposed amendments to the Taxi and Private Hire Policy 2015-2020.

1.2 It asks the Committee to note the proposed changes to the policy.

2. Strategic Priorities

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

- **Our Society** - believing that every person matters and concentrating on the needs of the less advantaged

3. Background

3.1 The current Taxi and Private Hire 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 (QCF).

3.2 Since the introduction of the policy, Surrey Safeguarding Children Board (SSCB) and its partners including all 11 Surrey Local Authorities have agreed a Child Sexual Exploitation Strategy and action plan, which aims to develop a co-ordinated response to child sexual exploitation (CSE) across the County. Licensing targets include taxi and private hire licensing, premises licensed under the Licensing Act 2003, participation in Operation Make safe and information sharing.

3.3 Achieving the targets, helps enable Surrey Local Authorities to fulfil their statutory responsibilities defined in Section 11 of the Children's Act 2004 to safeguard children and to promote welfare effectively. Delivery of the strategy supports the SCCB's statutory duties to co-ordinate activities to safeguard and promote the welfare of children in Surrey, as well as ensuring the effectiveness of what is being done by partners.

3.4 Two actions identified within the CSE action plan and related to taxi and private hire are:

- Adopting a consistent taxi and private hire convictions policy across Surrey
- Mandatory CSE training for all taxi and private hire drivers in Surrey

3.5 The two changes will raise the standards of public safety across Surrey and build on the positive steps already taken to protect the most vulnerable in our communities.

4.0 Convictions Policy

4.1 Following recent cases where licensed drivers and operators across the country were involved in sexual exploitation of children, it is important that Local Authorities take appropriate steps to prevent future cases by ensuring that licensed drivers are 'fit and proper'. Consideration of a person's criminal

convictions and other relevant character or behaviour information is a key part of the 'fit and proper' assessment.

- 4.2 Local Authorities across Surrey are seeking to standardise the information they take into account when determining if someone is 'fit and proper' by adopting the same convictions policy. The draft policy agreed by all Surrey authorities is at Appendix 1. Whilst most convictions policies are similar, there are some differences, and these could result in applicants being refused or existing licences being revoked, then the same person being granted a licence in another Surrey Local Authority with different standards. These differences mainly relate to the number of years an offence is considered relevant.
- 4.3 Since only 'fit and proper' persons can conduct these responsible duties, the convictions policy proposes that people banned from working with children or vulnerable adults will not normally be granted a licence.
- 4.4 Currently, those banned from working with children and vulnerable persons would not be permitted to drive under a Surrey County Council contract but could potentially be granted a licence by a Surrey District or Borough Council. This is an unacceptable risk, as taxis and private hire vehicles are likely to transport children at times other than to school plus elderly and disabled users often rely on taxis and private hire vehicles to access local services.
- 4.5 The sample Convictions Policy produced by the Local Government Association has been referred to in the production of this policy.
- 4.6 When applying the convictions policy, all Licensing Authorities are mindful that each case must be considered on its merits and where the circumstances demand, the Council may depart from its policy.

5.0 Mandatory CSE and Safeguarding Training

- 5.1 Surrey Local Authorities want to take appropriate steps to protect the most vulnerable in our society by introducing mandatory CSE and safeguarding training for taxi and private hire drivers. Following the recent examples of the sexual exploitation of children in our communities, a number of Local Authorities have already introduced this requirement.
- 5.2 Prior to becoming a driver, we require applicants to pass a knowledge test and obtain the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver. Whilst there is an element of safeguarding in the BTEC syllabus CSE is not included.
- 5.3 The training would include how to spot signs of child sexual exploitation and how to report concerns of children or vulnerable persons at risk using agreed Surrey processes. There will be a multiple-choice assessment to ensure understanding of the subject matter.
- 5.4 If adopted, it is proposed that all new drivers would be required to pass the CSE training in advance of first being licenced and all existing drivers to pass within one year of adopting the requirement.

4. Consultation

- 4.1 Reigate and Banstead Borough Council will host the six week web based consultation on behalf of all 11 Surrey Local Authorities. The results will be reported separately for each Local Authority and in total.

5. Consultations

- 5.1 Following discussions, the Lead Member for Licensing and Committee Safety supports the proposed changes and has delegated authority to approve consultation.
- 5.2 Surrey Safeguarding Children Board have been involved throughout and endorse these proposals.
- 5.3 The Surrey Licensing Officers Group and Surrey Solicitors Group have both been consulted on the proposed convictions policy and training package.
- 5.4 The Surrey Chief Executive Group are in support of the proposed changes and have made resources available and a financial contribution to help ensure that the project is delivered in a timely manner.

6. Equality and Diversity Implications

- 6.1 There are no equality and diversity implications in consulting on the proposed changes to the policy.

7. Financial Implications

- 7.1 There are no financial implications of conducting the public consultation as another Local Authority is hosting the web-based consultation for all Surrey Local Authorities.

8. Legal Implications

- 8.1 The basis for the changes within the policy is to ensure that the Council fulfils its statutory safeguarding obligations to prevent the exploitation of children and vulnerable persons more effectively.
- 8.2 The current taxi byelaws remain unchanged.
- 8.3 There is no statutory requirement to have a taxi and private hire licensing policy; however, it is good practice to do so. A policy assists with consistent decision-making; however each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.
- 8.4 In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government

(Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to refuse a licence to drivers if we are not satisfied that the drivers are fit and proper persons to hold a licence. They also allow conditions to be attached to licences (with the exception of hackney carriage driver's licences).

9. Human Resource Implications

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

10. Summary of Options

- 10.1 The Licensing Committee note the report.
- 10.2 Licensing Committee will receive a report on the findings of the consultation on the 17 January 2018.

11. Conclusion

- 11.1 Consulting on these two changes to the Taxi and Private Hire Licensing Policy will help ensure a co-ordinated and consistent response across Surrey to prevent the sexual exploitation of children in Surrey.

12. Background Papers

- 12.1 Minutes of Council meeting 9 December 2015 - <http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=159&MId=153&Ver=4>
- 12.2 Taxi and Private Hire Licensing Policy 2015-2020 <https://www.guildford.gov.uk/article/17608/Taxi-licence-information>
- 12.3 Report of Professor Jay into Child Sexual Exploitation in Rotherham (September 2014) http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham
- 12.4 Casey report into Rotherham Metropolitan Borough Council (February 2015) <https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>
- 12.5 Surrey Safeguarding Children Board, Child Sexual Exploitation Strategy 2016-17 <http://www.surreyscb.org.uk/wp-content/uploads/2016/05/SSCB-CSE-Strategy-2016-17.pdf>
- 12.6 Surrey Safeguarding Children Board, Child Sexual Exploitation Action Plan 2016-17 <http://www.surreyscb.org.uk/wp-content/uploads/2016/12/Updated-joint-Surrey-CSE-Plan-Dec-2016-v.4.0.pdf>

Agenda item number: 8

13. Appendices

13.1 Appendix 1 – Draft convictions policy

Hackney Carriage & Private Hire Licensing

Policy regarding the relevance of convictions and other related information

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1. Introduction

- 1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and other police information etc.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, however, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where the 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 guidance 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 **[insert]** Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its' primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safety of children, young persons and vulnerable adults

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

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

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

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

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

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

- 1.10 In this policy, the word “applicant” refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic auditing or having their licence reviewed by the council as part of the policy implementation process. It also includes existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

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

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

- 1.13 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply

of drugs should also be treated with considerable concern, The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

2 **General Policy**

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

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

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

3 **Powers**

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

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

4 **Consideration of disclosed criminal history**

4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous

Appendix 1

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 is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:

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

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

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

4.4 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

4.5 Any offences or behaviour not expressly covered by this Policy may still be taken into

account.

5 Options when determining an application/licence

5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:

- grant the licence or take no further action
- grant the licence with additional conditions
- refuse, revoke, or suspend the licence
- issue a warning which may include the use of enforcement penalty points

5.2 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

6. Offences involving violence

6.1 Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.2 A licence will not normally be granted until at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Assault occasioning actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property

Appendix 1

- Common assault
- Affray
- Any offence that may be categorised as domestic violence
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Any offence (including attempted or conspiracy to commit offences) similar to those above.

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

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

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

7. Offences involving a weapon

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

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted..

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

8. Sexual and indecency offences

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

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material

- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) which replace the above

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

9. Dishonesty

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

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

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

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

9.4 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence.

10. Alcohol and Drugs

- 10.1 A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.
- 10.2 At least 5 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted.
- 10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offence and the quantity /type of drugs involved.
- 10.4 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs.
- 10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

11. Driving offences involving the loss of life

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
- 11.2 A licence will not normally be granted if an applicant has a conviction for:
- Causing death by dangerous driving
 - Causing death by careless driving whilst under the influence of drink or drugs
 - Causing death by careless driving
 - Causing death by driving: unlicensed, disqualified or uninsured drivers
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

12 Other traffic offences

- 12.1 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

12.2 Traffic offences such as obstruction, some speeding offences (usually dealt with by

means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. **However, with existing licensees they may be subject to separate consideration as part of the Penalty Points Enforcement Policy.**

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

13 **Outstanding Charges or Summonses**

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

14 **People banned from working with children and vulnerable adults**

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

15 Non-conviction information

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

16 Licensing Offences

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

17 Insurance Offences

- 17.1 A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.
- 17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to immediate revocation and will not be permitted to hold a licence for a period of at least three years from the date of any revocation.
- 17.3 Where a specific offence is not mentioned, a suitable period will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

18 Applicants with periods of residency outside the UK

- 18.1 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

18.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

19 **Summary**

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

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

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Licensing Committee Report
Report of Director of Resources
Author: Sophie Butcher
Tel: 01483 444056
Email: sophie.butcher@guildford.gov.uk
Date: 27 September 2017

Licensing Committee work programme: 2017

Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2017-18 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: 2017

Licensing Committee
Draft Work Programme 2017

22 November 2017		
Item	Details of decision to be taken	Officer
Gambling Local Area Profile – consultation results	To consider any objections received in relation to proposed fees and charges for 2017-18.	Mike Smith, Licensing Team Leader 01483 444387
House to House/Charity Collection Policy – approval for consultation	To consider a draft policy for public consultation.	Mike Smith, Licensing Team Leader 01483 444387

17 January 2018		
Item	Details of decision to be taken	Officer
Approval of Taxi and Private Hire fees and charges 2018-19	To consider and approve the taxi and private hire fees and charges for 2018-19.	Mike Smith, Licensing Team Leader 01483 444387/ Justine Fuller Environmental Health Manager 01483 444370
Taxi and Private Hire Policy – changes to convictions policy – for information	To receive an update on the changes to convictions policy for taxi and private hire.	Justine Fuller Environmental Health Manager 01483 444370
Taxi and Private Hire Licensing Policy update	To receive an update on the taxi and private hire licensing policy.	Mike Smith, Licensing Team Leader 01483 444387

Street Trading Resolution – consideration of objections	To consider any objections received in relation to the street trading resolution consultation.	Mike Smith, Licensing Team Leader 01483 444387
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26 March 2018		
Item	Details of decision to be taken	Officer
Street Trading Policy – Consultation Results and Approval of Policy	To consider consultation results and approve the Street Trading Policy.	Mike Smith, Licensing Team Leader 01483 444387
Street Trading Fees	To consider the fees set for Street Trading.	Mike Smith, Licensing Team Leader 01483 444387
Taxi and Private Hire fees and charges 2018-19 – objections	To consider an objections received in relation to the Taxi and Private Hire fees and charges.	Mike Smith, Licensing Team Leader 01483 444387/ Justine Fuller Environmental Health Manager 01483 444370
House to House/Charity Collection Policy – consultation results	To consider the consultation results in relation to house to house/charity collection policy.	Mike Smith, Licensing Team Leader 01483 444387

UNSCHEDULED ITEMS		
Item	Details of decision to be taken	Officer
Gambling Policy review – Local Area Profile – consultation results	To consider consultation results and make recommendations to the Executive. (Full Council determines the Policy)	Justine Fuller, Environmental Health Manager 01483 444370
Street Trading Policy – consultation results	To consider consultation results and make recommendations to the Executive.	Justine Fuller, Environmental Health Manager 01483 444370
House to House/Charity Collection Policy – approval for consultation	To consider draft policy for public consultation.	Justine Fuller, Environmental Health Manager 01483 444370
House to House/Charity Collection Policy – consultation results	To consider consultation results and make recommendations to the Executive.	Justine Fuller, Environmental Health Manager 01483 444370
Review of Licensed Vehicle Test Standards	To consider consultation results and make recommendations to full Council, which shall determine whether the Taxi and Private Hire Licensing Policy should be amended to adopt any revised vehicle test standards	Mike Smith, Licensing Team Leader 01483 444387