



GUILDFORD
BOROUGH

James Whiteman
Managing Director

www.guildford.gov.uk

Contact Officer:

Sophie Butcher, Committee Officer
Tel no: 01483 444056

9 January 2018

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 17 JANUARY 2018 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 - 4)

To confirm the minutes of the meeting of the Licensing Committee held on 22 November 2017.

4 APPROVAL OF TAXI AND PRIVATE HIRE FEES AND CHARGES 2018-19 (Pages 5 - 24)

5 TAXI AND PRIVATE HIRE LICENSING POLICY - CARD PAYMENTS IN TAXIS (Pages 25 - 56)

6 TAXI AND PRIVATE HIRE POLICY - CHANGES TO CONVICTIONS POLICY FOR INFORMATION (Pages 57 - 120)

7 STREET TRADING RESOLUTION - CONSIDERATION OF OBJECTIONS (Pages 121 - 134)

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LICENSING COMMITTEE

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

- | | |
|---------------------------------|---------------------------|
| * Councillor Graham Ellwood | Councillor Marsha Moseley |
| * Councillor David Goodwin | * Councillor Dennis Paul |
| * Councillor Christian Holliday | Councillor Tony Phillips |
| * Councillor Mike Hurdle | * Councillor David Quelch |
| * Councillor Jennifer Jordan | * Councillor James Walsh |
| * Councillor Nigel Kearse | * Councillor David Wright |
| Councillor Nigel Manning | |

*Present

L11 APOLOGIES

Apologies for absence were received from Councillors Nigel Manning, Marsha Moseley and Tony Phillips.

L12 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interest.

L13 MINUTES

The minutes of the Licensing Committee meeting held on 27 September 2017 were confirmed as a true record and were signed by the Chairman.

L14 ANNOUNCEMENTS

The Chairman reported that the meeting would be recorded for subsequent broadcast on the Council's website. The whole of the meeting would be recorded, except where there are confidential exempt items, and the footage will be on the website for six months.

If someone makes a representation to the meeting they will be deemed to have consented to being recorded. By entering the meeting room they are also consenting to being recorded and to the possible use of those images and sound recordings for webcasting and / or training purposes.

L15 GAMBLING POLICY REVIEW - LOCAL AREA PROFILE CONSULTATION RESULTS

The Committee considered a report on a draft Local Area Profile for Guildford. It was agreed, at its meeting in March, that the Local Area Profile would be consulted on for a period of three months. The Gambling Commission Guidance advised that Local Authorities produce a Local Area Profile, which identified the risks associated with gambling in the area.

The Committee considered whether the report adequately explained how the adoption of a Local Area Profile would assist in the protection of young and vulnerable people and what the preventative controls to be adopted consisted of. Specifically reference was made to paragraph 2.3 of the report, which stated that 'An appropriate balance will help gambling businesses to develop successfully whilst providing assurance to the public and protecting children and vulnerable persons'. The Committee raised a concern that the language used in paragraph 2.3, should have better reflected the Gambling Act 2005, which provides that local authorities shall aim to permit the use of premises for gambling, and that reference to helping the business to develop successfully did not reflect the meaning of the Act nor the spirit with which it was intended. The Committee also queried the nature of the partnership and collaboration between the Council and the gambling industry and how that relationship assisted

in the implementation of the Gambling Act 2005. The nature of the risks referred to needed to be better explained as well as the nature of the mitigating measures that the Licensing Authority expect gambling enterprises to adopt.

The Licensing Team Leader confirmed that the purpose of the report was to introduce the Local Area Profile to the Committee. During the development of the current Gambling Statement of Principles, the Gambling Commission updated its guidance to gambling businesses and produced a social responsibility code. The gambling operators had to assess the local risks and have policies and procedures in place to mitigate against them. Gambling businesses were obliged to conduct a risk assessment in line with the promotion of the licensing objectives. The Licensing Team Leader explained that the Local Area Profile had previously been presented to the Licensing Committee on 27 (March 2017) and was approved for public consultation. The aim of the Local Area Profile was to enable businesses to identify if their gambling premises were close to sensitive premises such as schools or support centres for vulnerable people and take steps to mitigate and control the risks. The Committee were advised that the onus was on the Gambling operator to identify any risks associated with gambling at their premises and to take steps to mitigate these risks in order to promote the licensing objectives. The Licensing Authority could inspect premises and take action in order to compel the business to comply with the licensing objectives, including prosecution or review of a licence. The Licensing Team Leader clarified the wording of “partnership” which concerned the Committee, which that as a regulatory Local Authority there were various steps available to an Authority to secure compliance with the law, such as offering advice to taking a prosecution or revoking a licence in the most extreme circumstances. The Licensing Team Leader advised the Committee that the Guidance from the Gambling Commission actively encouraged partnership working between Local Licensing Authorities and businesses, and the purpose of the Local Area Profile was to assist operators in conducting their own risk assessments.

The Licensing Team Leader confirmed the purpose of the report was to approve the Local Area Profile following consultation, and that he was happy amend the phrasing used in paragraph 2.3 for full Council. Council would then consider whether to adopt the Local Area Profile at its meeting on 7 February 2018, alternatively it could be considered at its earlier meeting scheduled on 5 December 2017. The Licensing Team leader explained that the Local Area Profile has been through the consultation process with interested parties, and that the Profile was based on Profiles developed by Westminster and deemed to be Best Practice, as there was little guidance available to Local Authorities as to what should be contained with a Profile. The Licensing Team Leader reiterated that the purpose of the Licensing Committee meeting was to consider the comments received during consultation, and to recommend approval of the Profile to Council following consultation.

The Committee considered that more clarification was required on the nature of the partnership and collaboration between gambling operators and the Local Authority was. The Committee was also concerned about what “preventative measures” to control risks were. The Committee felt that the only preventative measure that could be taken was to not put a gambling machine in premises so that it was not available to a vulnerable person.

The Lead Councillor for Licensing and Community Safety agreed that the wording used in paragraph 2.3 should be amended to better reflect the terminology used in the Gambling Act 2005. In relation to the terminology used in the report referring to collaboration and partnership working with gambling premises, this was part of the Licensing Authorities’ work, to ensure that all businesses adhered to the licensing objectives. The Lead Member summarised that the Committee could either not recommend approval of the Local Area Profile to Full Council, or recommend approval subject to a change in wording to the accompanying report. The Lead Member advised that he did not take the same issue with the use of wording “working in partnership or collaboration” as the Council works in partnership with a number of businesses in the economy.

The Committee considered how relevant the Local Area Profile was in relation to online gambling which any individual, via a computer, can access at any time. The Licensing Team Leader explained that the Council, as the Licensing Authority only regulated Gambling Premises in the Borough, and the approval of the Local Area Profile applied to physical gambling premises only. The Committee recommended that government should legislate to include protection for vulnerable people who may be tempted to access online gambling.

The Committee noted that the treatment and support centres shown on the Local Area Profile map were largely concentrated in Guildford town and recommended that such support centres should be more equally spread throughout Guildford Borough. The Committee was advised that the Licensing Authority had no control over the location of support centres but that the issue could be addressed directly with the Lead Councillor for Housing and Environment.

The Committee noted that the crime map did not specifically match up crime with gambling and asked if the Police could provide a more detailed breakdown. The crime map had been collated using general statistics provided by the Police however; no specific feedback had been received during the consultation on the Local Area Profile about a particular area or premises being problematic. It was also confirmed that if an area was identified as a high risk, a range of measures were in place that could be taken by the Licensing Authority, but that the 'aim to permit' nature of the Gambling Act meant that Local Authorities should be looking to grant licences provided that they were consistent with the licensing objectives. The Committee agreed that an additional sentence should be included in the risk assessment to clarify that if a premises was identified as a high risk, it did not mean that they would automatically lose their licence.

The Committee agreed that further clarification was required on the impartiality of the assessors given it was the responsibility of the gambling operator to assign an assessor for assessing local risks for their premises. The Committee also considered whether the assessor should have certain qualifications and that this should be explored further. The Licensing Team Leader explained that as there was not much guidance available from the Gambling Commission, this concern could be raised with them. It was explained to the Committee that it was the role of the Licensing Authority to inspect gambling premises to ensure that they had sufficiently identified and controlled risks.

The Chair and Lead Member discussed taking the Committees concerns about the qualification of industry assessors for further investigation outside of the Committee meeting.

The Licensing Team Leader explained the range of enforcement powers available to the Licensing Authority, and reminded the Committee that the purpose of the report was to consider the results of the Local Area Profile previously approved for consultation. It was explained that the Profile had been extensively consulted upon with key industry stakeholders and no relevant comments had been received. It was explained that there is no legal requirement to have a Local Area Profile, and that as the Licensing Authority did not have a current Local Area Profile, then the Profile presented would be of assistance to both the Licensing Authority and industry in controlling gambling risks.

The Committee noted that one representation had been received and that a query had been raised in relation to the licensing of small society lotteries being overly bureaucratic. It was confirmed that government set the licensing fees and regime for such lotteries and therefore it was not within the Licensing Authorities gift to have any influence on this.

The Committee noted that there was little guidance as to what should be contained within a Local Area Profile and that Guildford's model had been based upon that adopted by Westminster and Manchester Councils. The adoption of a Local Area Profile was not a legal requirement but rather best practice. The Committee agreed that given the new concerns raised that the Local Area Profile should be updated and re-submitted to the Licensing

Committee to approve for a further period of consultation. Specifically, the report needed to specify exactly what powers were available to the Licensing Authority to enable gambling premises to control and better mitigate the risks associated with gambling; as well as specify what measures gambling premises could take to control those risks.

The Licensing Team Leader advised that the draft Local Area Profile had been produced on the basis of the guidance available and approved for consultation by the Committee in March. The Profile had been consulted upon with key stakeholders and there was not an overwhelming response to indicate that the Profile was inadequate. The Committee were reminded that the responsibility to identify risks lay with the gambling operator. It was advised that any further work on the Local Area Profile could be undertaken in tandem with the full review of the Gambling Policy that had to be completed within the next eighteen months.

The Committee advised that the Local Area Profile was not the issue, but the accompanying report.

Having considered the draft Local Area Profile and consultation results, the Committee

RESOLVED:

Not to recommend to Council the adoption of the Local Area Profile and that a revised Local Area Profile should be brought to the Committee following the additional work required as detailed above.

L16 HOUSE TO HOUSE/CHARITY COLLECTION POLICY FOR CONSULTATION

The Committee considered a report seeking approval of a new draft Charity Collections Policy for Guildford Borough to go to public consultation for a period of 12 weeks. Currently the Council did not have a Policy covering Charitable Collections in the Borough. Decisions on permit or licence applications such as refusing a House-to-House collection application due to insufficient amounts going to charity are based upon historical practices.

Having considered the new draft Charity Collections Policy, the Committee

RESOLVED:

To approve the draft Charity Collections Policy to go to public consultation for a period of 12 weeks.

Reason for Decision:

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

L17 LICENSING COMMITTEE WORK PROGRAMME

The Licensing Committee noted the work programme and received confirmation that the results of the Street Trading resolution consultation would be considered at its January meeting.

The meeting finished at 8.00 pm.

Signed

Chairman

Date

Licensing Committee Report

Wards affected: All

Report of Head of Health and Community Care Services

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: Graham Ellwood

Tel: 07899 846626

Email: graham.ellwood@guildford.gov.uk

Date: 17 January 2018

Taxi and Private Hire Fees and Charges 2018-19

Executive Summary

On 14 September 2016, the Licensing Committee approved a methodology for setting the taxi and private hire fees and charges, details of which are set out in Appendix 1 of this report.

By applying the methodology, officers have calculated the taxi and private hire fees and charges for 2018-19, which can be seen in Appendix 2. The Licensing Committee must consider and approve the taxi and private hire fees and charges for 2018-19 to take effect from 1 April 2018.

Recommendation to Licensing Committee

That the Taxi and Private Hire Fees and Charges for 2018-19, as set out in Appendix 2 to this report, be approved with effect from 1 April 2018.

Reason for Recommendation:

The Council is entitled to set the fees and charges for taxi and private hire licences detailed in Appendix 2 to this report in order to recover its reasonable costs.

1. Purpose of Report

- 1.1 To enable the Licensing Committee to approve the taxi and private hire fees and charges for 2018-19 to take effect on 1 April 2018.

2. Strategic Priorities

- 2.1 The process of setting taxi and private hire fees and charges will contribute to our fundamental themes and priorities as follows:

Economy: to grow a sustainable economy that will support all aspects of life in our borough.

Your Council: ensuring long-term financial stability and sound financial governance.

3. Background

- 3.1 Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) allow the Council to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The legislation specifies the elements that can be included in the cost of the licence fee.
- 3.2 The cost of issue and administration can be recovered in drivers’ licence fees. In respect of vehicle and operator licences, the reasonable cost of inspecting vehicles, providing hackney carriage stands and any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 3.3 The costs of enforcement against drivers and unlicensed vehicles or operators cannot be included in the calculation. The Council cannot make a profit from licence fees and there must be a carry forward of any surplus. There can also be recovery of any deficit. The reconciliation of any surplus and deficit is over a three-year cycle.

4. Fees and Charges Methodology

- 4.1 The taxi and private hire fees and charges methodology was approved on 14 September 2016. In line with delegated authority, the Head of Health and Community Care, in consultation with the Lead Member for Licensing, have approved a minor change to the methodology regarding the recovery of any surplus or deficit to the year end account balance over a three year period, as opposed to over the next financial year. This is to prevent any large difference having a detrimental effect on licence fees, and to ensure fairness to any licence holder who may have paid for a three year licence in the event of the account ending in surplus.
- 4.2 The methodology has also had another minor amendment to ensure full cost recovery of the cost of issuing private hire door signs. The methodology can be found at Appendix 1.
- 4.3 The approved methodology has been applied in the production of the 2018-19 fees and charges set out in Appendix 2.
- 4.4 In accordance with the methodology, audit and finance reviewed the draft fees and charges against the methodology and the findings were discussed. As per the methodology a joint meeting was held with legal, finance, audit and licensing to sign off on the fees after the audit.

- 4.5 The majority of the fees show little variation, with slight increases in the cost of a hackney carriage vehicle and driver licence. There is a proposed reduction in the cost of a private hire vehicle licence; however, there is an increase in the cost of an operators' licence. This is due to a decrease in income due to the introduction of a 5 year licence in 2016 following the changes brought about by the Deregulation Act 2015. As such, there has been a decrease in income through operators not renewing annually.
- 4.6 After approval by Licensing Committee, as required by Section 70 of the Act, a notice will be published in a local newspaper advertising the fees and charges and confirming the date by which any objections must be made. The fees will take effect on that date if no objections are made. The licensed trade will also be notified of the proposed fees and charges via our newsletter.
- 4.7 If there are objections following the advertisement, the Licensing Committee will consider those objections at its meeting on 26 March 2018, approve the taxi and private hire fees and charges for 2018-19, with or without modification, and set a further date for their implementation.

5. Equality and Diversity Implications

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

6. Financial Implications

- 6.1 The report sets out the methodology used when calculating the taxi and private hire fees and charges for 2018-19, which have been calculated with the aim of full cost recovery.
- 6.2 The Council cannot make a profit and must carry forward any surplus. Any deficit is carried forward and will be recovered in subsequent years. Surpluses or deficits will be considered when fee setting in future years with the objective of recovering or refunding any surplus or deficit over a rolling three year cycle.

7. Legal Implications

- 7.1 The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The fees must be set at a level, which ensures that the Council does not make a profit.
- 7.2 Section 53(2) of the Act states, in relation to drivers' licences for hackney carriage and private hire vehicles:

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

respect of a private hire vehicle in any case in which they think it appropriate to do so.”

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

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

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

7.4 Fees set must be published by means of a notice in a local newspaper setting out the fees and allowing a period of at least 28 days for objections to be made. A copy of the notice must be available for inspection at the Council offices for the same period.

7.5 If no objection is made or all objections made are withdrawn, the fees come into effect at the end of the period allowed for objection or the date of withdrawal of the last objection if later. Any objections made during the period allowed for must be considered and a further date set, being not later than two months after the first date, for the fees to come into force with or without modification.

8. Human Resource Implications

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

9. Conclusion

9.1 The Licensing Committee must consider the proposed taxi and private hire fees and charges for 2018-19 and then agree the fees and charges.

9.2 The fees and charges set out in Appendix 2 are recommended for approval. These fees recover the Council’s costs in line with the legislation.

10. Background Papers

[Minutes of Licensing Committee 14 September 2016](#)

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

11. Appendices

Appendix 1: Taxi and Private Hire Fees and Charges Methodology

Appendix 2: Proposed Taxi and Private Hire Fees and Charges 2018-19

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Taxi and Private Hire Fees and Charges Methodology

Scope

The scope of this methodology is the fees and charges setting process for the activities below to achieve full cost recovery:

- A. Taxi vehicle (including plate) – 1 year
- B. Private hire vehicle (including plate) – 1 year
- C. Taxi vehicle change
- D. Private hire vehicle change
- E. Taxi temporary vehicle change - 3 months
- F. Private hire vehicle change - 3 months
- G. Vehicle plate
- H. Private hire vehicle signs
- I. Private Hire Operator – 5 years
- J. Taxi driver – 3 years
- K. Private hire driver – 3 years
- L. Taxi knowledge test
- M. Private hire knowledge test
- N. Driver Replacement badge
- O. Convert from private hire driver to taxi driver

Taxi and Private Hire Fees and Charges Methodology

Fees Setting Process - Timetable for fees and charges 2018-19

No.	Action	Date	Officer/Department
1	Annual Timesheet data prepared and analysed	October 2017	Business Support
2	Hourly rate prepared	October 2017	Finance
3	Vehicle, private hire and operator activity data collated Identify cost of plates and door signs	October 2017	Licensing
4	Draft budget sheets produced.	End October 2017	Finance
5	Draft fees prepared in accordance with approved methodology using information collated in 1-4	Beginning November 2017	Licensing and Finance
6	Budget reviewed against predicted income and salary allocations Internal recharges reviewed for 2017/18	Beginning November 2017	Licensing and Finance
7	Draft fees audited by Audit	Mid November 2017	Audit
8	Meeting Licensing, Audit and Finance to discuss audit findings and agree fees and charges	21 November 2017	Licensing, Finance and Audit
9	Make any adjustments to budgets, salary allocations and fees and charges finalised after meeting at No. 8	End November 2017	Licensing and Finance
10	CMT	28 November 2017	Licensing
11	Executive Liaison	6 December 2017	Licensing
12	Fees and Charges approved by Licensing Committee	18 January 2018	Licensing
13	Fees and Charges advertised in Newspaper	2/9 February 2018	Licensing
14	Objections and responses collated and prepared to be heard by Licensing Committee	February/March 2018	Licensing
15	CMT - objections	March 2018	Licensing
16	Objections heard by Licensing Committee and set of Fees and Charges Approved	26 March 2018	Licensing
17	Approved Fees and Charges implemented	1 April 2018	Licensing

Taxi and Private Hire Fees and Charges Methodology

No.	Action
1	<p><u>Annual Timesheet data prepared and analysed</u></p> <p>Timesheet data for officers in business support, licensing, and the environmental health manager to be collated for previous 52 week period using date range 1 October 2016 to 30 September 2017. Total time spent by licence type to be calculated by the above officer groups.</p> <p>(During the year timesheet data will be reviewed on a monthly basis by the business support and licensing team leader to check for accuracy and completion)</p> <p>(Officers are provided with a guidance document on completion of timesheets which provides assistance on categorising activities)</p> <p>Officer: Business Support Team Leader</p>
2	<p><u>Hourly rate prepared</u></p> <p>The average officer hourly rate for business support and licensing officers is required plus the hourly rate for the environmental health manager and the head of health and community services.</p> <ol style="list-style-type: none"> 1. Identify the current licensing and business support posts to be included in each group. 2. Calculate the average hourly rate as at 30 September 2017 including officer salaries plus on-costs. <p>Officer: Finance</p>
3	<p><u>Vehicle, private hire and operator activity data collated</u></p> <p>The number of activities below is obtained from the computer system for the period 1 October 2016 to 30 September 2017.</p> <ol style="list-style-type: none"> 1. Taxi vehicle applications 2. Private hire vehicle applications 3. Taxi vehicle change 4. Private hire vehicle change 5. Taxi temporary vehicle change (3 months) 6. Private hire vehicle change (3 months) 7. Private hire operators applications

Taxi and Private Hire Fees and Charges Methodology

	<p>8. Taxi driver applications 9. Private hire applications 10. Taxi knowledge test 11. Private hire knowledge test 12. Convert from private hire driver to taxi driver 13. Driver replacement badge</p> <p>Officer: Licensing Team Leader</p> <p><u>Identify cost of plates and private hire door signs</u></p> <p>Identify cost of purchasing plates and private hire door signs for the forthcoming year.</p> <p>Officer: Licensing Team Leader</p>
4.	<p><u>Draft budget sheets produced</u></p> <p>Version 1 of draft budgets for cost centres H1104, H1107, H1108 and H1109 are produced in July - budgets will be reviewed by Finance and Licensing.</p> <p>Version 2 of draft budgets for cost centres H1104, H1107, H1108 and H1109 are produced in Mid-Sept – draft salary allocations will be entered in the budget for the previous 12 months (1 September to 31 August). Timesheet data analysed will be used to adjust salary allocations in budget for forthcoming year as appropriate.</p> <p>Version 3 of draft budgets for cost centres H1104, H1107, H1108 and H1109 are produced in late-October/early-November for financial year 2018/19 – final salary allocations for period 1 October 2016 to 30 September 2017 are included. Timesheet data analysed will be used to adjust salary allocations in budget for forthcoming year as appropriate.</p> <p>Private Hire Operator Licences need to be profiled over 5 years.</p> <p>Identify budget for private hire door signs and taxi rank maintenance separately.</p> <p>Officer: Finance</p>

Taxi and Private Hire Fees and Charges Methodology

5. **Draft fees prepared by Licensing and Finance in accordance with approved methodology using information collated in No. 1-4 above**

Methodology for:

- A. Taxi vehicle applications**
- B. Private hire vehicle applications**
- I. Private hire operators applications**
- J. Taxi driver applications**
- K. Private hire applications**

The driver, vehicle and operator licence fees are calculated by adding together four categories:

- Business support and licensing officer, management time, customer service time for the specific activity
- Other time related to administration of taxi and private hire by officer group
- Senior management time
- Support costs

Category	Method of data collection	Notes
Business support and licensing officer, customer service officer and management time for processing applications and other activities related to the administration of licence by type	To calculate the cost of business support and licensing officer plus management time for processing driver, vehicle and operator applications per process the following steps are followed: <ol style="list-style-type: none"> 1. Divide the time spent for each officer type by the number of processes completed in each category. 2. Multiply the time spent per process by the hourly rate per officer type to identify the cost per process for the specific activity. 	To include time spent: Processing applications To include: Officer and Member training Compliance checks (not drivers and operators) Officer transport related expenditure Complaints about licensed vehicles Advice and guidance
Business support and licensing officer and management time allocation for all other activities connected to the licensing	The time spent by business support, licensing officers and management conducting activities such as reviewing fees and charges and developing policy is recorded in the appropriate category. The time has been allocated by:	To include time spent: Setting and reviewing fees Development, determination and production of policy

Taxi and Private Hire Fees and Charges Methodology

	function.	<ol style="list-style-type: none"> 1. Multiplying the hours spent in conducting these allocation category by officer type by the hourly rate per officer type to determine total costs. 2. Dividing the total cost by the total number of applications in each category. This results in the cost per application. 	Liaison with interested parties Collating registers and national reporting
	Senior Management Time	During the course of 2016/17, the senior manager undertook a 3-month period of time recording for taxi, private hire and operator activity. The results has been pro-rated for 12 months and will be used to calculate the 2018/19 fees and charges.	Management costs To include time spent: Officer training Complaints about licensed vehicles Advice and guidance Setting and reviewing fees Development, determination and production of policy Liaison with interested parties Collating registers and national reporting
	Support costs	<p>The support costs are determined from the financial estimates for 2018-19. The methodology and background for determining support costs is provided in Appendix A.</p> <p>The support cost per process is calculated by dividing the total cost of support services by the number of processes in each category.</p> <p>A number of elements are removed or allocated separately:</p> <p>Taxi rank maintenance is to be highlighted and only charge to taxi vehicles.</p>	<p>Supplies and Services Accommodation, stationery, IT Equipment Advertising External legal advice Third party costs - Medical checks</p> <p>Support Costs Public offices Debtors section Office services Accountancy</p>

Taxi and Private Hire Fees and Charges Methodology

		Private Hire vehicle signs are to be removed as they are charged separately.	Legal Services Paymaster – salaries, creditors, insurance Human resources Business Systems Customer Technical Support Information Systems Support Office Cleaning Performance Management Transport Plan Health and Safety
<p>Methodology for:</p> <p>C. Taxi vehicle change</p> <p>To calculate the cost of a taxi vehicle change the following steps are followed:</p> <p>Divide the time spent for each officer type by the number of taxi vehicle change processes completed. Multiply the time spent per process by the hourly rate per officer type to identify the cost.</p> <p>Methodology for:</p> <p>D. Private hire vehicle change</p> <p>To calculate the cost of a taxi vehicle change the following steps are followed:</p> <p>Divide the time spent for each officer type by the number of private hire vehicle change processes completed. Multiply the time spent per process by the hourly rate per officer type to identify the cost.</p> <p>Methodology for:</p> <p>E. Taxi temporary vehicle change - 3 months</p>			

Taxi and Private Hire Fees and Charges Methodology

To calculate the cost of a taxi vehicle change for 3 months the following steps are followed:

Add the cost to process a taxi vehicle application for a licensing officer and a business support officer and add a quarter of the annual cost of other costs (amend/change/general costs) for business support officers, licensing officers and management.

Methodology for:

F. Private hire vehicle change - 3 months

To calculate the cost of a private hire vehicle change for 3 months the following steps are followed:

Add the cost to process a private hire vehicle application for a licensing officer and a business support officer and add a quarter of the annual cost of other costs (amend/change/general costs) for business support, licensing officers and management.

Methodology for:

G. Vehicle plate

The vehicle plate cost is determined by adding 2 elements:

1. The cost of a vehicle plate on the 30 September 2017 and
2. The cost to produce a replacement vehicle plate (calculation is below)

(Divide the time spent for each officer type by the number of processes completed.

Multiply the time spent per process by the hourly rate per officer type to identify the cost per process for the specific activity.)

Methodology for:

H. Private hire vehicle signs

The private hire door sign cost is determined by adding 2 elements:

1. The cost of a door sign (per pair) on the 30 September 2017 and
2. An estimate of the cost to process a door signage order. For 2018/19, the estimate of the replacement vehicle plate (calculation is above) has been used to estimate the cost of replacing a door sign.

Taxi and Private Hire Fees and Charges Methodology

During 2018/19 a new time recording code will be created to record the amount of time spent processing replacement signage, which will provide a basis for calculating the cost for 2019/20.

Methodology for:

L. Taxi knowledge test

M. Private hire test

Taxi and private hire knowledge tests fees are calculated by:

Divide the total number of knowledge tests in each group by the time spent by officer type in each category then multiple by the hourly rate for each officer type to determine the cost per test.

Methodology for:

N. Driver Replacement badge

To calculate the cost of a driver badge replacement the following steps are followed:

Divide the time spent for each officer type by the number of processes completed.
Multiply the time spent per process by the hourly rate per officer type to identify the cost.

Methodology for:

O. Convert from private hire driver to taxi driver

To calculate the cost of converting from private hire driver to taxi drive the following steps are followed:

Divide the time spent for each officer type by the number of processes completed.
Multiply the time spent per process by the hourly rate per officer type to identify the cost.

Reconciliation

All fees and charges are reconciled in three-year rolling programme to ensure full cost recovery for the Council.

Taxi and Private Hire Fees and Charges Methodology

Following discussion with colleagues in finance and audit during the closure of the 2016/17 accounts, it was agreed that the reconciliation programme be carried out over 3 years. This minor change to the methodology was approved by the Head of Health and Community Care, in consultation with the Lead Member for Licensing.

This suggestion would ensure a fairer approach on licence holders who would have paid for a 3 year licence in 2017/18, however would not benefit from a reduction to fees should there be a surplus in the accounts and a subsequent carry forward to the next year. Additionally, any large surplus/deficit could have a considerable impact and cause large variation to fees if recovered fully over one year.

The rolling programme of reconciliation would subsequently have the following timescale:

Year 1 2016/17 final account – reconciled Year 3, 4, 5 (2018/19 – 2020/21)

Year 2 2017/18 final account – reconciled Year 4, 5, 6 (2019/20 – 2021/2022)

Year 3 2018/19 final account – reconciled Year 5, 6, 7 (2020/21 – 2022/2023)

And continue into future years.

The end of year closing figure for each cost centre has been divided by 3 and will be recovered equally over a three year period.

The amount to be reconciled will be added or subtracted equally by the number of licences as appropriate in the categories below:

- A. Taxi vehicle applications
- B. Private hire vehicle applications
- I. Private hire operators applications
- J. Taxi driver applications
- K. Private hire applications

Once finalised the end of year accounts will be published on the Council's website. The 50% subsidy paid for wheelchair accessible vehicles will be added to the final year accounts.

Review Period

Taxi and Private Hire Fees and Charges Methodology

- The methodology will be subject to an annual review with any amendments documented and approved by the Head of Health and Community Care Services.

Benchmarking

- Annually in November, a benchmarking exercise will be conducted for consideration during the fee setting process by officers and presented to the Licensing Committee in January.

Reference documents

- Local Government – Open for Business – LGA guidance on locally set fees

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Appendix 2 – Proposed Taxi and Private Hire Fees and Charges 2018/19

	2018/19 Fee	2017/18 Fee	Variance
H1108 HC/PH Vehicles - 1 year licence			
Hackney Carriage Vehicle	£220.79	£210.20	£10.59
Private Hire Vehicle	£173.69	£179.90	-£6.21
Hackney Licence Vehicle Change	£15.55	£11.73	£3.82
Private Hire Vehicle Change	£15.55	£11.73	£3.82
Hackney Carriage Temporary Vehicle (3 months)	£78.76	£67.50	£11.26
Private Hire temporary Vehicle (3 months)	£66.98	£59.90	£7.08
Vehicle Licence Plates	£9.25	£10.00	-£0.75
Private Hire Vehicle Signs (pair)	£16.10	£10.00	£6.10
H1104 HC/PH Drivers - 3 year licence			
HC/PH Drivers	£380.04	£355.50	£24.54
Hackney Carriage - Knowledge Test	£52.45	£90.00	-£37.55
Private Hire - Knowledge test	£17.76	£14.80	£2.96
Convert from Private Hire Driver to Hackney Carriage Driver	£18.60	£55.00	-£36.40
Private Hire Replacement Badge	£13.66	£7.81	£5.85
H1107 Operators - 5 year licence			
PH Operators Application and Renewal	£548.54	£264.70	£283.84

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Licensing Committee Report

Ward(s) affected: All

Report of the Licensing Team Leader

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: Graham Ellwood

Tel: 07899 846626

Email: graham.ellwood@guildford.gov.uk

Date: 17 January 2018

Taxi and Private Hire Licensing Policy – Card Payments in Taxis

Executive Summary

This report details the consultation responses received to the 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.

Recommendation to Licensing Committee

That the Licensing Committee considers the responses received to the proposed changes to the taxi and private hire licensing Policy during public consultation; and recommends that Council adopts the changes to the Policy requiring taxis to accept credit/debit card payments, including the facility to accept contactless payments by 1 April 2019

Reason for Recommendation:

To improve safety and access to the licensed hackney carriage service.

1. Purpose of Report

1.1 The report informs the Committee of the consultation responses received to the proposed amendments to the Taxi and Private Hire Licensing Policy 2015-2020 requiring all licensed hackney carriages to accept card payments.

1.2 It asks the Committee to consider the consultation responses received and recommend to Council the adoption of 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 On 27 September 2017 Licensing Committee considered the proposal to introduce an amendment to the hackney carriage vehicle licence requirements and conditions to require that all taxis have the facility to accept payments by credit and debit card by 1 April 2019.

4.2 The report 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 in respect of 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 The Lead Member for Licensing, using delegated authority approved public consultation on the proposed Policy change.

- 5.3 The proposed changes to the Policy were subject to a 6 week consultation period, which ran from 17 October 2017.

- 5.4 Officers carried out the consultation, ensuring we consulted with all interested consultees by:

- Writing to all current hackney carriage licence holders
- Notifying the wider taxi trade via the Council's taxi newsletter
- 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.

- 5.5 A total of twenty six (26) consultation responses were received to Policy change. These were all received via an online questionnaire set up to collect consultation responses. Anonymised results of the consultation are included in Appendix 1 to this report.

- 5.6 Of the 26 consultation responses received, 7 (27%) described themselves as a member of the taxi trade. 19 (73%) described themselves as a member of the public.

- 5.7 The consultation indicated a resounding opinion in favour of the requirement for taxis to accept card payments, with 25 of the 26 (96%) agreeing with the proposal. One consultee disagreed with the proposal.

- 5.8 The majority of the additional comments supplied agreed with the rationale that the proposals would improve safety and convenience.

- 5.9 The one consultee who disagreed with the proposal identified themselves as a member of the taxi/private hire trade. Their comment was:

“As a taxi driver how will I know that the card has not been stolen, all traders can decide if they want to accept a card payment before handing over goods if taxi drivers are forced to take cards then it will not be until the end of the journey until you know that the customer wants to pay by card and you might not have taken the job if you had known finally as a SELF EMPLOYED sole trader surely it is up me how I accept payment not the local licencing authority.”

- 5.10 In response to the additional comments received, officers would advise as follows:

The one comment disagreeing with the proposal was on the basis that the card may be stolen; and that being self-employed, they should be able to specify how payment is taken as they would be less likely to accept a job if the customer were to want to pay by card.

With regard to this point of disagreement, it is equally possible that cash may be stolen or even counterfeit. The arguments in favour of increased safety through not carrying cash, in officers' view and through other consultation responses received, far outweigh any potential risk through a customer using a stolen card. With regard to a driver not wishing to accept a job should the customer pay by card, a licensed hackney carriage driver is only permitted to refuse a fare with "reasonable cause". It is unlikely that a customer's preferred method of payment would constitute reasonable cause to refuse a fare. Any costs associated with taking card payments could be recovered as a cost through the hackney carriage fare calculator. It is also important to emphasise the reasoning for the requirement for taxis to accept cards is to improve access to the service for customers, as well as safety for drivers. Hackney carriages are businesses, and it is important that they adapt to the needs of their customers as demonstrated by the consultation responses received from members of the public, who are potential customers, in favour.

The majority of consultee's comments, (20 out of 21 additional comments) agreed with the safety and convenience rationale for mandating card payments in taxis.

- 5.11 The consultation stipulated that, as a minimum specification, payments by debit/credit cards be accepted. The consultation also asked the question that if taxis were required to accept payments by card, should this facility include: contactless, American Express or PayPal.
- 5.12 The consultation responses indicated strong preference for taxis to accept contactless payments, with 23 out of 24 (96%) respondents in favour. There was a lesser view on whether taxis should accept American Express with only 7 out of 24 (29%) respondents in favour; and only 5 out of 24 (21%) in favour of taxis accepting PayPal.
- 5.13 To summarise, the consultation indicated strong support for card payments with 96% of respondents (100% of the public; 86% of the trade) in favour of the concept of requiring taxis to accept card payments. The consultation also indicated strong support for contactless payments with 96% of respondents in favour of taxis being able to accept contactless payments. Officers therefore recommend that the Council should proceed with the introduction of card payments, including contactless. Officers do not recommend the introduction of a requirement to accept American Express or PayPal due to the low level of support for these options.

6. Equality and Diversity Implications

- 6.1 A requirement for hackney carriages to accept card payments would improve customer access to the service.

7. Financial Implications

- 7.1 The implementation of any requirement could be managed through the existing licensing budget.
- 7.2 Consultation with the trade and suppliers indicates that there would be a cost percentage between 1 and 3% of the transaction fee. As such, on a typical £10 fare, a fee of about 10p to 30p 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).
- 8.3 Any decision to require licensed hackney carriages to accept card payment could be reflected as a change to the vehicle specification (Appendix 7) and standard hackney carriage licence conditions (Appendix 5) of the current Policy.
- 8.4 The implementation date of 1 April 2019 allows a reasonable period for the trade to implement any changes. A condition can be attached to all new licences under Section 47 Local Government (Miscellaneous Provisions) Act 1976 requiring the proprietor to provide the facility to accept card payments from 1 April 2019.

9. Human Resource Implications

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

10. Summary of Options

10.1 Having considered the consultation responses, the Licensing Committee can either:

1. Decide not to introduce a requirement for taxis to accept card payments.
2. Recommend to Council the adoption of a change to the hackney carriage and private hire licensing policy requiring taxis to accept credit/debit card payments by 1 April 2019
3. Recommend to Council the adoption of a change to the hackney carriage and private hire licensing policy requiring taxis to accept credit/debit card payments, including the facility to accept contactless payments by 1 April 2019

11. Conclusion

11.1 Approving 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.

11.2 As shown by the consultation there is strong support for the requirement for taxis to accept payments by credit/debit card, with the facility to accept contactless payments.

12. Background Papers

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

13. Appendices

Appendix 1 – Summary of consultation responses received.

14. Consultation

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 19, 2017 1:16:03 PM
Last Modified: Thursday, October 19, 2017 1:18:17 PM
Time Spent: 00:02:13

Page 1: Welcome

Q1 Which of the following are you? **A member of the taxi/private hire trade**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer **Respondent skipped this question**

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **American Express**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name 

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 24, 2017 5:25:11 AM
Last Modified: Tuesday, October 24, 2017 5:28:41 AM
Time Spent: 00:03:30

Page 1: Welcome

Q1 Which of the following are you? **A member of the taxi/private hire trade**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

I already have a pay pal machine it helps in certain situations. I don't charge the customers although paypal charge me 2.5 %

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment, American Express, Paypal**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name [REDACTED]
Address [REDACTED]
City/Town [REDACTED]
State/Province [REDACTED]
ZIP/Postal Code [REDACTED]
Email Address [REDACTED]
Phone Number [REDACTED]

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 24, 2017 7:30:17 AM
Last Modified: Tuesday, October 24, 2017 7:32:50 AM
Time Spent: 00:02:33

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

This will be significantly easier for customers to travel and safer as drivers will carry less cash. Lots of countries offer card or other forms of non-cash payment and it works very well. It should be a requirement so that taxis don't try to opt out or convince customers they don't take card in favour of cash

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name 
 ZIP/Postal Code 

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 24, 2017 9:44:47 AM
Last Modified: Tuesday, October 24, 2017 9:54:06 AM
Time Spent: 00:09:18

Page 1: Welcome

Q1 Which of the following are you? **A member of the taxi/private hire trade**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

I'm a taxi driver it's a good way of taking payments if people have no cash it stops stopping at cash machines

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment, American Express, Paypal**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name [REDACTED]
Address [REDACTED]
City/Town [REDACTED]
State/Province [REDACTED]
ZIP/Postal Code [REDACTED]
Email Address [REDACTED]
Phone Number [REDACTED]

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 24, 2017 11:21:12 AM
Last Modified: Tuesday, October 24, 2017 11:22:37 AM
Time Spent: 00:01:25

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

A much simpler way to pay - I rarely have cash with me and have to make a trip to a cash point if I know I'm going to need to get a taxi.

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name 

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 24, 2017 12:07:23 PM
Last Modified: Tuesday, October 24, 2017 12:09:43 PM
Time Spent: 00:02:19

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

I don't carry cash 90% of the time and pay by card as much as possible, all taxi's in Europe accept card payments with no additional charges... its time we moved with the times. I wouldn't accept PayPal as this is time consuming, contactless or chip & pin

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name

██████████

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 24, 2017 2:05:31 PM
Last Modified: Tuesday, October 24, 2017 2:07:49 PM
Time Spent: 00:02:17

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

Easier for customers, more likely to use taxis, and perhaps safer for drivers not having to carry lots of cash around at night.

There should be NO extra charge to customers, it's part of the cost of doing business (same as how cash has an associated handling cost). The quoted price for the journey must be what you pay, and customers must not be penalised for choosing to pay this way.

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name 
City/Town 

#8

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 24, 2017 9:19:38 AM
Last Modified: Tuesday, October 24, 2017 4:16:43 PM
Time Spent: 06:57:04

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer **Respondent skipped this question**

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name **█**

#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 24, 2017 8:26:25 PM
Last Modified: Tuesday, October 24, 2017 8:27:48 PM
Time Spent: 00:01:23

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

Cards are the way payments are made, and it removes any risk given the high prices of taxis in Guildford, of not being able to afford a fair.

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **American Express, Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name [Redacted]
Address [Redacted]
City/Town [Redacted]
State/Province [Redacted]
ZIP/Postal Code [Redacted]

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 24, 2017 8:33:53 PM
Last Modified: Tuesday, October 24, 2017 8:36:08 PM
Time Spent: 00:02:15

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

Sometimes I don't have cash but the process to accept card is sketchy eg they phone a number and have me tell them my credit card number and security code.

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name	████
Address	████████████████████
City/Town	████████
State/Province	██████
ZIP/Postal Code	██████
Email Address	██
Phone Number	██████████

#11

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 24, 2017 9:40:09 PM
Last Modified: Tuesday, October 24, 2017 9:40:40 PM
Time Spent: 00:00:30

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer **Respondent skipped this question**

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name 

#12

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 25, 2017 7:47:07 AM
Last Modified: Wednesday, October 25, 2017 7:47:59 AM
Time Spent: 00:00:51

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer **Respondent skipped this question**

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name

██████████

#13

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 25, 2017 12:21:19 PM
Last Modified: Wednesday, October 25, 2017 12:25:16 PM
Time Spent: 00:03:56

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

Credit/Debit cards appear to be a primary method for money payments in modern society.
I can't remember last time I used cash!

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name	██████████
Address	████████████████████
State/Province	██████████
ZIP/Postal Code	██████████
Email Address	██
Phone Number	██████████

#14

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 27, 2017 1:12:10 PM
Last Modified: Friday, October 27, 2017 1:13:12 PM
Time Spent: 00:01:01

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

Many do not use cash as often, and so also taking card would be more reliable.

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name



#15

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, November 03, 2017 6:37:27 PM
Last Modified: Friday, November 03, 2017 6:41:07 PM
Time Spent: 00:03:39

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

Those that do accept cards should also be strongly discouraged from discouraging it's use. My work requires me to pay by company card but taxi drivers make out by doing so I'm stealing food from their kids mouths, because of fees.

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name	████████████████████
Address	████████████████████
City/Town	██████████
State/Province	██████
ZIP/Postal Code	██████
Email Address	██

#16

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, November 08, 2017 4:34:50 PM
Last Modified: Wednesday, November 08, 2017 4:40:49 PM
Time Spent: 00:05:59

Page 1: Welcome

Q1 Which of the following are you? **A member of the taxi/private hire trade**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

This should have been implemented years ago the customer expects to pay by Credit Card as this is the 21st century. I have taken card payments for 20+ years works for me.

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**, **Paypal**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name [REDACTED]
Address [REDACTED]
Address 2 [REDACTED]
City/Town [REDACTED]
State/Province [REDACTED]
ZIP/Postal Code [REDACTED]
Email Address [REDACTED]
Phone Number [REDACTED]

#17

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, November 08, 2017 4:46:27 PM
Last Modified: Wednesday, November 08, 2017 5:13:43 PM
Time Spent: 00:27:15

Page 1: Welcome

Q1 Which of the following are you? **A member of the taxi/private hire trade**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

Accept, yes - but with the reservation that the right to decline any individual card payment is at the driver's sole & absolute discretion (as any other trades-person or business is legally entitled to do so), as the risk of a declined card, the use of a stolen card, & charge backs is borne entirely by the driver - not the customer or Guildford Borough Council. Credit & debit cards represent a method of payment but are not legal tender.

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Respondent skipped this question**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name	████████████████████
Address	█
Address 2	██████████
City/Town	██████████
State/Province	██████
ZIP/Postal Code	██████
Email Address	██
Phone Number	██████████

#18

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 09, 2017 12:37:51 AM
Last Modified: Thursday, November 09, 2017 12:40:13 AM
Time Spent: 00:02:21

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

I am a disabled person and it is not always easy for me to get cash so paying by a debit card would be safer for me

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name	[REDACTED]
Address	[REDACTED]
Address 2	[REDACTED]
City/Town	[REDACTED]
State/Province	[REDACTED]
ZIP/Postal Code	[REDACTED]
Email Address	[REDACTED]
Phone Number	[REDACTED]

#19

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 09, 2017 10:32:54 AM
Last Modified: Thursday, November 09, 2017 10:46:53 AM
Time Spent: 00:13:59

Page 1: Welcome

Q1 Which of the following are you? **A member of the taxi/private hire trade**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

My cardcmachine is provided by my bank after a credit search etc

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**, **American Express**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name	██████████
Address	██████████
Address 2	████████████████
City/Town	██████████
ZIP/Postal Code	██████████
Email Address	██
Phone Number	██████████

#20

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 09, 2017 4:26:23 PM
Last Modified: Thursday, November 09, 2017 4:34:06 PM
Time Spent: 00:07:42

Page 1: Welcome

Q1 Which of the following are you? **A member of the taxi/private hire trade**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **No**

Q3 Please make any comments to explain your answer

As a taxi driver how will I know that the card has not been stolen, all traders can decide if they want to accept a card payment before handing over goods if taxi drivers are forced to take cards then it will not be until the end of the journey until you know that the customer wants to pay by card and you might not have taken the job if you had known finally as a SELF EMPLOYED sole trader surly it is up me how i accept payment not the local licencing authority.

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Respondent skipped this question**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name [REDACTED]
Address [REDACTED]
Address 2 [REDACTED]
City/Town [REDACTED]
State/Province [REDACTED]
ZIP/Postal Code [REDACTED]
Email Address [REDACTED]
Phone Number [REDACTED]

#21

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, November 13, 2017 9:11:53 PM
Last Modified: Monday, November 13, 2017 9:12:37 PM
Time Spent: 00:00:43

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

Easier and safer as neither the passenger or driver has to carry cash/change

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name

██████████

#22

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 21, 2017 7:54:21 AM
Last Modified: Tuesday, November 21, 2017 7:55:34 AM
Time Spent: 00:01:12

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

More convenient than using cash

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name [REDACTED]
Address [REDACTED]
City/Town [REDACTED]
ZIP/Postal Code [REDACTED]

#23

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 21, 2017 8:21:18 AM
Last Modified: Tuesday, November 21, 2017 8:22:55 AM
Time Spent: 00:01:37

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

Would the driver be made to pay the cc fees as in London it would the cc fees be added to the fare?

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**, **Paypal**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name [Redacted]
Address [Redacted]
Address 2 [Redacted]
City/Town [Redacted]
ZIP/Postal Code [Redacted]
Email Address [Redacted]

#24

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 21, 2017 11:56:55 AM
Last Modified: Tuesday, November 21, 2017 12:00:02 PM
Time Spent: 00:03:07

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

Card payments protect drivers from crime, and allow passengers flexibility in paying for fares. It reduces the reliability on access to cash machines. Additional costs should be absorbed by the cab companies - fares were not reduced when the price of fuel fell.

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name

██████████

#25

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, December 01, 2017 8:46:48 AM
Last Modified: Friday, December 01, 2017 8:47:44 AM
Time Spent: 00:00:55

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer **Respondent skipped this question**

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**, **American Express**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name [Redacted]
Address [Redacted]
City/Town [Redacted]
State/Province [Redacted]
ZIP/Postal Code [Redacted]
Email Address [Redacted]

#26

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, December 01, 2017 4:31:26 PM
Last Modified: Friday, December 01, 2017 4:32:33 PM
Time Spent: 00:01:06

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you believe that taxis should be able to accept customer payments by credit/debit card? **Yes**

Q3 Please make any comments to explain your answer

All places take cards, so should Taxis

Q4 If taxis were required to accept payments by card, should this facility include:(select all that apply) **Contactless payment**, **American Express**, **Paypal**

Q5 Personal details (any comments made may be published by the Council in anonymised form)

*Name [REDACTED]
Address [REDACTED]
Address 2 [REDACTED]
City/Town [REDACTED]
State/Province [REDACTED]
ZIP/Postal Code [REDACTED]
Email Address [REDACTED]
Phone Number [REDACTED]

Licensing Committee Report

Ward(s) affected: All

Report of Head of Health and Community Care Services

Author: Justine Fuller

Tel: 01483 444370

Email: justine.fuller@guildford.gov.uk

Lead Councillor responsible: Graham Ellwood

Tel: 07899 846626

Email: graham.ellwood@guildford.gov.uk

Date: 17 January 2018

Taxi and Private Hire Licensing Policy

Executive Summary

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

The consultation responses for both Guildford and across Surrey were largely in favour of both the proposals.

The key changes are:

- Adopting a consistent taxi and private hire convictions policy across Surrey
- Mandatory Child Sexual Exploitation (CSE) training for all taxi and private hire drivers in Surrey

Recommendation to Licensing Committee

The Licensing Committee is asked to recommend that Council (7 February 2018):

- 1) adopts the revised Taxi and Private Hire Convictions Policy in Appendix 3 to replace the convictions policy (Appendix 2) of the Taxi and Private Hire Policy 2015-2020;
- 2) approves the requirement for all existing taxi and private hire drivers to undertake mandatory Child Sexual Exploitation training by 1 May 2019; and
- 3) approves the requirement for all new taxi and private hire drivers to undertake mandatory Child Sexual Exploitation training from 11 April 2018.

Reason for Recommendation:

To help protect vulnerable children and adults from sexual exploitation.

1. **Purpose of Report**

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

1.2 It asks the Licensing Committee to recommend to Council the adoption of the proposed policy changes.

2. **Strategic Priorities**

2.1 The Taxi and Private Hire 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 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 Surrey Safeguarding Children Board (SSCB) and its partners, including all 11 Surrey local licensing 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 the Surrey Licensing Authorities to fulfil their statutory responsibilities defined in Section 11 of the Children Act 2004 to safeguard children and to promote welfare effectively. Delivery of the strategy supports the SSCB'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. Consultation

4.1 On 27 September 2017, the Licensing Committee were briefed on the proposal to introduce the above policy changes. The Lead Councillor for Licensing and Community Safety, using delegated authority approved public consultation on the proposed Policy change.

4.2 Reigate and Banstead Borough Council hosted a six week consultation on behalf of all 11 Surrey licensing authorities between 23 October and 4 December 2017. Each Local Authority publicised the consultation with Guildford specifically:

- Advertising the consultation on the Council's website
- Promoting through social media
- Sending a newsletter to all private hire and taxi drivers inviting them to participate in the consultation

4.3 The organisations below were also invited to respond to the consultation:

- Institute of Licensing
- Transport for London
- Local Government Association
- National Association of Licensing and Enforcement Officers
- All District and Borough Councils in the South East of England
- Surrey Police

4.4 The 396 consultation responses received have been analysed collectively, these are shown in Appendix 1. Responses from the taxi and private hire trade and those who live, work or visit the County are presented separately for comparison purposes.

4.5 There has been separate analysis of each Local Authority area with Guildford responses shown in Appendix 2. Of the 23 responses, 19% were from the taxi and private hire trade with the remainder mainly from those who live or work in the Borough.

5. Convictions Policy - Consultation results

5.1 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.

5.2 The consultation results showed support across Surrey for introducing the convictions policy with 73% (69% of the taxi and private hire trade and 76% of those who live and work in the County) in agreement with the relevant convictions and free from conviction timescales being included in the new policy and used when determining whether a person is 'fit and proper'. The support within Guildford was stronger with 78% in agreement with introducing the convictions policy.

- 5.3 There was also strong support for people banned from working with children or vulnerable adults not normally being granted a taxi or private hire licence with 87% (93% of those who live or work in Surrey and 78% of the Surrey taxi and private hire trade) in agreement that it should be included in the policy. Of respondents within the Guildford area, 91% were in agreement with the proposed inclusion of this element in the convictions policy.
- 5.4 Introducing this element in the policy removes the unacceptable risk, which currently exists of those banned from working with children and vulnerable persons not being permitted to drive under a Surrey County Council contract but potentially being granted a licence by a Surrey District or Borough Council.
- 5.5 Following analysis of all the consultation responses amendments have been made to the draft convictions policy. All consultation comments can be found at: http://www.reigate-banstead.gov.uk/info/20119/taxi_and_private_hire_licensing/902/taxi_and_private_hire_policy_consultation_2017_results. The key proposed changes to the policy are:
- Including the ability to consider relevant records or information from a reliable source other than the police when determining if an applicant is fit and proper.
 - Clarifying that the policy applies to applicants, which includes companies.
 - Confirming Councils will only depart from the policy in exceptional circumstances.
 - Clarifying that the 'Offences involving a weapon' heading does not include firearms offences which are in a separate section.
 - Increase relevant years for offences involving weapons to 5 years, as consultation feedback highlighted the current standard is too low, particularly compared with 5 years for obstruction offences.
 - In the alcohol and drug offences section, drunkenness offences not involving a motor vehicle are an addition as they are already in one Local Authority's policy and excluding them would result in lowering the existing standard.
 - Minor grammatical changes.
 - Changes to clarify the elements that are 'policy' and 'guidance'.
- 5.6 Several respondents wished to see a blanket ban for applicants with certain convictions. When applying the convictions policy, all Licensing Authorities must judge each case on its merits and an absolute prohibition cannot be imposed therefore a mandatory ban is not appropriate and the phrase 'normally would be refused' is used within the policy.
- 5.7 A number of respondents felt that common assault is different from other offences in the 10 year category and a lower number of years would be more appropriate. It is not proposed to lower the period for common assault as it is considered a relevant serious offence and Local Authorities have discretion, as they must judge each case on its merits.

- 5.8 The revised version of the convictions policy taking into account the consultation responses and proposed by all Surrey authorities is at Appendix 3. Appendix 4 is a version of the draft policy with the proposed amendments highlighted.
- 5.9 Prior to the policy being implemented, training would be arranged for Licensing Officers, Solicitors and Licensing Committee Members to help ensure consistency of application.
- 5.10 Further changes to the convictions policy may be required in the future to comply with guidance issued by organisations such as the Department of Transport or the Institute of Licensing to standardise the convictions policies across the Country.
- 5.11 In future, all 11 Surrey Licensing Authorities will aim to keep the convictions policy consistent across Surrey as guidance and best practice changes.

6. Mandatory CSE and Safeguarding Training – consultation results

- 6.1 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. A number of Local Authorities have already introduced this requirement.
- 6.2 Prior to becoming a Guildford 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.
- 6.3 Results of the consultation showed support for the proposal with 69% (56% of the Surrey taxi and private hire trade and 73% of those who live and work in the County) agreeing that taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver. Amongst Guildford respondents, there was stronger support with 81% in agreement with the proposal.
- 6.4 In total 64% of all respondents support Child Sexual Exploitation training for existing drivers but there was a difference between responding groups. 72% of respondents who live and work in Surrey supported the proposal for existing taxi and private hire drivers having to complete additional training on Child Sexual Exploitation and Safeguarding. There was less support, only 41%, from the respondents working in the taxi and private hire trade for existing drivers being required to undergo the training. A higher percentage of all Guildford respondents agreed with the proposal, with 81% supporting additional training for existing drivers.
- 6.5 Whilst it is acknowledged there is not widespread support amongst trade respondents the public were in strong support of the proposal and Local Authorities have a social responsibility to take steps to prevent CSE. Due to the nature of their work, the taxi trade are in a unique position to be able to identify CSE therefore it is recommended to retain the proposal requiring existing drivers to complete the training.

- 6.6 If approved, Surrey Local Authorities are ready to implement an online training programme, which would be free for one year to all existing drivers. The training would take approximately one hour to complete and 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 and each Local Authority will make arrangements for completion of the course.

7. Consultations

- 7.1 Following discussions, the Lead Councillor for Licensing and Community Safety supports the proposed changes to the Taxi and Private Hire Licensing Policy.
- 7.2 Surrey Safeguarding Children Board have been involved throughout and endorse these proposals.
- 7.3 Having reviewed the consultation results, the Surrey Licensing Officers Group and Surrey Solicitors Group continue to support the introduction of a common convictions policy and mandatory CSE training across Surrey. The Surrey Chief Executive Group supports the introduction of these proposals with one Chief Executive monitoring implementation of these proposals.

8. Equality and Diversity Implications

- 8.1 There are no equality and diversity implications in adopting the proposed changes to the policy.

9 Financial Implications

- 9.1 There are no financial implications of adopting the revised convictions policy.
- 9.2 The Surrey Chief Executive Group has agreed to pay for the CSE training for one year to support its introduction so there is no cost to existing drivers.

10. Legal Implications

- 10.1 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.
- 10.2 The current taxi byelaws remain unchanged.
- 10.3 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.
- 10.4 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).

11. Human Resource Implications

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

12. Summary of Options

12.1 There are a number of options for Licensing Committee to recommend to Council:

- Reject one or more of the recommendations
- Amend the convictions policy and/or training requirement
- Recommend the options as presented

12.2 Officers recommend that both the convictions policy and CSE training for all new and existing taxi drivers be adopted as presented to help ensure consistency across all Surrey Local Authorities in protecting children and vulnerable adults from CSE.

13. Conclusion

13.1 Adopting 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.

14. Background Papers

Minutes of the Licensing Committee meeting 27 September 2017 –
<http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=146&MId=656&Ver=4>

Minutes of Council meeting 9 December 2015 -
<http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=159&MId=153&Ver=4>

Taxi and Private Hire Licensing Policy 2015-2020
<https://www.guildford.gov.uk/article/17608/Taxi-licence-information>

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

Casey report into Rotherham Metropolitan Borough Council (February 2015)
<https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>

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>

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>

15. Appendices

Appendix 1: Summary of Surrey consultation responses

Appendix 2: Summary of Guildford consultation responses

Appendix 3: Draft convictions policy post consultation

Appendix 4: Draft convictions policy post consultation with changes highlighted

Combined Surrey Boroughs and Districts survey results 2017

Your view on Taxi and Private Hire Conviction Policy and Safeguarding Training

Wednesday, December 06, 2017

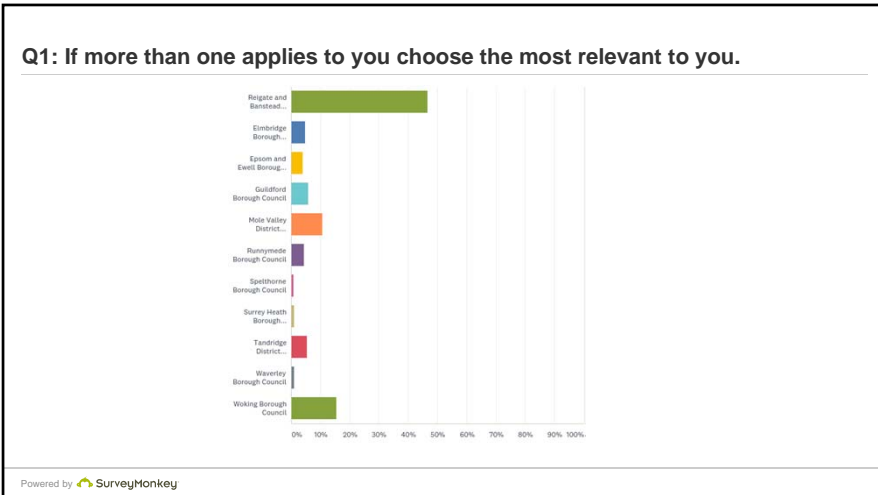
Powered by SurveyMonkey

393

Total Responses

Date Created: Tuesday, June 27, 2017

Powered by SurveyMonkey

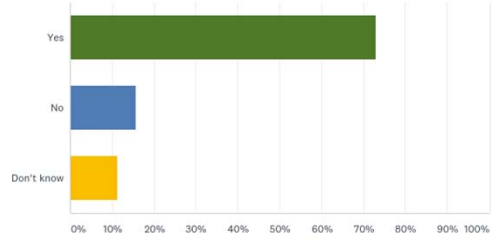


Q1: If more than one applies to you choose the most relevant to you.

ANSWER CHOICES	RESPONSES	Percentage
Relgate and Banstead Borough Council	183	46.56%
Elmbridge Borough Council .	19	4.83%
Epsom and Ewell Borough Council	16	4.07%
Guildford Borough Council	23	5.85%
Mole Valley District Council	42	10.69%
Runnymede Borough Council	17	4.33%
Spelthorne Borough Council	3	0.76%
Surrey Heath Borough Council.	4	1.02%
Tandridge District Council	21	5.34%
Waverley Borough Council	4	1.02%
Woking Borough Council	61	15.52%
TOTAL	393	

Powered by SurveyMonkey

Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?



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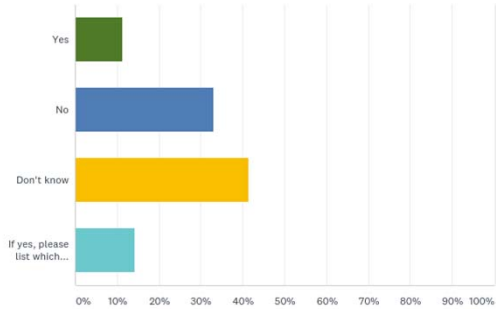
Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

ANSWER CHOICES	RESPONSES
Yes	72.99% 273
No	15.78% 59
Don't know	11.23% 42
TOTAL	374

Powered by SurveyMonkey

Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

Answered: 372 Skipped: 21



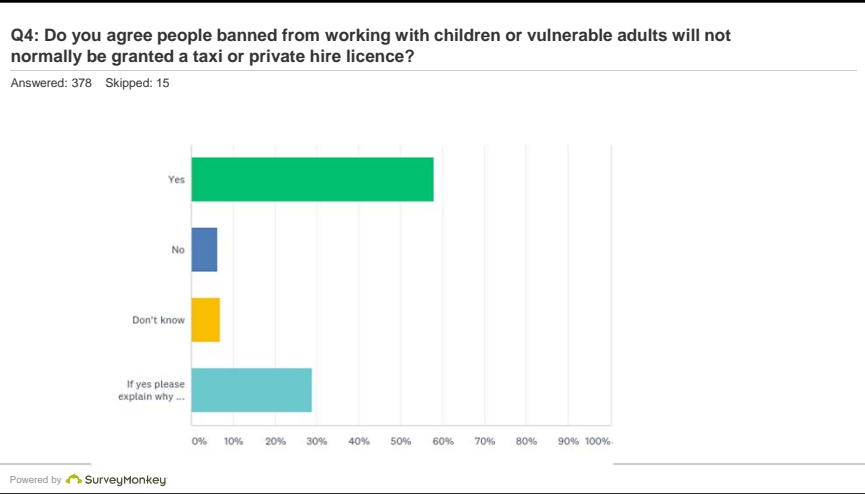
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Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

Answered: 372 Skipped: 21

ANSWER CHOICES	RESPONSES
Yes	11.29% 42
No	33.06% 123
Don't know	41.40% 154
If yes, please list which convictions, give reason why and appropriate timescale free from conviction	14.25% 53
TOTAL	372

Powered by SurveyMonkey

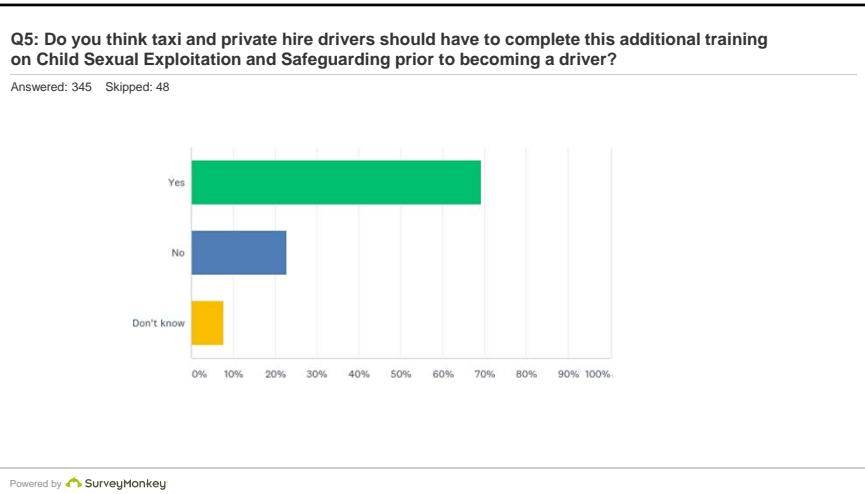


Q4: Do you agree people banned from working with children or vulnerable adults will not normally be granted a taxi or private hire licence?

Answered: 378 Skipped: 15

ANSWER CHOICES	RESPONSES
Yes	57.94% 219
No	6.35% 24
Don't know	6.88% 26
If yes please explain why and time free from convictions?	28.84% 109
TOTAL	378

Powered by SurveyMonkey



Q5: Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?

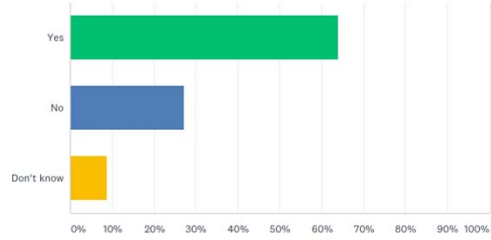
Answered: 345 Skipped: 48

ANSWER CHOICES	RESPONSES
Yes	69.28% 239
No	22.90% 79
Don't know	7.83% 27
TOTAL	345

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Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

Answered: 341 Skipped: 52



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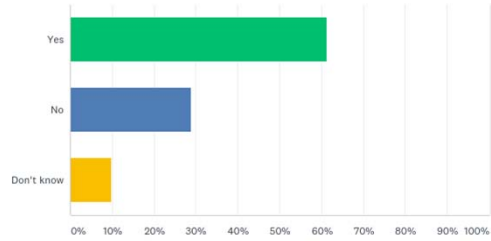
Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

ANSWER CHOICES	RESPONSES
Yes	63.93% 218
No	27.27% 93
Don't know	8.80% 30
TOTAL	341

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Q7: Do you think that existing drivers should be a required to pass a multiple-choice assessment to demonstrate understanding of the training?

Answered: 343 Skipped: 50



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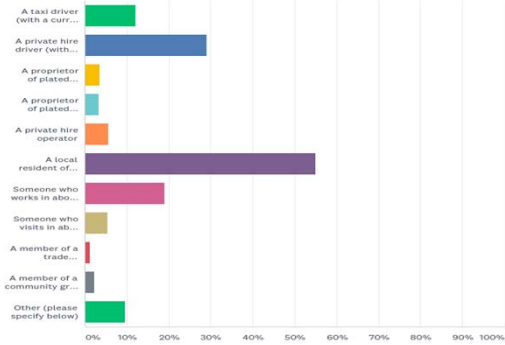
Q7: Do you think that existing drivers should be a required to pass a multiple-choice assessment to demonstrate understanding of the training?

ANSWER CHOICES	RESPONSES
Yes	61.22% 210
No	28.86% 99
Don't know	9.91% 34
TOTAL	343

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Q9: Please tell us about you. Select all that apply.

Answered: 336 Skipped: 57



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Q9: Please tell us about you. Select all that apply.

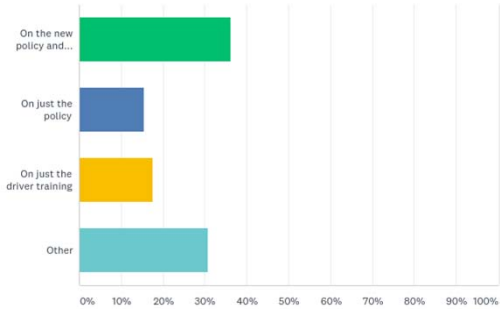
Answered: 336 Skipped: 57

ANSWER CHOICES	PERCENTAGE	RESPONSES
A taxi driver (with a current licence)	12.20%	41
A private hire driver (with a current licence)	29.17%	98
A proprietor of plated hackney carriage vehicle	3.57%	12
A proprietor of plated private hire vehicle	3.27%	11
A private hire operator	5.65%	19
A local resident of above Borough	55.06%	185
Someone who works in above Borough	19.05%	64
Someone who visits in above Borough	5.36%	18
A member of a trade association (please specify below)	1.19%	4
A member of a community group (please specify below)	2.38%	8
Other (please specify below)	9.52%	32
Total Respondents:		336

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Q11: Do you have any further comments

Answered: 91 Skipped: 302



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Q11: Do you have any further comments

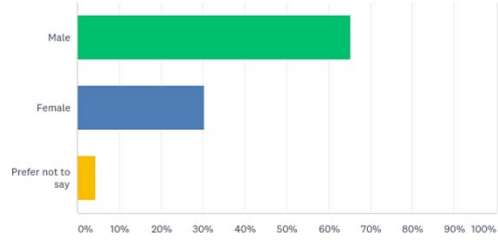
Answered: 91 Skipped: 302

ANSWER CHOICES	PERCENTAGE	RESPONSES
On the new policy and driver training	36.26%	33
On just the policy	15.38%	14
On just the driver training	17.58%	16
Other	30.77%	28
TOTAL		91

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Q15: What gender are you ?

Answered: 320 Skipped: 73



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Q15: What gender are you ?

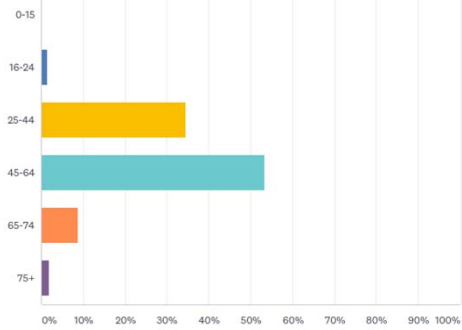
Answered: 320 Skipped: 73

ANSWER CHOICES	RESPONSES
Male	65.31% 209
Female	30.31% 97
Prefer not to say	4.38% 14
TOTAL	320

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Q16: What age are you?

Answered: 319 Skipped: 74



Powered by S

Q16: What age are you?

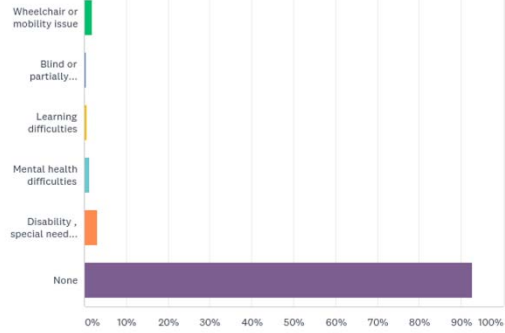
Answered: 319 Skipped: 74

ANSWER CHOICES	RESPONSES
0-15	0.00% 0
16-24	1.57% 5
25-44	34.48% 110
45-64	53.29% 170
65-74	8.78% 28
75+	1.88% 6
TOTAL	319

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Q17: Do you have a disability?

Answered: 314 Skipped: 79



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Q17: Do you have a disability?

Answered: 314 Skipped: 79

ANSWER CHOICES	RESPONSES
Wheelchair or mobility issue	1.91% 6
Blind or partially sighted	0.32% 1
Learning difficulties	0.64% 2
Mental health difficulties	1.27% 4
Disability, special need or medical condition not listed	3.18% 10
None	92.68% 291
TOTAL	314

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Live or work in Surrey survey results 2017
 Your view on Taxi and Private Hire
 Conviction Policy and Safeguarding Training

Thursday, December 07, 2017

Powered by SurveyMonkey

237

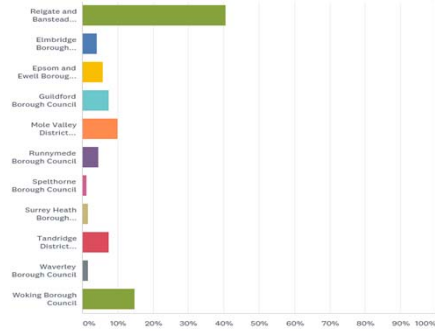
Total Responses

Date Created: Tuesday, June 27, 2017

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Q1: If more than one applies to you choose the most relevant to you.

Answered: 237 Skipped: 0



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Q1: If more than one applies to you choose the most relevant to you.

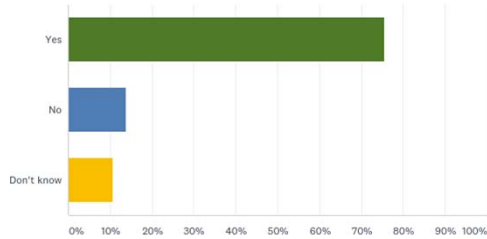
Answered: 237 Skipped: 0

ANSWER CHOICES	RESPONSES
Reigate and Banstead Borough Council	40.51% 96
Elmbridge Borough Council .	4.22% 10
Epsom and Ewell Borough Council	5.91% 14
Guildford Borough Council	7.59% 18
Mole Valley District Council	10.13% 24
Runnymede Borough Council	4.64% 11
Spelthorne Borough Council	1.27% 3
Surrey Heath Borough Council.	1.69% 4
Tandridge District Council	7.59% 18
Waverley Borough Council	1.69% 4
Woking Borough Council	14.77% 35
TOTAL	237

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Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

Answered: 233 Skipped: 4



Powered by SurveyMonkey

Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

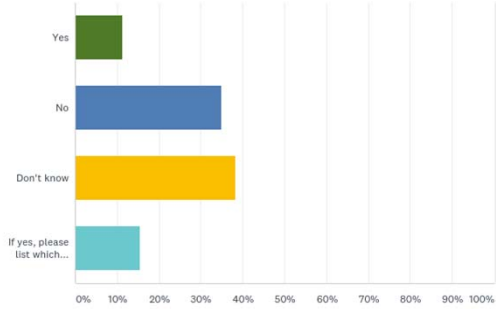
Answered: 233 Skipped: 4

ANSWER CHOICES	RESPONSES
Yes	75.54% 176
No	13.73% 32
Don't know	10.73% 25
TOTAL	233

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Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

Answered: 232 Skipped: 5



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Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

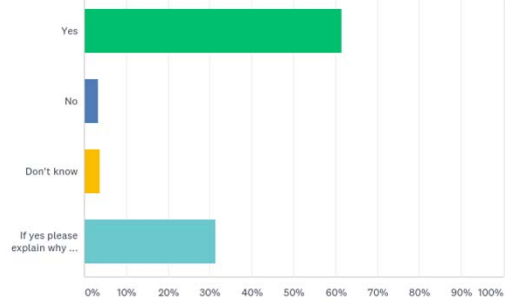
Answered: 232 Skipped: 5

ANSWER CHOICES	RESPONSES
Yes	11.21% 26
No	34.91% 81
Don't know	38.36% 89
If yes, please list which convictions, give reason why and appropriate timescale free from conviction	15.52% 36
TOTAL	232

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Q4: Do you agree people banned from working with children or vulnerable adults will not normally be granted a taxi or private hire licence?

Answered: 236 Skipped: 1



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Q4: Do you agree people banned from working with children or vulnerable adults will not normally be granted a taxi or private hire licence?

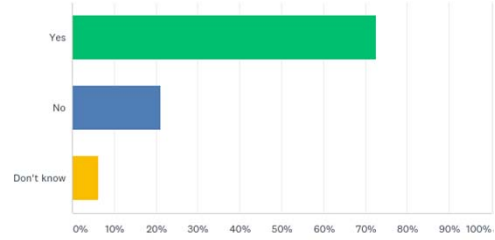
Answered: 236 Skipped: 1

ANSWER CHOICES	RESPONSES
Yes	61.44% 145
No	3.39% 8
Don't know	3.81% 9
If yes please explain why and time free from convictions?	31.36% 74
TOTAL	236

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Q5: Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?

Answered: 237 Skipped: 0



Powered by SurveyMonkey

Q5: Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?

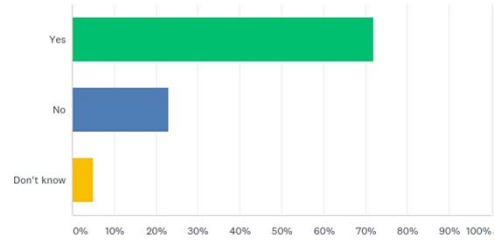
Answered: 237 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	72.57% 172
No	21.10% 50
Don't know	6.33% 15
TOTAL	237

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Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

Answered: 235 Skipped: 2



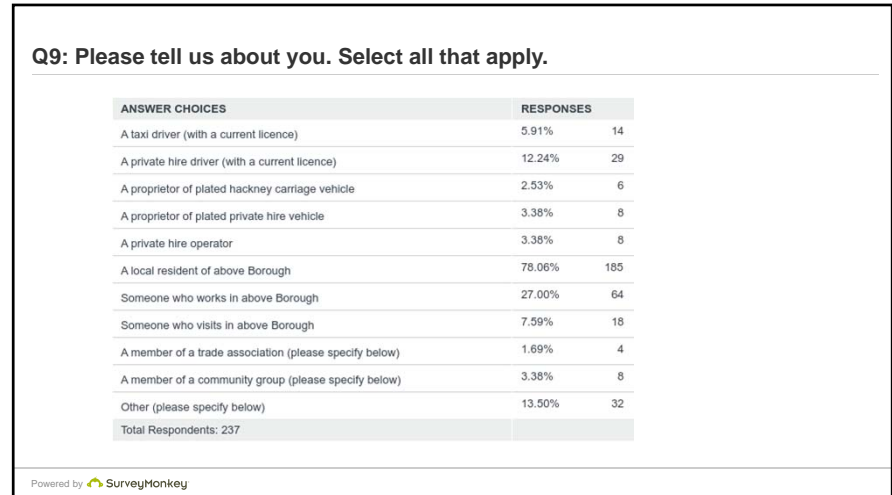
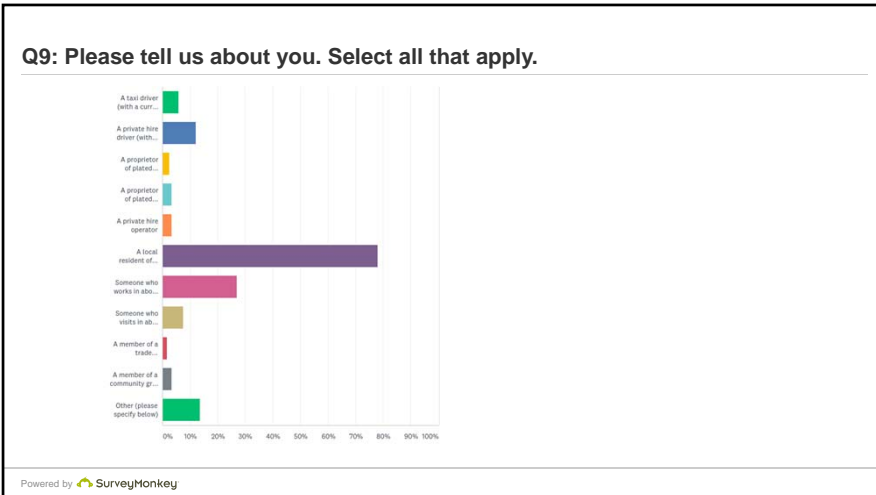
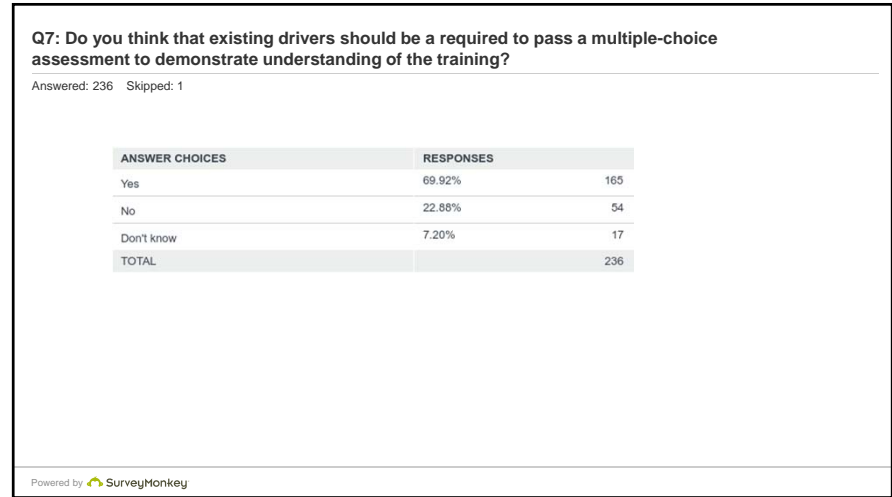
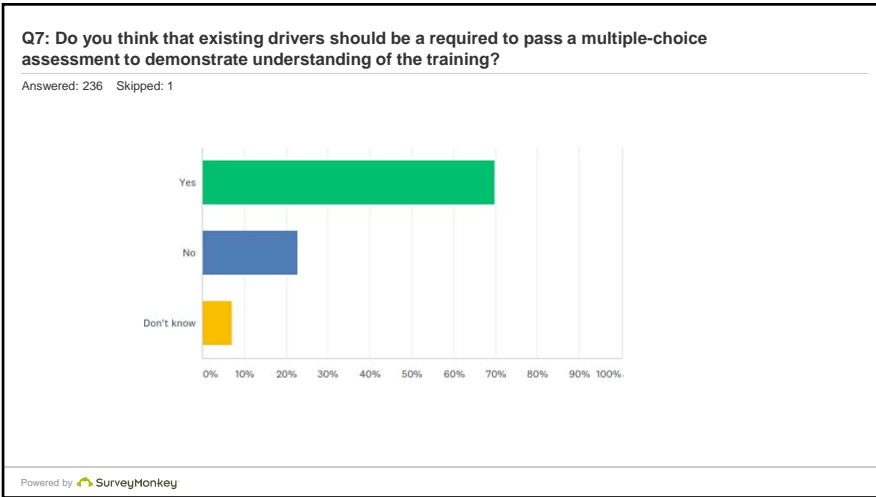
Powered by SurveyMonkey

Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

Answered: 235 Skipped: 2

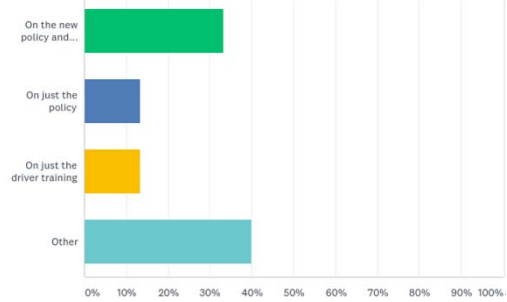
ANSWER CHOICES	RESPONSES
Yes	71.91% 169
No	22.98% 54
Don't know	5.11% 12
TOTAL	235

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Q11: Do you have any further comments

Answered: 45 Skipped: 192



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Q11: Do you have any further comments

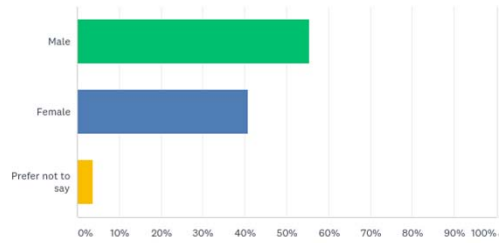
Answered: 45 Skipped: 192

ANSWER CHOICES	RESPONSES
On the new policy and driver training	33.33% 15
On just the policy	13.33% 6
On just the driver training	13.33% 6
Other	40.00% 18
TOTAL	45

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Q15: What gender are you ?

Answered: 218 Skipped: 19



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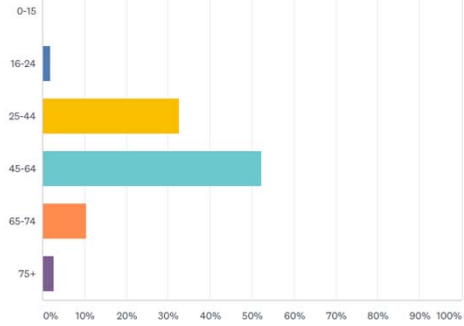
Q15: What gender are you ?

Answered: 218 Skipped: 19

ANSWER CHOICES	RESPONSES
Male	55.50% 121
Female	40.83% 89
Prefer not to say	3.67% 8
TOTAL	218

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Q16: What age are you?



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Q16: What age are you?

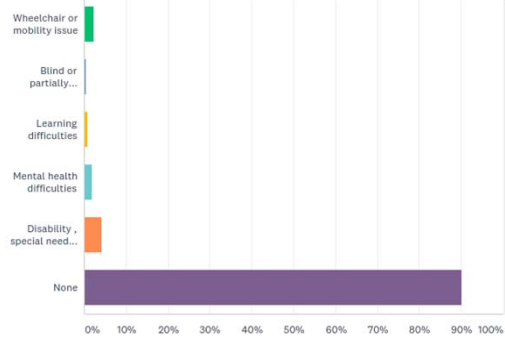
Answered: 218 Skipped: 19

ANSWER CHOICES	RESPONSES
0-15	0.00% 0
16-24	1.83% 4
25-44	32.57% 71
45-64	52.29% 114
65-74	10.55% 23
75+	2.75% 6
TOTAL	218

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Q17: Do you have a disability?

Answered: 215 Skipped: 22



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Q17: Do you have a disability?

Answered: 215 Skipped: 22

ANSWER CHOICES	RESPONSES
Wheelchair or mobility issue	2.33% 5
Blind or partially sighted	0.47% 1
Learning difficulties	0.93% 2
Mental health difficulties	1.86% 4
Disability, special need or medical condition not listed	4.19% 9
None	90.23% 194
TOTAL	215

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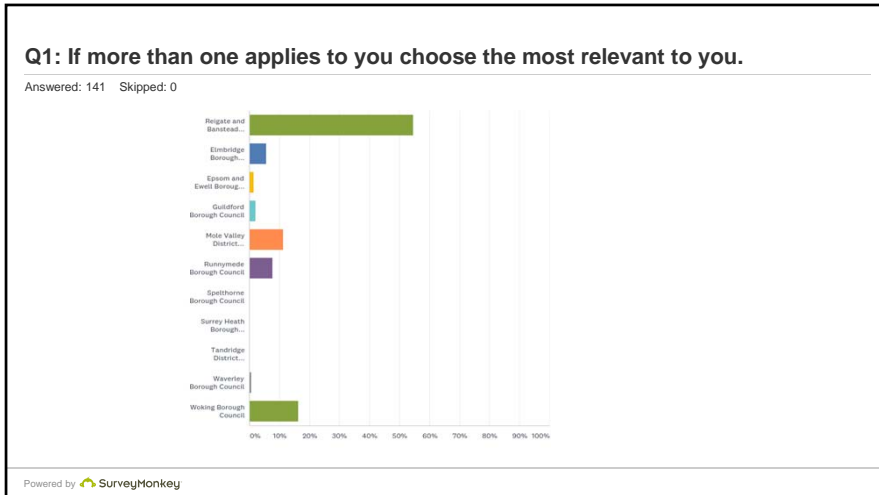
Trade Surrey wide survey results 2017
Your view on Taxi and Private Hire Conviction Policy and Safeguarding Training
 Wednesday, December 06, 2017

Powered by SurveyMonkey

141
 Total Responses

Date Created: Tuesday, June 27, 2017
 Complete Responses: 137

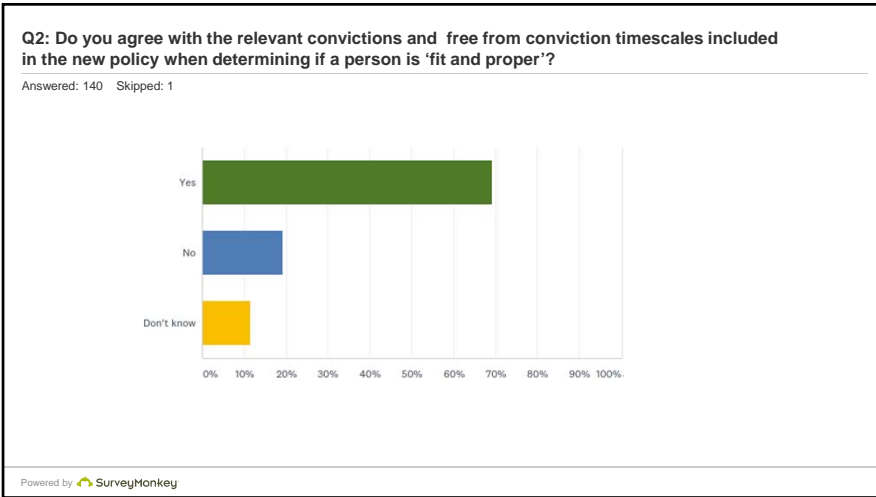
Powered by SurveyMonkey



Q1: If more than one applies to you choose the most relevant to you.
 Answered: 141 Skipped: 0

ANSWER CHOICES	RESPONSES	Count
Reigate and Banstead Borough Council	54.61%	77
Elmbridge Borough Council	5.67%	8
Epsom and Ewell Borough Council	1.42%	2
Guilford Borough Council	2.13%	3
Mole Valley District Council	11.35%	16
Runnymede Borough Council	7.80%	11
Spelthorne Borough Council	0.00%	0
Surrey Heath Borough Council	0.00%	0
Tandridge District Council	0.00%	0
Waverley Borough Council	0.71%	1
Woking Borough Council	16.31%	23
TOTAL		141

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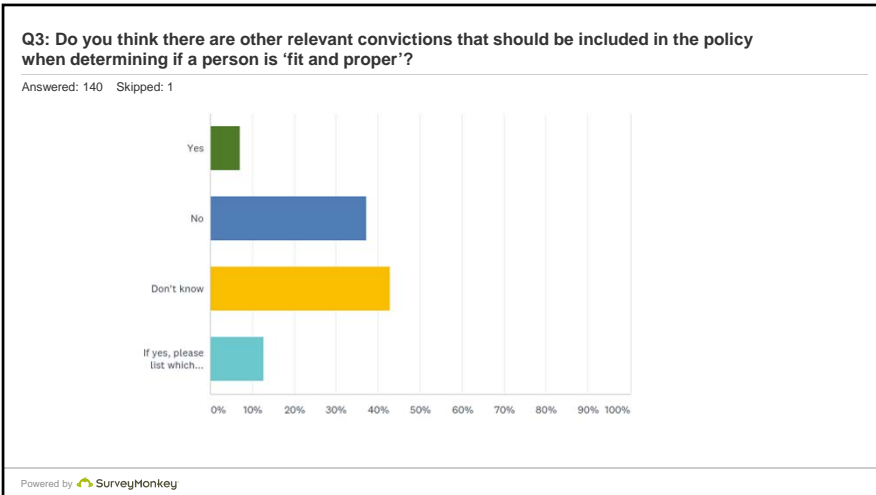


Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

Answered: 140 Skipped: 1

ANSWER CHOICES	RESPONSES
Yes	69.29% 97
No	19.29% 27
Don't know	11.43% 16
TOTAL	140

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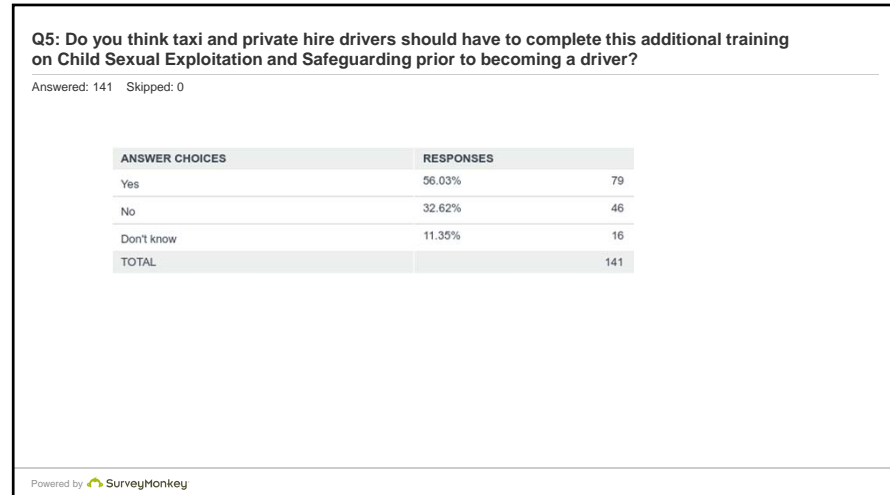
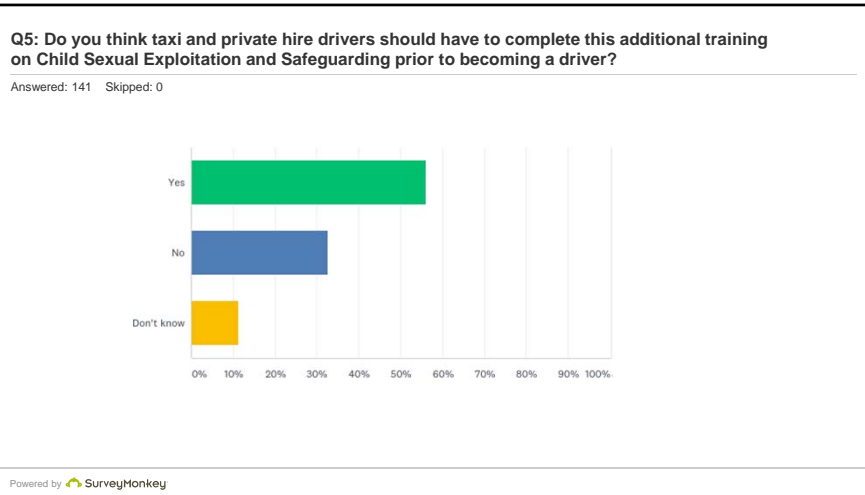
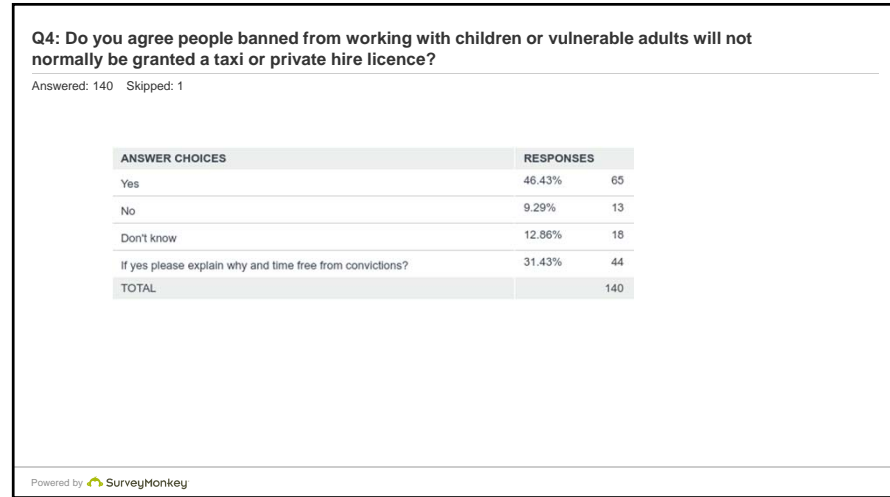
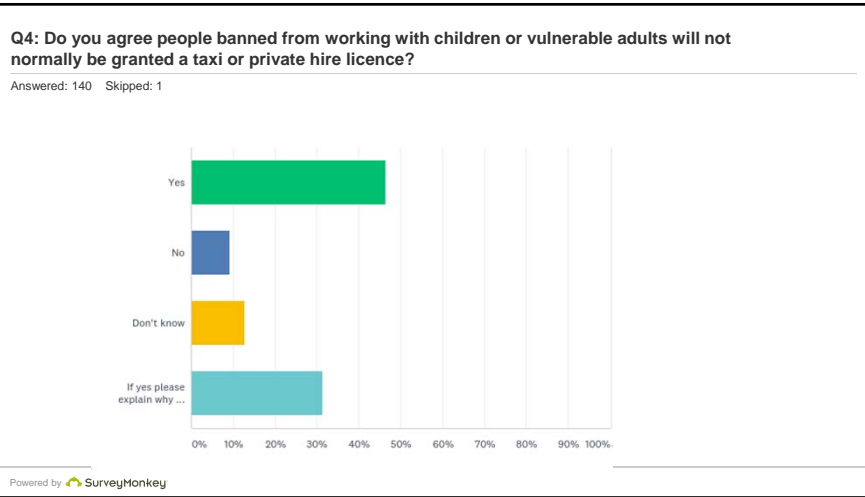


Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

Answered: 140 Skipped: 1

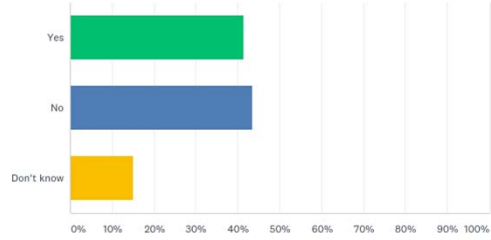
ANSWER CHOICES	RESPONSES
Yes	7.14% 10
No	37.14% 52
Don't know	42.86% 60
If yes, please list which convictions, give reason why and appropriate timescale free from conviction	12.86% 18
TOTAL	140

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Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

Answered: 140 Skipped: 1



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Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

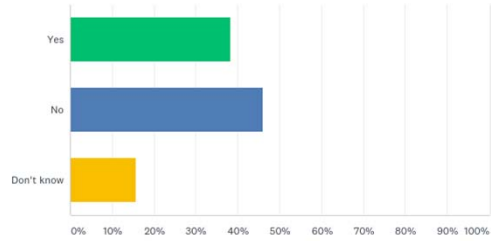
Answered: 140 Skipped: 1

ANSWER CHOICES	RESPONSES
Yes	41.43% 58
No	43.57% 61
Don't know	15.00% 21
TOTAL	140

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Q7: Do you think that existing drivers should be a required to pass a multiple-choice assessment to demonstrate understanding of the training?

Answered: 141 Skipped: 0



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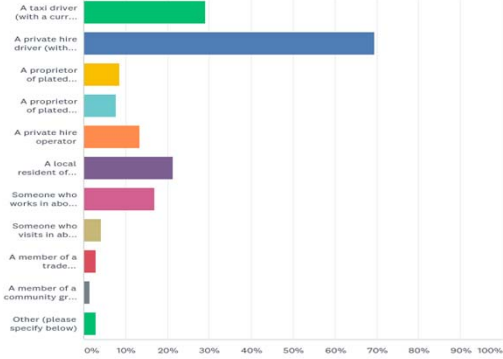
Q7: Do you think that existing drivers should be a required to pass a multiple-choice assessment to demonstrate understanding of the training?

Answered: 141 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	38.30% 54
No	46.10% 65
Don't know	15.60% 22
TOTAL	141

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Q9: Please tell us about you. Select all that apply.



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Q9: Please tell us about you. Select all that apply.

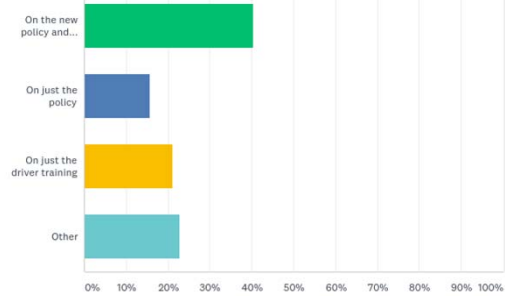
Answered: 141 Skipped: 0

ANSWER CHOICES	PERCENTAGE	RESPONSES
A taxi driver (with a current licence)	29.08%	41
A private hire driver (with a current licence)	69.50%	98
A proprietor of plated hackney carriage vehicle	8.51%	12
A proprietor of plated private hire vehicle	7.80%	11
A private hire operator	13.48%	19
A local resident of above Borough	21.28%	30
Someone who works in above Borough	17.02%	24
Someone who visits in above Borough	4.26%	6
A member of a trade association (please specify below)	2.84%	4
A member of a community group (please specify below)	1.42%	2
Other (please specify below)	2.84%	4
Total Respondents:		141

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Q11: Do you have any further comments

Answered: 57 Skipped: 84



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Q11: Do you have any further comments

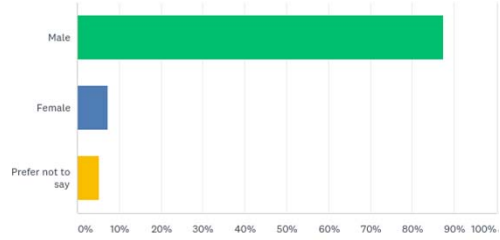
Answered: 57 Skipped: 84

ANSWER CHOICES	PERCENTAGE	RESPONSES
On the new policy and driver training	40.35%	23
On just the policy	15.79%	9
On just the driver training	21.05%	12
Other	22.81%	13
TOTAL		57

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Q15: What gender are you ?

Answered: 136 Skipped: 5



Powered by SurveyMonkey

Q15: What gender are you ?

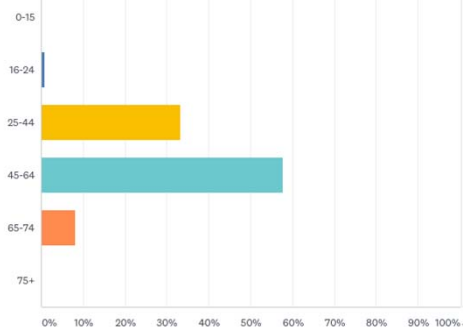
Answered: 136 Skipped: 5

ANSWER CHOICES	RESPONSES
Male	87.50% 119
Female	7.35% 10
Prefer not to say	5.15% 7
TOTAL	136

Powered by SurveyMonkey

Q16: What age are you?

Answered: 135 Skipped: 6



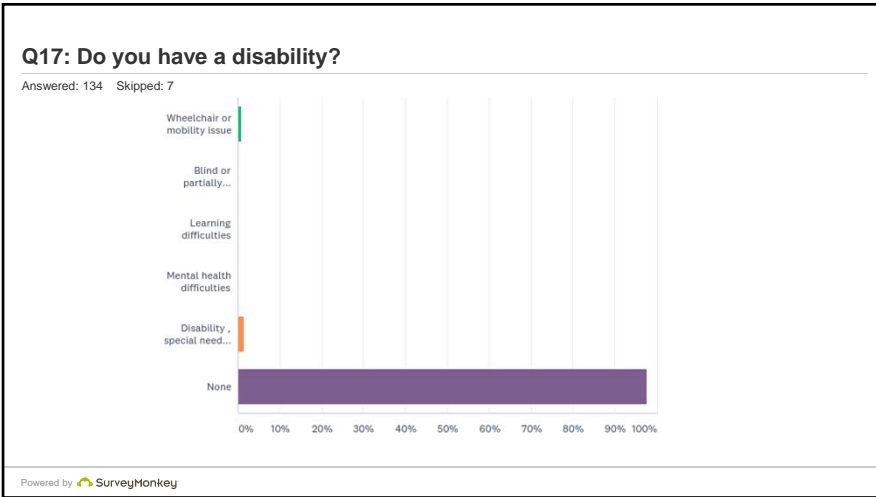
Powered by SurveyMonkey

Q16: What age are you?

Answered: 135 Skipped: 6

ANSWER CHOICES	RESPONSES
0-15	0.00% 0
16-24	0.74% 1
25-44	33.33% 45
45-64	57.78% 78
65-74	8.15% 11
75+	0.00% 0
TOTAL	135

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Q17: Do you have a disability?

Answered: 134 Skipped: 7

ANSWER CHOICES	RESPONSES
Wheelchair or mobility issue	0.75% 1
Blind or partially sighted	0.00% 0
Learning difficulties	0.00% 0
Mental health difficulties	0.00% 0
Disability, special need or medical condition not listed	1.49% 2
None	97.76% 131
TOTAL	134

Powered by SurveyMonkey

Guildford Borough Council survey results 2017

Your view on Taxi and Private Hire Conviction Policy and Safeguarding Training

Powered by SurveyMonkey

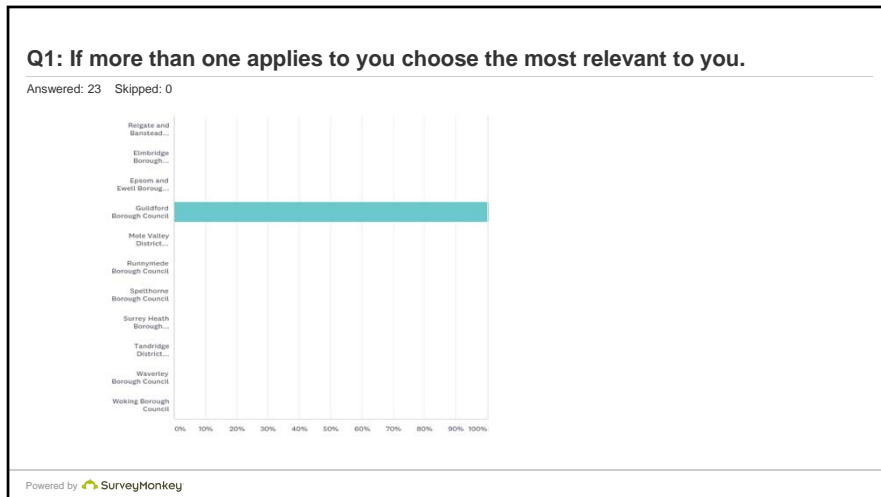
23

Total Responses

Date Created: Tuesday, June 27, 2017

Complete Responses: 20

Powered by SurveyMonkey



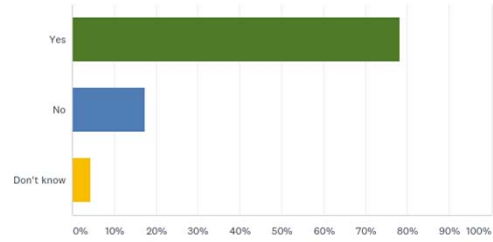
Q1: If more than one applies to you choose the most relevant to you.

ANSWER CHOICES	RESPONSES
Reigate and Banstead Borough Council	0.00% 0
Elmbridge Borough Council .	0.00% 0
Epsom and Ewell Borough Council	0.00% 0
Guildford Borough Council	100.00% 23
Mole Valley District Council	0.00% 0
Runnymede Borough Council	0.00% 0
Spelthorne Borough Council	0.00% 0
Surrey Heath Borough Council.	0.00% 0
Tandridge District Council	0.00% 0
Waverley Borough Council	0.00% 0
Woking Borough Council	0.00% 0
TOTAL	23

Powered by SurveyMonkey

Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

Answered: 23 Skipped: 0



Powered by SurveyMonkey

Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

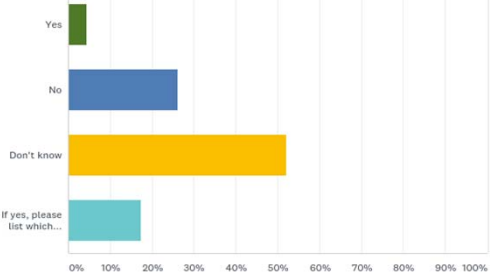
Answered: 23 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	78.26% 18
No	17.39% 4
Don't know	4.35% 1
TOTAL	23

Powered by SurveyMonkey

Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

Answered: 23 Skipped: 0



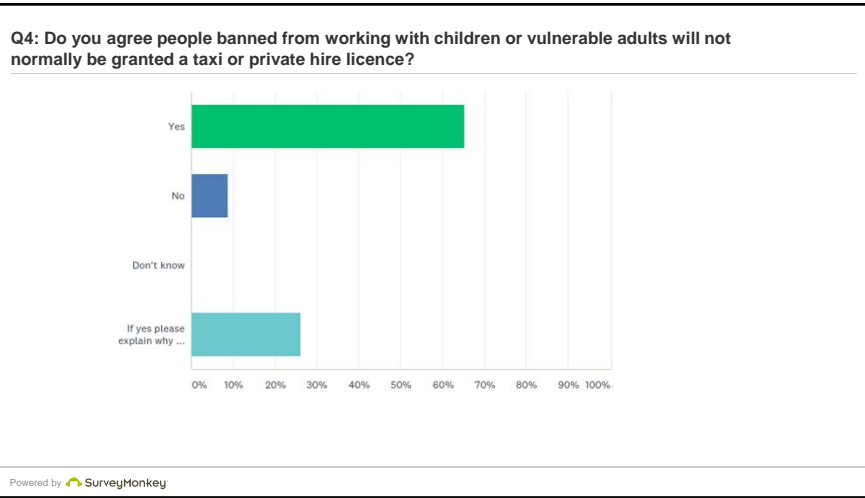
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Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

Answered: 23 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	4.35% 1
No	26.09% 6
Don't know	52.17% 12
If yes, please list which convictions, give reason why and appropriate timescale free from conviction	17.39% 4
TOTAL	23

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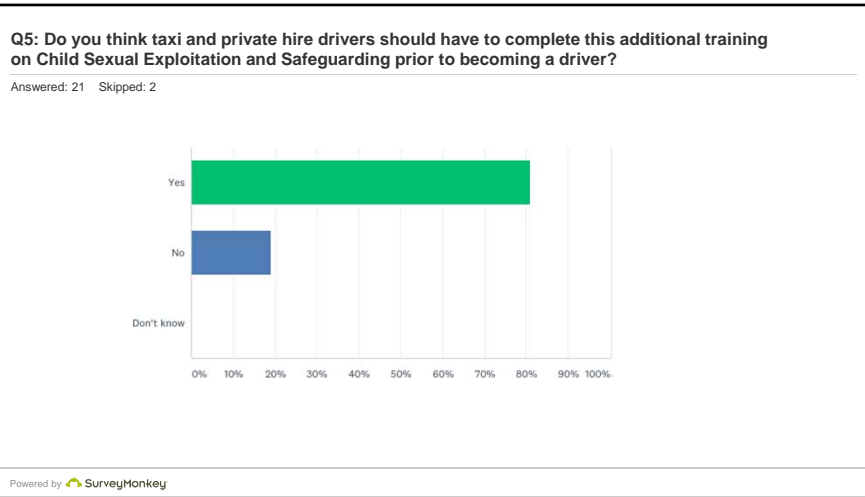


Q4: Do you agree people banned from working with children or vulnerable adults will not normally be granted a taxi or private hire licence?

Answered: 23 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	65.22% 15
No	8.70% 2
Don't know	0.00% 0
If yes please explain why and time free from convictions?	26.09% 6
TOTAL	23

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Q5: Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?

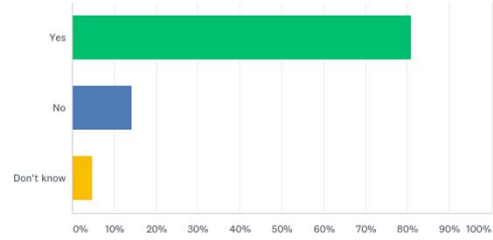
Answered: 21 Skipped: 2

ANSWER CHOICES	RESPONSES
Yes	80.95% 17
No	19.05% 4
Don't know	0.00% 0
TOTAL	21

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Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

Answered: 21 Skipped: 2



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Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

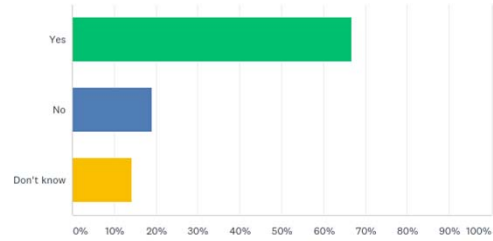
Answered: 21 Skipped: 2

ANSWER CHOICES	RESPONSES
Yes	80.95% 17
No	14.29% 3
Don't know	4.76% 1
TOTAL	21

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Q7: Do you think that existing drivers should be a required to pass a multiple-choice assessment to demonstrate understanding of the training?

Answered: 21 Skipped: 2



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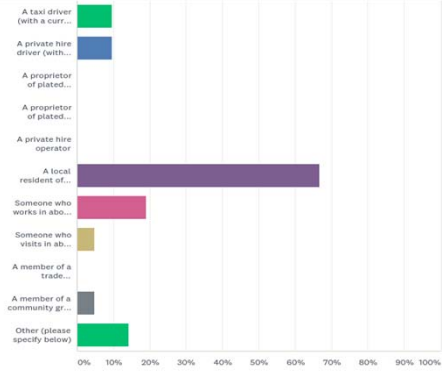
Q7: Do you think that existing drivers should be a required to pass a multiple-choice assessment to demonstrate understanding of the training?

Answered: 21 Skipped: 2

ANSWER CHOICES	RESPONSES
Yes	66.67% 14
No	19.05% 4
Don't know	14.29% 3
TOTAL	21

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Q9: Please tell us about you. Select all that apply.



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Q9: Please tell us about you. Select all that apply.

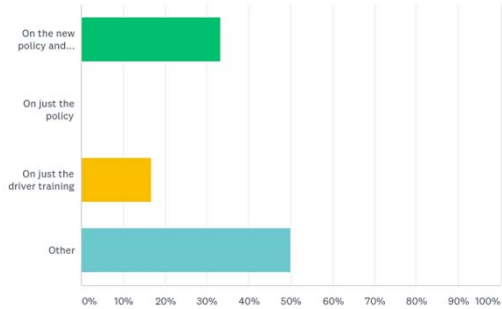
Answered: 21 Skipped: 2

ANSWER CHOICES	PERCENTAGE	RESPONSES
A taxi driver (with a current licence)	9.52%	2
A private hire driver (with a current licence)	9.52%	2
A proprietor of plated hackney carriage vehicle	0.00%	0
A proprietor of plated private hire vehicle	0.00%	0
A private hire operator	0.00%	0
A local resident of above Borough	66.67%	14
Someone who works in above Borough	19.05%	4
Someone who visits in above Borough	4.76%	1
A member of a trade association (please specify below)	0.00%	0
A member of a community group (please specify below)	4.76%	1
Other (please specify below)	14.29%	3
Total Respondents: 21		

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Q11: Do you have any further comments

Answered: 6 Skipped: 17



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Q11: Do you have any further comments

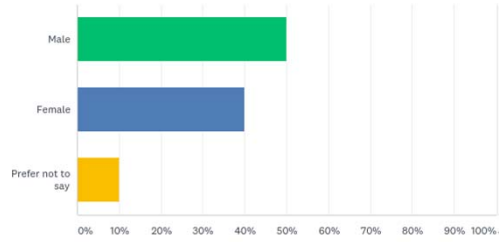
Answered: 6 Skipped: 17

ANSWER CHOICES	PERCENTAGE	RESPONSES
On the new policy and driver training	33.33%	2
On just the policy	0.00%	0
On just the driver training	16.67%	1
Other	50.00%	3
TOTAL		6

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Q15: What gender are you ?

Answered: 20 Skipped: 3



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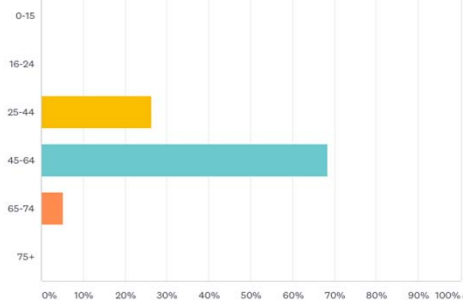
Q15: What gender are you ?

Answered: 20 Skipped: 3

ANSWER CHOICES	RESPONSES
Male	50.00% 10
Female	40.00% 8
Prefer not to say	10.00% 2
TOTAL	20

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Q16: What age are you?



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Q16: What age are you?

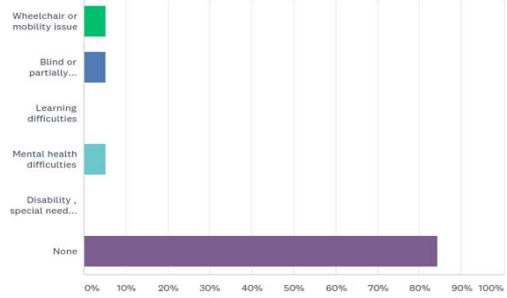
Answered: 19 Skipped: 4

ANSWER CHOICES	RESPONSES
0-15	0.00% 0
16-24	0.00% 0
25-44	26.32% 5
45-64	68.42% 13
65-74	5.26% 1
75+	0.00% 0
TOTAL	19

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Q17: Do you have a disability?

Answered: 19 Skipped: 4



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Q17: Do you have a disability?

Answered: 19 Skipped: 4

ANSWER CHOICES	RESPONSES
Wheelchair or mobility issue	5.26% 1
Blind or partially sighted	5.26% 1
Learning difficulties	0.00% 0
Mental health difficulties	5.26% 1
Disability, special need or medical condition not listed	0.00% 0
None	84.21% 16
TOTAL	19

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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 police or other relevant records or information from a reliable source.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, 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 exceptional circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
 - Applicants for a driver's, vehicle or private hire operator licence
 - Existing licensees whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/sub-committee
 - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of Guildford Borough Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
 - That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)

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

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services other licensing authorities, other departments within the Council, 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 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 an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- 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 an applicant 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 will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3 **Powers**

3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 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

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declared.

4 Consideration of disclosed criminal history

4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Operator or 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.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

4.2 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
- 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

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- Actual bodily harm
- Assault occasioning actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Common assault
- Resisting arrest
- Any racially-aggravated offence against a person or property
- 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 (not a firearm)

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. For firearms offences see 6.2.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 5 years (or at least 5 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) or offences 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

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- 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) or 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 normally be rejected or refused.

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 (drug or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6 A licence will not normally be granted for drunkenness offences not involving a motor vehicle for a period of one year after a single conviction and 2 years after 2 or more convictions within 2 years of each other.

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 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.

12.2 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.

12.3 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.**

12.4 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

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

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 should 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.

15.4 A licence will not normally be granted until at least 1 year has elapsed since a Criminal Behaviour Order.

16 Licensing Offences

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

17 Insurance Offences

17.1 A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. 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 revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.
- 17.3 Where a specific offence is not mentioned, a suitable period of time 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 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.
- 18.2 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.

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.

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 police or other relevant records or information from a reliable source ~~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~~ exceptional circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for a driver's, vehicle or private hire operator licence
 - Existing licensees whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/sub-committee
 - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the guidance policy will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of **[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/applicant is ~~a~~ fit and proper ~~person~~ in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safety of children, young persons and vulnerable adults

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- 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 a 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 DV~~L~~SA 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~~will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3 Powers

3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 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

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4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence 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 where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

4.24.3 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.

4.34.4 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.

4.44.5 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.

4.54.6 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

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- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- 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 (of public officials)
- 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 (not a firearm)

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. For firearms offences see 6.2.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 53 years (or at least 53 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) [or offences](#) 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) [or 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.

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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 normally~~ be ~~issued-rejected or refused~~with a licence.

Public order offences -

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 (drug or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6

~~10.5~~ 10.7 A licence will not normally be granted for drunkenness offences not involving a motor vehicle for a period of one year after a single conviction and 2 years after 2 or more convictions within 2 years of each other.

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 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.

12.2

12.412.3 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.

12.212.4 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.**

~~12.311.1 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.~~

12.412.5 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.

12.512.6 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.

12.612.7 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

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- 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, civil penalties and complaints from the public. In considering the most appropriate action to take following the receipt of information), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 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 should 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.

[15.4 Criminal Behaviour Orders. One year to elapse before a licence will normally be granted. Anti social behaviour orders.](#)

16 Licensing Offences

- 16.1 Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 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, or allowing person to drive whilst uninsured. 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 ~~3~~ years from the date of any revocation.
- 17.3 Where a specific offence is not mentioned, a suitable period of time 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.~~

18.12 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.

18.2 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.

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

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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.

Licensing Committee Report

Ward(s) affected: all

Report of the Head of Health and Community Care Services

Author: Mike Smith (Licensing Team Leader)

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: Graham Ellwood

Tel: 07899 846626

Email: graham.ellwood@guildford.gov.uk

Date: 17 January 2018

Street Trading Resolution

Executive Summary

The Council is the Licensing Authority for Street Trading under the Local Government (Miscellaneous Provisions) Act 1982 ("the Act"). In 1987 the Council designated a list of streets in the Borough as "consent" or "prohibited" streets in order to control Street Trading. The Licensing Committee approved the current Street Trading policy in November 2008.

On the 27 September 2017 the Licensing Committee approved public consultation on a draft resolution 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 the Licensing Committee must consider any representations received and may pass the necessary resolution.

Recommendation to Licensing Committee

That the Committee approves the Street Trading resolution at Appendix 1.

Reasons for Recommendation:

To improve control of Street trading in the Borough by designating all streets in the Borough as consent streets.

1. Purpose of Report

- 1.1 The report informs the Committee of the results of the public consultation on the proposed Street Trading resolution.
- 1.2 It asks the Committee to approve the proposed draft Street Trading resolution set out in Appendix 1.

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, 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 respond effectively to complaints associated with trading in areas where no provisions exist.
- 3.5 Furthermore, a number of streets in the town centre are designated as prohibited streets, where no trading is permitted. As the town has evolved, these streets, such as Tunsgate, would now make potentially suitable trading locations.

4. Proposed Changes

- 4.1 On 27 September 2017, the Licensing Committee agreed to publish notice of intention to pass a draft street trading resolution 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.
- 4.2 A further separate report to the Committee on 27 September 2017 also presented a draft, updated Policy covering Street Trading on which the Committee agreed to undertake a public consultation. The draft Policy is being consulted upon until 19 January 2017, with the results of the consultation due to be presented to Licensing Committee on 26 March 2018.
- 4.3 The report explained that 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 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.
 - Appropriate 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 The report also recognised that in updating the resolution, 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 follow the necessary process to designate all streets in Guildford Borough as consent streets, following approval from the Licensing Committee on 27 September 2017, the Council published a notice in a local paper on 27 October 2017 stating its intention to pass a resolution to do so. A copy of the resolution was served on the police and highways authority as also required. The notice invited views on the proposed changes and gave a period of 28 days for representations to be made.

- 5.2 In addition to the statutory notices, officers also consulted with all interested persons by:
- Writing to the responsible authorities listed in the draft Policy
 - Writing to the occupier of railway land
 - Writing to people representing the interests of persons carrying on businesses in Guildford
 - Writing to persons who are current street trading 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.
- 5.3 A total of six consultation responses were received to the draft resolution. These were all received via an online questionnaire set up to collect consultation responses. The anonymised results of the consultation are included in Appendix 2 to this report.
- 5.4 Out of the six (6) responses, four (4) described themselves as members of the public, one (1) described themselves as a 'responsible authority' although this response may not be genuine as they identified themselves as "gjhkgjkhg"; and one described themselves as 'other' giving further details that they were the Chair of Guildford Pubwatch.
- 5.5 Out of the six responses, half (3) agreed with the proposal to designate all streets in the Borough as 'consent' streets. These were two members of the public, and the 'other person' who identified themselves as the Chair of Guildford Pubwatch. Half (3) disagreed with the proposals. These were the unidentified 'responsible authority', and two members of the public.
- 5.6 Four (4) sets of additional comments were received from the six (6) respondents. These comments were:

No:	From:	Agree/disagree with proposal	Comment:
1.	Member of the public	Agreed	Does this cover buskers on the high street? They add so much to the character of the town I would not want them to disappear
2.	Chair of Guildford Pubwatch	Agreed	As a control of street trading but not I am assuming that it will not lead to an increase of street trading at optimum times to the detriment of existing rate paying businesses.
3.	Member of the public	Agreed	All traders should be licensed and in a place not blocking access or preventing window shopping. Folk who sleep rough and beg should be helped to suitable accommodation not camping in doorways. Food on display needs to be covered. I've seen wasps

No:	From:	Agree/disagree with proposal	Comment:
			eating food in the Tunsgate so did not buy
4.	Member of the public	Disagreed	Many organisations eg local WI are involved in fairs and bazaars to raise funds and awareness the changes proposed would make the events sadly untenable in many cases. Too much red tape.

- 5.7 In response to the four sets of additional comments received, officers would advise as follows:
1. The changes to the street trading resolution do not affect busking on the High Street.
 2. The changes to the street trading resolution, in addition to updating the Policy would enable more effective control of street trading across the Borough. The draft policy recognises the need to create a balance between the right of a person to apply for a consent, against the current established business offering.
 3. The changes to the street trading resolution would enable more effective control across the Borough on matters such as siting of stalls or compliance with legal requirements, which would be conditioned on consents.
 4. It is recognised that any changes to the street trading resolution may have the effect of including trading at fairs within the scope of control. Some trading may fall within the exemptions in the Act therefore each case will need to be considered on its merits. The draft policy recognises the need to support trading at events of charitable or community significance. Any organisation wishing to sell goods for a charitable cause may fall within the 'street collection' licensing regime, rather than street trading regime and may apply for a permit to sell goods for a charitable purpose, without charge, under powers available to the Council under the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.
- 5.8 The Council must consider the representations received (detailed in Appendix 2) before deciding whether to pass the resolution. The draft resolution is at Appendix 1. The resolution must specify the date the designation will come into effect, which must not be before the expiration of one month from the date the resolution is passed.
- 5.9 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. Officers recommend that if the Committee resolves to pass the new resolution, that this is effective from 1 April 2018 which would allow sufficient time to place the necessary advertisement, and to allow the 2018/19 fees and charges to take effect.

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 section 5 above and must be followed.
- 7.2 This report details the six consultation responses received following the publication of the notice of intention to pass the resolution. The Committee must consider the representations and pass the resolution if considered appropriate.

8. Human Resource Implications

- 8.1 The human resource implications associated with passing the resolution can be managed within the current Licensing resource.

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 has been followed and the Committee must consider the consultation responses received before deciding to pass a new Street Trading Resolution.

10. Summary of Options

- 10.1 Having considered the consultation responses, the Licensing Committee can either:
 - 1. Decide not to amend the current resolution.
 - Or
 - 2. Resolve to pass the new resolution consulted upon.

11. Conclusion

- 11.1 The statutory process for updating the Council's designation has been followed.
- 11.2 Updating the list of designated streets to include all streets across the Borough as 'consent' streets would improve the Council's control of street trading.

12. Background Papers

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

[Local Government \(Miscellaneous Provisions\) Act 1982](#)

13. Appendices

Appendix 1: Street Trading Resolution

Appendix 2: Consultation Responses Received

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**Guildford Borough Council
Local Government (Miscellaneous Provisions) Act 1982**

Schedule 4 – Adoption of Street Trading Consent Provisions

From 1 April 2018, all streets within Guildford Borough shall be designated as Consent Streets.

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.

Dated this 17th day of January 2018.

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#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 25, 2017 8:33:49 AM
Last Modified: Wednesday, October 25, 2017 8:34:01 AM
Time Spent: 00:00:12

Page 1: Welcome

Q1 Which of the following are you? **A 'responsible authority' (such as environmental health, police, trading standards, highways)**

Q2 Do you agree with this proposal? **No**

Q3 Please make any comments about the Council's plans to change the current Street Trading area below: **Respondent skipped this question**

Q4 Personal Details (any comments made may be published by the Council in anonymised form)

*Name **gjhkgjkhg**

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, November 05, 2017 9:17:18 AM
Last Modified: Sunday, November 05, 2017 9:22:54 AM
Time Spent: 00:05:36

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you agree with this proposal? **No**

Q3 Please make any comments about the Council's plans to change the current Street Trading area below:

Many organisations eg local WI are involved in fairs and bazaars to raise funds and awareness- the changes proposed would make the events sadly untenable in many cases. Too much red tape.

Q4 Personal Details (any comments made may be published by the Council in anonymised form)

*Name [REDACTED]
Address [REDACTED]
Address 2 [REDACTED]
City/Town [REDACTED]
ZIP/Postal Code [REDACTED]
Email Address [REDACTED]
Phone Number [REDACTED]

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, November 05, 2017 8:43:00 PM
Last Modified: Sunday, November 05, 2017 8:43:38 PM
Time Spent: 00:00:38

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you agree with this proposal? **No**

Q3 Please make any comments about the Council's plans to change the current Street Trading area below: **Respondent skipped this question**

Q4 Personal Details (any comments made may be published by the Council in anonymised form)

*Name [REDACTED]
Address [REDACTED]
City/Town [REDACTED]
State/Province [REDACTED]
ZIP/Postal Code [REDACTED]
Country [REDACTED]

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 09, 2017 10:46:23 AM
Last Modified: Thursday, November 09, 2017 10:51:37 AM
Time Spent: 00:05:13

Page 1: Welcome

Q1 Which of the following are you?

A member of the public

Q2 Do you agree with this proposal?

Yes

Q3 Please make any comments about the Council's plans to change the current Street Trading area below:

All traders should be licensed and in a place not blocking access or preventing window shopping. Folk who sleep rough and beg should be helped to suitable accommodation not camping in doorways.

Food on display needs to be covered. I've seen wasps eating food in the Tunsgate so did not buy

Q4 Personal Details (any comments made may be published by the Council in anonymised form)

*Name	██████████
Address	████████████████████
Address 2	████████████████████
City/Town	████████████████████
State/Province	██████
ZIP/Postal Code	██████████
Country	██
Email Address	██

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, November 13, 2017 7:34:42 PM
Last Modified: Monday, November 13, 2017 7:38:32 PM
Time Spent: 00:03:50

Page 1: Welcome

Q1 Which of the following are you?

Someone else (please specify):
Chairman of Guildford Pubwatch

Q2 Do you agree with this proposal?

Yes

Q3 Please make any comments about the Council's plans to change the current Street Trading area below:

As a control of street trading but not I am assuming that it will not lead to an increase of street trading at optimum times to the detriment of existing rate paying businesses.

Q4 Personal Details (any comments made may be published by the Council in anonymised form)

*Name [REDACTED]
Address [REDACTED]
Address 2 [REDACTED]
City/Town [REDACTED]
State/Province [REDACTED]
ZIP/Postal Code [REDACTED]
Country [REDACTED]
Email Address [REDACTED]
Phone Number [REDACTED]

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 21, 2017 10:54:38 AM
Last Modified: Tuesday, November 21, 2017 10:56:42 AM
Time Spent: 00:02:03

Page 1: Welcome

Q1 Which of the following are you? **A member of the public**

Q2 Do you agree with this proposal? **Yes**

Q3 Please make any comments about the Council's plans to change the current Street Trading area below:

Does this cover buskers on the high street - they add so much to the character of the town I would not want them to disappear

Q4 Personal Details (any comments made may be published by the Council in anonymised form)

*Name [REDACTED]
Address [REDACTED]
City/Town [REDACTED]
ZIP/Postal Code [REDACTED]
