



GUILDFORD
BOROUGH

James Whiteman
Managing Director

www.guildford.gov.uk

Contact Officer:

Sophie Butcher, Committee Officer
Tel no: 01483 444056

16 March 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 **MONDAY 26 MARCH 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 Kearse
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 17 January 2018.

4 STREET TRADING POLICY 2018 - 2023 (Pages 5 - 44)

The Committee considers and adopts the new Street Trading Policy 2018 -2023 with effect from 27 March 2018.

5 OBJECTIONS TO THE TAXI AND PRIVATE HIRE FEES AND CHARGES 2018-19 (Pages 45 - 64)

That the Committee considers and approves the Taxi and Private Hire Fees and Charges for 2018/19 with effect from 1 April 2018.

6 LICENSING COMMITTEE WORK PROGRAMME 2018-19 (Pages 65 - 68)

The Committee is asked to note the Licensing Committee Work Programme for 2018-19.

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AN ALTERNATIVE FORMAT**

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LICENSING COMMITTEE

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

- | | |
|---------------------------------|-----------------------------|
| * Councillor Graham Ellwood | * 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 Kears | * Councillor David Wright |
| Councillor Nigel Manning | |

*Present

L18 APOLOGIES

Apologies for absence were received from Councillors Nigel Kears and Nigel Manning.

L19 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interest.

L20 MINUTES

The minutes of the meeting held on 22 November 2017 were confirmed as a true record and were signed by the Chairman.

L21 APPROVAL OF TAXI AND PRIVATE HIRE FEES AND CHARGES 2018-19

The Committee received a report on the proposed Taxi and Private Hire Fees and Charges for 2018-19 to be approved with effect from 1 April 2018.

The Licensing Authority set the fees and charges agreed annually so that costs of administration could be recovered and no profit made on the fee. The Licensing Committee adopted a methodology for calculating fees and charges at its September 2016 meeting. This methodology had been used in the calculation of the 2018-19 Taxi and Private Hire Fees. If the Committee were minded to approve the fees proposed, a statutory consultation would be undertaken. If any objections were received, these would be considered by the Committee at its meeting on 26 March 2018 where the fees would be adopted with or without variation subject to the consultation responses. If there were no objections, then the fees would take effect from the end of the consultation. The largest increase noted was in the Private Hire Operator's Application and Renewal charge of £548.54. This was in response to the fact that two years ago the Deregulation Act 2015 enabled such a licence to last 5 years instead of 1 year only. The reduction in income would therefore be recovered by the increase in the fee.

Having considered the Taxi and Private Hire Fees and Charges for 2018-19, the Committee

RESOLVED:

To approve the fees and charges for Taxi and Private Hire Fees and Charges for 2018-19.

L22 TAXI AND PRIVATE HIRE LICENSING POLICY - CARD PAYMENTS IN TAXIS

The Committee considered the consultation responses received to the proposed changes to the Taxi and Private Hire Licensing Policy to help customers access taxi services 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.

On 27 September 2017, the 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. The Lead Councillor for Licensing and Community Safety approved as part of his delegated authority that a consultation was undertaken on the above for a period of 6 weeks starting 17 October 2017. All interested parties were consulted with; hackney carriage licence holders, the wider taxi trade via the Council's taxi newsletter, publicising the Policy changes on the Council's website and using social media to inform the public. Twenty-six consultation responses were received. Twenty-five out of the twenty-six consultees agreed with the proposed changes. One consultee, disagreed. Overall, the response indicated strong support for the proposed changes as it meant that taxi drivers would no longer have to carry with them sizable sums of cash, which would therefore limit their chance of becoming a victim of crime.

The Committee supported the proposal but considered why the response to the consultation was seemingly low compared to the wider population of Guildford. The Licensing Team Leader confirmed that every effort had been made to ensure that all relevant parties were effectively consulted with, in a variety of forms. Ultimately, it was the responsibility of the consultee to decide to respond or not. It was also confirmed, that any running costs incurred by the taxi trade by the introduction of the card payment machine could be accounted for and included in the overall taxi fares set for 2018-19. Lastly, if a card was declined for any reason, reasonable arrangements could be made between the driver and passenger to make and receive the payment.

Having considered the consultation responses received to the proposed changes to the taxi and private hire licensing policy during public consultation, the Committee:

RESOLVED:

To recommend to Council at its meeting on 7 February 2018, the adoption of the changes to the Policy requiring taxis to accept credit/debit card payments, including the facility to accept contactless payments by 1 April 2019.

L23 TAXI AND PRIVATE HIRE POLICY - CHANGES TO CONVICTIONS POLICY FOR INFORMATION

The Committee considered the consultation 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 Committee was informed that it was a Surrey wide project that covered the 11 districts and boroughs. Whilst each application for a taxi or private hire driver's licence would be considered according to its merits, the policy would introduce a standardised policy for all of Surrey's Local Authorities to follow when determining if a driver was 'fit and proper'.

Three hundred and ninety-six consultation responses across Surrey had been received, of which 73% were in favour of the changes proposed. The support from Guildford residents or those that worked in the borough was slightly higher at 78%. Good support was given for the training; however, less support was indicated from existing drivers to have to undergo this. The training would take approx. 30 minutes to an hour to complete and would be paid for by all of the Surrey Authorities in the first year. It was confirmed, that if a driver did not pass they would then have to undertake and pay for the test again at a cost of £15.00. The Committee agreed

that the adoption of a consistent policy combined with the mandatory CSE training for all taxi and private hire drivers in Surrey would raise the standards of public safety across Surrey and help to protect the most vulnerable in our communities.

Having considered the proposed changes to the Taxi and Private Hire Licensing Policy, the Committee

RESOLVED:

To recommend to Council at its meeting on 7 February 2018:

- 1) To adopt 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) To approve the requirement for all existing taxi and private hire drivers to undertake mandatory Child Sexual Exploitation training by 1 May 2019; and
- 3) To approve the requirement for all new taxi and private hire drivers to undertake mandatory Child Sexual Exploitation training from 11 April 2018.

L24 STREET TRADING RESOLUTION - CONSIDERATION OF OBJECTIONS

The Committee noted that the Council was the Licensing Authority for Street Trading under the Local Government (Miscellaneous Provisions) Act 1982 ("the Act"). The Council last designated, on 29 July 1987, a list of streets in the Borough as "consent" or "prohibited" streets in order to control Street Trading. However, those consent or prohibited streets largely applied to the town centre only. Complaints had been received about street trading taking place near the University of Surrey and Royal Surrey Hospital, which were currently not designated and the Council therefore had no control over their operation. Similarly, rural villages were not protected and could be subjected to unwanted street trading that was currently uncontrolled.

On the 27 September 2017, the Committee approved a 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 resolution. A public consultation was undertaken for a period of 28 days with relevant authorities such as the Police and Highways Authority as well as the current street traders. Six responses were received, three of which agreed with the proposals and three disagreed. One of those that disagreed was concerned that by designating all streets as "consent streets" groups such as the Women's Institute would be unable to collect monies for charitable causes. The Committee noted that if monies were collected for charitable purposes, a street collection permit that was free could be applied for. The changes outlined would be incorporated into a new Draft Street Trading Policy that would be considered by the Committee for adoption at its meeting on 27 March 2018.

The Committee was supportive of the changes proposed to improve control of Street Trading by designating all streets in the Borough as consent streets. It was confirmed that all current street traders had a licence for 1 year. Where street traders currently operated in areas that were not designated but would be as part of these recommendations, those street traders would have to apply for a street trading licence and considered on its merits. The local councillor would be consulted about any new applications for street trading.

Having considered the consultation responses received in relation to Street Trading, the Committee

RESOLVED:

That 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.

L25 LICENSING COMMITTEE WORK PROGRAMME 2018-19

The Committee noted the work programme and agreed that the meeting on 25 July 2018 currently scheduled would be cancelled if no items of business came forward.

The meeting finished at 7.39 pm

Signed

Date

Chairman

Licensing Committee Report

Report of the Licensing Team Leader

Author: Mike Smith

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Lead Councillor responsible: Graham Ellwood

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Date: 26 March 2018

Street Trading Policy

Executive Summary

The Council is the Licensing Authority for Street Trading under the Local Government (Miscellaneous Provisions) Act 1982.

Following the Licensing Committee resolution on 17 January 2018 to designate all streets within the Borough as 'consent' streets in order to improve control over street trading, this report seeks approval from the Licensing Committee on an updated Street Trading Policy for the Guildford Borough following public consultation.

Recommendation to Licensing Committee

That the Committee adopts the new Street Trading Policy 2018 -2023 with effect from 27 March 2018.

Reasons for Recommendation:

To improve control of Street trading in the Borough by recommending the adoption of an updated Policy covering street trading.

1. Purpose of Report

- 1.1 The report informs the Committee of the results of the public consultation to the proposed changes to the Council's Policy concerning Street Trading in the Borough.
- 1.2 It asks the Committee to approve the new Street Trading Policy in Appendix I.

2. Strategic Framework

- 2.1 The Street Trading Policy balances the right of an applicant to make an application under the Local Government (Miscellaneous Provisions) Act 1982 to

- trade in the Borough, and to have the application considered on its merits; against the right of any person to live in the Borough without being disturbed by the trading activity, and the rights of established businesses to continue trading creating a vibrant local economy.
- 2.2 An appropriate balance will help businesses to develop successfully whilst providing assurance to the public and existing traders.
- 2.3 The Policy will assist applicants to identify suitable trading locations, and provide guidance to enable the Council to make consistent decisions when determining applications.
- 2.4 As such, updating the Street Trading Policy will contribute to our fundamental themes and priorities as follows:
- Our Borough – ensuring that proportional and managed growth for future generations meets our community and economic needs
- Our Economy – supporting business, growth and employment
- Our Environment – improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy

3. Background

- 3.1 Street Trading is defined as the selling (or exposing or offering for sale) of any article in a street or other area where the public have access without payment.
- 3.2 Under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, (the Act) a Local Authority may designate streets within its district as “consent” streets or “prohibited” streets in order to control street trading.
- 3.3 The Council’s [current street trading policy](#) was approved in November 2008 and is due for review, as it does not offer comprehensive guidance on the application process, the criteria used to determine applications, or the assessment of suitable street trading sites. Similarly, the current conditions are replicative and out of date.
- 3.5 Additionally, on the 17 January 2018 the Licensing Committee resolved to designate all streets within the Borough as ‘consent’ streets in order to improve control of street trading. A policy update is therefore required to reflect this change.

4. Proposed Changes

- 4.1 On the 27 September 2017, Licensing Committee considered a report and agreed the draft Street Trading Policy for public consultation.

- 4.2 The report detailed that the proposed changes to the policy would improve the consultation process for any new application where representations, including from the public, existing business groups, and members will be taken into account, ensuring any new application meets local needs.
- 4.3 The changes would also 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; thus ensuring that traders will be regulated to protect the public across the Borough, with appropriate quality street trading concessions in the right location enhancing the local environment.
- 4.4 In dealing with a street trading application, there is no appeal mechanism for a refused application. However, the draft updated Policy details that any contentious application could be referred to the Council's Licensing Regulatory Sub-committee, who will consider the application on its merits.
- 4.5 The draft policy recognises that any trading may fall within the scope of requiring regulation, including trading at events held in the Borough. The draft policy recognises the difference in size and type of event, and recommends that incidental trading at community/charitable events will be subject to an administrative charge only to authorise trading activities.

5. Consultation

- 5.1 Consultation is critical to ensure any changes to the Street Trading Policy are clear and transparent for businesses, responsible authorities and the public.
- 5.2 On 27 September 2017, the Committee approved consultation on the draft Policy, with the proposed changes subject to a 12-week consultation period, which ran from 27 October 2017.
- 5.3 Officers carried out the consultation, ensuring we consulted with all interested consultees 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 consultation on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.
- 5.4 An online questionnaire was set up to collate responses, although had any written responses received then these would have been considered.
- 5.5 A total of ten (10) consultation responses were received, with the anonymised results presented in Appendix II to this report.

- 5.6 Out of the ten (10) responses, five (50%) described themselves as members of the public; two (20%) described themselves as a 'responsible authority' with one identifying themselves as Environmental Health although the other did not identify themselves; one (10%) described themselves as a current street trading consent holder; one (10%) described themselves as an established business in Guildford; and one described themselves as 'other', identifying themselves as Worplesdon Parish Council.
- 5.7 The first question on the online questionnaire asked respondents if they considered whether the criteria listed in the draft policy (section 2.4 on page 5) used to determine applications were relevant and necessary. Of the ten responses, nine agreed that they were. The one respondent who disagreed offered no further explanation as to their answer.
- 5.8 The next questions concerned the list of consultees for street trading applications in the draft policy (section 2.2 on page 5) and asked if respondents agreed with the list of consultees and whether any should not be included, or any other consultees should be included. Nine out of 10 respondents agreed with the list of consultees. The one respondent who disagreed offered no further explanation as to their answer. With regard to other consultees, which should be included, the following two suggestions were made:
1. "Street trading consent Holders located nearby" (A current street trading consent holder)
 2. "In some parts of the town there are Community Groups" (Responsible Authority, Environmental Health)

In response to these suggestions, Officers would advise as follows:

1. The draft policy details that part of the criteria used to determine an application will be the character of the area, including the presence of similar outlets, and general needs of the area. Each application should be considered on its merits.
 2. The draft policy details that the appropriate ward councillor and parish council would be consulted on an application; and it is anticipated that this should ensure that any local views are accounted for.
- 5.9 The consultation asked respondents for views around street trading at events, particularly community focussed events which was a concern arising during the consultation on the new street trading resolution.

Respondents were asked whether they felt it justified to adopt a 'light touch' policy of regulating street trading at events of a community/charitable nature. Out of the ten (10) responses, eight (80%) agreed, and two did not.

- 5.10 The respondents were asked what they felt a reasonable fee would be to authorise street trading at a community/charity event. The relevant answers received were as follows:

£Administrative costs

£5

£10 – or charges to cover administrative costs to the Council

£20
£25
£70
£100

Whilst Street Trading Fee setting is not a decision for the Licensing Committee, fees and charges for 2018/19 were set by Budget Council on 7 February. A fee of £25 to cover the cost of administering street trading at community/charitable events has been proposed for 2018/19, which was based upon the fee for a Temporary Event Notice under the Licensing Act. In future years, officers can use time recording data to set fees.

5.11 Respondents were asked if they had any other comments relating to trading at events. The following additional comments were received:

1. Any charge made for a charitable/not-for-profit event should be enough to cover the administrative costs by the Council but not to make a profit. (A member of the public)
2. The Parish Council should be consulted prior to the Borough Council making any decisions about trading licenses within the Parish without exception. (A Parish Council)

In response to these suggestions, Officers would advise as follows:

1. It is well established in law when setting a licence fee that the Council cannot make a profit and must only cover its costs.
2. The relevant ward councillor and parish council are listed as consultees in the Policy.

5.12 The last set of questions concerned the conditions in the draft policy (Appendix I on page 10) and asked if respondents agreed with the list of proposed conditions. Out of the ten (10) responses, eight (80%) agreed, and one did not and one respondent did not answer. Of the one respondent who did not agree with the list of conditions (an unidentified 'responsible authority'), no further comments were received in order to explain their answer.

Respondents had the opportunity to comment on the draft conditions, and propose additional conditions. Two further sets of comments were received:

1. "To consult with existing street traders in the Borough"; and "for Street traders to have a distance limit between trading if they intend to sell the same items". (A current street trading consent holder)
2. "I do think it seems unfair to prevent street traders from participating on days when there are other town events. They should also be invited to participate on such days" and "That traders selected do not just end up replicating each other with their products". (Member of the public)

In response to these suggestions, Officers would advise as follows:

1. Whilst not conditions, the respondent believes that existing street traders should be consulted on applications, and that there should be a distance between traders with the same offering, presumably to prevent competition. The draft policy identifies the decision making criteria and consultees for applications.

The aim of the policy is to promote safety and local business, not to monopolise trading, but at the same time create a balance between the needs of an area and a person's desire to trade. Officers believe that the proposed criteria used to determine applications in section 2.4 of the policy, and that each application will be treated on its merits should be sufficient.

2. There is a proposed draft condition that traders would not be permitted to trade on days where an event is taking place in the town centre. The reasoning behind this proposal is to ensure that any event to the wider benefit of the community would not be disrupted by trading, for example, where a street trading consent on the high street would prevent access for an event.

- 5.13 The final question allowed respondents to make any further comments. One additional comment was received from a member of the public, who commented that:

“Attention should be given to resolving unauthorised street trading such as the kebab vans on Egerton Road Guildford”

This concern has already been overcome by the decision to adopt all streets as consent streets from 1 April 2018.

- 5.14 To summarise, the consultation indicated strong agreement with the criteria used to determine applications in the draft policy, and strong agreement with the list of consultees. The consultation indicated strong agreement with taking a light touch approach towards trading at community/charity events, which would fall within the scope of street trading. The consultation indicated strong agreement with the list of draft conditions.
- 5.15 Officers therefore recommend that the Council should proceed with the adoption of the draft Street Trading Policy, with no amendments to the version consulted upon.

6. Financial Implications

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

7. Legal Implications

- 7.1 There is no requirement to have a Street Trading Policy; however, it is good practice for the Council, as a licensing authority, to have a policy, which provides the framework for consistent decision-making.

8. Human Resource Implications

- 8.1 The human resource implications associated with adopting a new Street Trading Policy can be managed within the current licensing resource.

9. Conclusion

- 9.1 Updating the Street Trading Policy will allow the Council to improve control of Street Trading in the Borough.
- 9.2 Following consultation, the Officers recommend that the Licensing Committee adopt the revised Policy at Appendix 1.

10. Summary of Options

- 10.1 After considering the results of the public consultation, the Licensing Committee may either:
1. Adopt the updated Street Trading Policy for the Guildford Borough at Appendix 1; or
 2. Adopt the Street Trading Policy at Appendix 1 with amendments; or
 3. Continue with the current Street Trading Policy.

11. Background Papers

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

[Local Government \(Miscellaneous Provisions\) Act 1982, Schedule 4 – Street Trading](#)

[Minutes of Licensing Committee 17 January 2018](#)

12. Appendices

Appendix I: Street Trading Policy
Appendix II: Consultation Responses Received

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GUILDFORD BOROUGH COUNCIL STREET TRADING POLICY

2018 - 2023

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

APPENDIX I - Conditions

1. Introduction

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

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

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

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

For clarification:

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

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

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

2. Determining Street Trading Consent Applications

2.1 Submission of the application

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

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

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

2.2 Consultations

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

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

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

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

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

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

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

2.3 Site Assessment

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

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

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

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

2.4 Criteria used to determine the Application

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

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

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

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

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

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

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

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

2.5 Approval of Applications

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

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

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

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

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

2.6 Issue of Street Trading Consents

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

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

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

No trading is permitted until a consent has been granted.

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

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

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

3. Fees

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

The fee will be refunded if an application is refused.

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

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

4. Conditions

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

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

5. Street trading during events

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

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

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

Community and Charitable events:

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

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

Commercial events:

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

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

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

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

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

6. Enforcement

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

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

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

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

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

7. Review Procedures

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

APPENDIX I - Conditions

Definitions:

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

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

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

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

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

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

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

Street Trading Consents - Standard Conditions

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

7. The trader shall comply with all relevant statutes, regulations and bylaws for the time being in force and with the conditions of the consent.
8. The trader shall comply with all requirements of the Food Hygiene (England) Regulations 2013, Regulation (EC) N0 852/2004 on the hygiene of foodstuffs and any associated legislation.
9. The trader shall maintain a minimum food hygiene rating score of 3.
10. The trader shall allow access by any authorised officer or his/her representatives at all times to ensure that the terms of the consent are being carried out to their satisfaction.
11. The trader shall display his street trading consent, which shall be plainly visible to the public and available for inspection by officers of the Council or Police.
12. The trader shall provide insurance to the sum of £5 000 000 to ensure against third party liability claims and to indemnify the Borough Council against all claims, liabilities, actions, demands and expense arising in respect of the grant or renewal of this consent. The trader shall provide insurance certificate upon application and on demand for inspection by the Borough Council.
13. The trader is not permitted to hold any auction sale.
14. If the consent allows the trader to trade from a vehicle, or stall, the trader shall only use the approved vehicle or stall and may not trade from any other vehicle or stall. No table, chairs or similar articles shall be placed outside the vehicle/stall without the prior approval of the Council.
15. The trader shall comply with all reasonable requirements of any authorised officer or Police officer, including temporarily ceasing trading where necessary for public order or safety reasons.
16. No child under the age of 17 shall be engaged in the trading.
17. The consent is personal to the applicant and is not transferable to any other person, firm or company.
18. No sub-letting of consents is permitted.
19. The trader or his employees may not sell, display or wear any article which is offensive either in writing or pictures. The authorised officer's decision as to what is offensive is final.
20. The trader shall reimburse all costs incurred by the Council as a result of any damage caused by the trader's occupation of the approved site.

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

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

#1

INCOMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 20, 2017 1:42:05 PM
Last Modified: Friday, October 20, 2017 1:44:20 PM
Time Spent: 00:02:15

Page 1: About you

Q1 Which of the following are you? **An established business in the Guildford Borough**

Page 2: General Details

Q2 Do you agree that each of the criteria are relevant and necessary for inclusion within the street trading policy? **Yes**

Page 3

Q3 Do you agree with the draft list consultees? **Yes**

Q4 Do you think any consultees should not be included? **No**

Q5 Do you think any additional consultees should be included? **No**

Page 4

Q6 Recognising that a Street trading consent would be required to authorise trading at an event, do you think it is justifiable to adopt a light-touch process and fee structure so as not to restrict organisers of community and charitable events? **No**

Q7 What would you consider to be a reasonable fee to authorise trading at a community or charitable event? **Respondent skipped this question**

Q8 Do you have any other comments about trading at events? **Respondent skipped this question**

Page 5

Q9 Do you consider the draft conditions to be appropriate to uphold the policy objectives? **Yes**

Q10 Do you wish to comment on any of the draft conditions? **Respondent skipped this question**

Q11 Do you wish to propose additional conditions? **Respondent skipped this question**

Page 6

Q12 If there are issues you wish to raise or comment on which are not included above we would be grateful to receive them: **Respondent skipped this question**

Page 7

Q13 Personal Details (any comments made may be published by the Council in anonymised form) **Respondent skipped this question**

#2

INCOMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 20, 2017 1:54:05 PM
Last Modified: Friday, October 20, 2017 1:57:04 PM
Time Spent: 00:02:59

Page 1: About you

Q1 Which of the following are you?

A 'responsible authority' (e.g. Environmental Health, Police, Trading Standards, Highways)

Page 2: General Details

Q2 Do you agree that each of the criteria are relevant and necessary for inclusion within the street trading policy?

No

Page 3

Q3 Do you agree with the draft list consultees?

No

Q4 Do you think any consultees should not be included?

Yes,

If yes, please name the consultee and your reasons:
b

Q5 Do you think any additional consultees should be included?

No,

If yes, please name the consultee and your reasons:
b

Page 4

Q6 Recognising that a Street trading consent would be required to authorise trading at an event, do you think it is justifiable to adopt a light-touch process and fee structure so as not to restrict organisers of community and charitable events?

No

Q7 What would you consider to be a reasonable fee to authorise trading at a community or charitable event?

b

Q8 Do you have any other comments about trading at events?

b

Page 5

Q9 Do you consider the draft conditions to be appropriate to uphold the policy objectives? **No**

Q10 Do you wish to comment on any of the draft conditions?

b

Q11 Do you wish to propose additional conditions?

b

Page 6

Q12 If there are issues you wish to raise or comment on which are not included above we would be grateful to receive them: **Respondent skipped this question**

Page 7

Q13 Personal Details (any comments made may be published by the Council in anonymised form) **Respondent skipped this question**

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 20, 2017 9:39:23 AM
Last Modified: Wednesday, October 25, 2017 8:33:36 AM
Time Spent: Over a day

Page 1: About you

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

Page 2: General Details

Q2 Do you agree that each of the criteria are relevant and necessary for inclusion within the street trading policy? **Yes**

Page 3

Q3 Do you agree with the draft list consultees? **Yes**

Q4 Do you think any consultees should not be included? **Yes**

Q5 Do you think any additional consultees should be included? **No**

Page 4

Q6 Recognising that a Street trading consent would be required to authorise trading at an event, do you think it is justifiable to adopt a light-touch process and fee structure so as not to restrict organisers of community and charitable events? **Yes**

Q7 What would you consider to be a reasonable fee to authorise trading at a community or charitable event? **Respondent skipped this question**

Q8 Do you have any other comments about trading at events? **Respondent skipped this question**

Page 5

Q9 Do you consider the draft conditions to be appropriate to uphold the policy objectives? **Yes**

Q10 Do you wish to comment on any of the draft conditions? **Respondent skipped this question**

Q11 Do you wish to propose additional conditions? **Respondent skipped this question**

Page 6

Q12 If there are issues you wish to raise or comment on which are not included above we would be grateful to receive them: **Respondent skipped this question**

Page 7

Q13 Personal Details (any comments made may be published by the Council in anonymised form)

*Name **hjkhkjh**

#4

INCOMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 31, 2017 1:53:37 PM
Last Modified: Tuesday, October 31, 2017 1:55:44 PM
Time Spent: 00:02:07

Page 1: About you

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

Page 2: General Details

Q2 Do you agree that each of the criteria are relevant and necessary for inclusion within the street trading policy? **Yes**

Page 3

Q3 Do you agree with the draft list consultees? **Yes**

Q4 Do you think any consultees should not be included? **No**

Q5 Do you think any additional consultees should be included? **No**

Page 4

Q6 Recognising that a Street trading consent would be required to authorise trading at an event, do you think it is justifiable to adopt a light-touch process and fee structure so as not to restrict organisers of community and charitable events? **Yes**

Q7 What would you consider to be a reasonable fee to authorise trading at a community or charitable event?

£ admin costs

Q8 Do you have any other comments about trading at events? **Respondent skipped this question**

Page 5

Q9 Do you consider the draft conditions to be appropriate to uphold the policy objectives?

Respondent skipped this question

Q10 Do you wish to comment on any of the draft conditions?

Respondent skipped this question

Q11 Do you wish to propose additional conditions?

Respondent skipped this question

Page 6

Q12 If there are issues you wish to raise or comment on which are not included above we would be grateful to receive them:

Respondent skipped this question

Page 7

Q13 Personal Details (any comments made may be published by the Council in anonymised form)

Respondent skipped this question

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 31, 2017 7:51:39 PM
Last Modified: Tuesday, October 31, 2017 8:00:36 PM
Time Spent: 00:08:57

Page 1: About you

Q1 Which of the following are you? **A current street trading consent holder**

Page 2: General Details

Q2 Do you agree that each of the criteria are relevant and necessary for inclusion within the street trading policy? **Yes**

Page 3

Q3 Do you agree with the draft list consultees? **Yes**

Q4 Do you think any consultees should not be included? **No**

Q5 Do you think any additional consultees should be included? **Yes,**
 If yes, please name the consultee and your reasons:
 Yes --Street trading consent Holders located nearby

Page 4

Q6 Recognising that a Street trading consent would be required to authorise trading at an event, do you think it is justifiable to adopt a light-touch process and fee structure so as not to restrict organisers of community and charitable events? **Yes**

Q7 What would you consider to be a reasonable fee to authorise trading at a community or charitable event?

70

Q8 Do you have any other comments about trading at events?

Respondent skipped this question

Page 5

Q9 Do you consider the draft conditions to be appropriate to uphold the policy objectives?

Yes

Q10 Do you wish to comment on any of the draft conditions?

To consult with existing street traders in the Borough

Q11 Do you wish to propose additional conditions?

yes -for Street traders to have a distance limit between trading if they intend to sell the same items

Page 6

Q12 If there are issues you wish to raise or comment on which are not included above we would be grateful to receive them:

Respondent skipped this question

Page 7

Q13 Personal Details (any comments made may be published by the Council in anonymised form)

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

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, November 13, 2017 12:17:06 PM
Last Modified: Monday, November 13, 2017 12:22:50 PM
Time Spent: 00:05:43

Page 1: About you

Q1 Which of the following are you? **A 'responsible authority' (e.g. Environmental Health, Police, Trading Standards, Highways)**

Page 2: General Details

Q2 Do you agree that each of the criteria are relevant and necessary for inclusion within the street trading policy? **Yes**

Page 3

Q3 Do you agree with the draft list consultees? **Yes**

Q4 Do you think any consultees should not be included? **No**

Q5 Do you think any additional consultees should be included? **Yes,**
 If yes, please name the consultee and your reasons:
 In some parts of the town there are Community Groups

Page 4

Q6 Recognising that a Street trading consent would be required to authorise trading at an event, do you think it is justifiable to adopt a light-touch process and fee structure so as not to restrict organisers of community and charitable events? **Yes**

Q7 What would you consider to be a reasonable fee to authorise trading at a community or charitable event?

£20

Q8 Do you have any other comments about trading at events?

No

Page 5

Q9 Do you consider the draft conditions to be appropriate to uphold the policy objectives? **Yes**

Q10 Do you wish to comment on any of the draft conditions?

No

Q11 Do you wish to propose additional conditions?

No

Page 6

Q12 If there are issues you wish to raise or comment on which are not included above we would be grateful to receive them: **Respondent skipped this question**

Page 7

Q13 Personal Details (any comments made may be published by the Council in anonymised form)

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

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 16, 2017 10:15:14 PM
Last Modified: Thursday, November 16, 2017 10:25:59 PM
Time Spent: 00:10:45

Page 1: About you

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

Page 2: General Details

Q2 Do you agree that each of the criteria are relevant and necessary for inclusion within the street trading policy? **Yes**

Page 3

Q3 Do you agree with the draft list consultees? **Yes**

Q4 Do you think any consultees should not be included? **No**

Q5 Do you think any additional consultees should be included? **No**

Page 4

Q6 Recognising that a Street trading consent would be required to authorise trading at an event, do you think it is justifiable to adopt a light-touch process and fee structure so as not to restrict organisers of community and charitable events? **Yes**

Q7 What would you consider to be a reasonable fee to authorise trading at a community or charitable event?

£10 - or a charge to cover the administrative costs at the council

Q8 Do you have any other comments about trading at events?

Any charge made for a charitable/not-for-profit event should be enough to cover the administrative costs by the Council but not to make a profit.

Page 5

Q9 Do you consider the draft conditions to be appropriate to uphold the policy objectives? **Yes**

Q10 Do you wish to comment on any of the draft conditions? **Respondent skipped this question**

Q11 Do you wish to propose additional conditions?

Street traders only allowed to trade during prescribed hours

Page 6

Q12 If there are issues you wish to raise or comment on which are not included above we would be grateful to receive them: **Respondent skipped this question**

Page 7

Q13 Personal Details (any comments made may be published by the Council in anonymised form)

*Name

██████████

#8

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, November 27, 2017 10:52:53 AM
Last Modified: Monday, November 27, 2017 11:08:08 AM
Time Spent: 00:15:15

Page 1: About you

Q1 Which of the following are you? None of the above (please specify):
Parish Council

Page 2: General Details

Q2 Do you agree that each of the criteria are relevant and necessary for inclusion within the street trading policy? **Yes**

Page 3

Q3 Do you agree with the draft list consultees? **Yes**

Q4 Do you think any consultees should not be included? **No**

Q5 Do you think any additional consultees should be included? **No**

Page 4

Q6 Recognising that a Street trading consent would be required to authorise trading at an event, do you think it is justifiable to adopt a light-touch process and fee structure so as not to restrict organisers of community and charitable events? **Yes**

Q7 What would you consider to be a reasonable fee to authorise trading at a community or charitable event?

£5

Q8 Do you have any other comments about trading at events?

The Parish Council should be consulted prior to the Borough Council making any decisions about trading licenses within the Parish without exception.

Page 5

Q9 Do you consider the draft conditions to be appropriate to uphold the policy objectives? **Yes**

Q10 Do you wish to comment on any of the draft conditions? **Respondent skipped this question**

Q11 Do you wish to propose additional conditions? **Respondent skipped this question**

Page 6

Q12 If there are issues you wish to raise or comment on which are not included above we would be grateful to receive them: **Respondent skipped this question**

Page 7

Q13 Personal Details (any comments made may be published by the Council in anonymised form)

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

#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, January 08, 2018 9:43:18 AM
Last Modified: Monday, January 08, 2018 9:47:13 AM
Time Spent: 00:03:54

Page 1: About you

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

Page 2: General Details

Q2 Do you agree that each of the criteria are relevant and necessary for inclusion within the street trading policy? **Yes**

Page 3

Q3 Do you agree with the draft list consultees? **Yes**

Q4 Do you think any consultees should not be included? **No**

Q5 Do you think any additional consultees should be included? **Yes,**
 If yes, please name the consultee and your reasons:
 Local residents near by to where a consent may be granted

Page 4

Q6 Recognising that a Street trading consent would be required to authorise trading at an event, do you think it is justifiable to adopt a light-touch process and fee structure so as not to restrict organisers of community and charitable events? **Yes**

Q7 What would you consider to be a reasonable fee to authorise trading at a community or charitable event?

£100

Q8 Do you have any other comments about trading at events? Respondent skipped this question

Page 5

Q9 Do you consider the draft conditions to be appropriate to uphold the policy objectives? Yes

Q10 Do you wish to comment on any of the draft conditions? Respondent skipped this question

Q11 Do you wish to propose additional conditions? Respondent skipped this question

Page 6

Q12 If there are issues you wish to raise or comment on which are not included above we would be grateful to receive them:

Attention should be given to resolving unauthorised street trading such as the kebab vans on Egerton Road Guildford

Page 7

Q13 Personal Details (any comments made may be published by the Council in anonymised form)

*Name



#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, January 08, 2018 11:25:39 AM
Last Modified: Monday, January 08, 2018 11:32:21 AM
Time Spent: 00:06:42

Page 1: About you

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

Page 2: General Details

Q2 Do you agree that each of the criteria are relevant and necessary for inclusion within the street trading policy? **Yes**

Page 3

Q3 Do you agree with the draft list consultees? **Yes**

Q4 Do you think any consultees should not be included? **No**

Q5 Do you think any additional consultees should be included? **No**

Page 4

Q6 Recognising that a Street trading consent would be required to authorise trading at an event, do you think it is justifiable to adopt a light-touch process and fee structure so as not to restrict organisers of community and charitable events? **Yes**

Q7 What would you consider to be a reasonable fee to authorise trading at a community or charitable event?

£25

Q8 Do you have any other comments about trading at events? **Respondent skipped this question**

Page 5

Q9 Do you consider the draft conditions to be appropriate to uphold the policy objectives? **Yes**

Q10 Do you wish to comment on any of the draft conditions?

I do think it seems unfair to prevent street traders from participating on days when there are other town events. They should also be invited to participate on such days.

Q11 Do you wish to propose additional conditions?

That traders selected do not just end up replicating each other with their products.

Page 6

Q12 If there are issues you wish to raise or comment on which are not included above we would be grateful to receive them: **Respondent skipped this question**

Page 7

Q13 Personal Details (any comments made may be published by the Council in anonymised form)

*Name



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

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Date: 26 March 2018

Objections to the Taxi and Private Hire Fees and Charges 2018/19

Executive Summary

On 17 January 2018, the Licensing Committee approved the proposed taxi and private hire fees and charges for the financial year 2018/19.

A notice was published in the *Surrey Advertiser* advertising the fees and charges and confirming they would take effect from the end of the consultation period. One objection has been received from a member of the trade. Therefore, the advertised fees and charges cannot come into effect until the objection has been considered formally.

This report details the fee setting process for the taxi and private hire fees and charges for 2018/19 and the objection to the advertised fees. The Licensing Committee must consider the objection; approve the taxi and private hire fees and charges for 2018/19 with or without modification and set a date for implementation, which must be no later than 3 May 2018, as is required by legislation.

Recommendation to Licensing Committee

That the Taxi and Private Hire Fees and Charges for 2018/19, as set out in Appendix 1 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 in order to recover its reasonable administrative costs.

1. Purpose of Report

- 1.1 To enable the Licensing Committee to consider the objection received to the taxi and private hire fees and charges for 2018/19 and to set a date for the fees and

charges to come into force with or without modification by no later than 3 May 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 cost for the enforcement of unlicensed drivers, 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.
- 3.4 The taxi and private hire fees and charges methodology approved on 14 September 2016 has been applied in the production of the 2018-19 fees and charges set out in Appendix 1, as detailed in the report to Licensing Committee on 17 January 2018.
- 3.5 Following approval by Licensing Committee on 17 January 2018 and as required by Section 70 of the Act, a notice was published in a local newspaper, the Surrey Advertiser, advertising the fees and charges and confirming the date on which they will take effect together with the objection process. Details of the proposed fees, together with information about consultation were also sent out to the licensed trade at the end of January in the taxi and private hire newsletter.
- 3.8 The Licensing Committee is asked to consider the objection received, approve the taxi and private hire fees and charges for 2018/19, with or without modification, and set the date for their implementation on 1 April 2018.

4. Objection to the 2018/19 Fees and Charges

- 4.1 On the 31 January 2018 an objection was received from Mr Don Brandon, a hackney carriage proprietor stating:

Hi

I have just received your Newsletter to your Fees & Charges. Firstly I object to the new rates you have proposed. I would like to know what justification you have to the increases you have proposed.

Please could you send me your calculations in a spread sheet to justify your proposed increase. You still have to justify a 16% decrease in the Guildford taxi charges that was so much out of date.

Many Thanks

Don M Brandon

- 4.2 Officers engaged in dialogue with Mr Brandon, providing information and responding to queries arising from the fee setting process on the 6 February. Officers also invited Mr Brandon to withdraw the objection on the grounds that:
- the objection did not contain any detail for the Licensing Committee to consider;
 - the proposed fees and charges had been calculated using an approved, transparent methodology;
 - some fees were reducing; and
 - the setting of hackney carriage fares is unconnected to setting licence fees
- 4.3 Despite providing information to Mr Brandon, the objection has not been withdrawn.
- 4.4 The above objection must be considered by the Licensing Committee as the objection has not been withdrawn following dialogue between Officers and the objector.

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 Council's process for setting the taxi and private hire fees and charges has undergone a number of reviews and audits in previous years, which has led to improvements and modifications.

- 6.2 The 2008-09 and 2013-14 Accounts were challenged by the Guildford Hackney Association and the investigation into the 2013-14 objection concluded that there was no evidence that the Council had deliberately sought to overstate the costs of its taxi licensing service or charged fees that were unreasonable.
- 6.3 External auditors reviewed the audits for 2009-10, 2010-11 and 2012-13 and were satisfied that the recommendations from each report were met. In 2014, a further review by internal audit of the 2013-14 fee setting process made further recommendations, culminating in the development and approval of a transparent methodology to calculate fees and charges as detailed in Appendix 2.
- 6.4 Appendix 2 sets out the methodology used to calculate the taxi and private hire fees and charges for 2017-18. These have been calculated with the aim of full cost recovery.
- 6.5 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 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 Under Section 70 of the Act the Council has to publish a notice of the proposed new fees and charges for vehicle and operators’ licences, if it determines that the maximum fees last advertised should be varied. If objections are received and not withdrawn, the Council must consider them and set a date, no more than two months after the date specified in the notice, on which the variation shall come into force with or without modifications.

7.5 There is no requirement under Section 53(2) of the Act for driver licence fees to be advertised. However, the same procedure as for vehicles and operators is adopted for good practice. A notice of proposed fees has been published, objections have been invited and the Licensing Committee is invited to consider the objection in the same way.

8. Human Resource Implications

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

9. Summary of Options

9.1 The Licensing Committee has to approve a set of taxi and private hire fees and charges for 2018/19 and set a date for them to take effect, which must be no later than 3 May 2018.

9.2 There are two options available after considering the objection and the information in this report:

1. Approve the fees and charges as set out in Appendix 1; or
2. Approve a modified set of fees.

9.3 Officers consider that the fees and charges set out in Option 1 are correct and justifiable and we recommend them for approval, as these charges recover the costs the Council incurs and can legally recover for administering and issuing licences.

10. Conclusion

10.1 The Licensing Committee must consider the objection to the advertised taxi and private hire fees and charges for 2018/19. The Committee must then agree the taxi and private hire fees and charges for 2018/19 and set a commencement date.

10.2 The fees and charges set out in Appendix 1 are recommended for approval. These fees recover the majority of the Council’s costs. It is recommended that these fees and charges take effect from 1 April 2018.

11. Background Papers

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

[Report and Minutes of Licensing Committee 17 January 2018](#)

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

12. Appendices

Appendix 1: Taxi and Private Hire Fees and Charges 2018/19

Appendix 2: Taxi and Private Hire Fees and Charges Methodology

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
Vehicle Test	£57.00	£57.00	£0.00
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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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: 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

		<p>Private Hire vehicle signs are to be removed as they are charged separately.</p>	<p>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>
<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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Licensing Committee Report
Report of Director of Resources
Author: Sophie Butcher
Tel: 01483 444056
Email: sophie.butcher@guildford.gov.uk
Date: 26 March 2018

Licensing Committee work programme: 2018-19

Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2018-19 municipal year.

Reason for Recommendation:

To ensure that the Licensing Committee has an opportunity to review its work programme.

1. Purpose of Report

- 1.1 The work programme is presented to enable necessary changes to be made and to provide updated information on items for future meetings. Appendix 1 to this report sets out the Committee's work programme to date, including any items currently unscheduled.

2. Financial Implications

- 2.1 There are no specific financial implications arising from this report.

3. Human Resource Implications

- 3.1 There are no specific human resources implications arising from this report.

4. Legal Implications

- 4.1 There are no specific legal implications arising from this report.

5. Background papers

None

6. Appendices

Appendix 1: Licensing Committee - Draft Work Programme: 2018-19

Licensing Committee

Draft Work Programme 2018-19

26 March 2018		
Item	Details of decision to be taken	Officer
Street Trading Policy – Consultation Results and Approval of Policy	To consider consultation results and approve the Street Trading Policy.	Mike Smith, Licensing Team Leader 01483 444387
Taxi and Private Hire fees and charges 2018-19 – objections	To consider any objections received in relation to the Taxi and Private Hire fees and charges.	Mike Smith, Licensing Team Leader 01483 444387

30 May 2018		
Item	Details of decision to be taken	Officer
House to House/Charity Collection Policy – consultation results	To consider the consultation results in relation to house to house/charity collection policy.	Mike Smith, Licensing Team Leader 01483 444387
Gambling Policy	To seek approval to consult on the draft Gambling Policy.	Justine Fuller, Environmental Health Manager 01483 444370
Sexual Entertainment Venues Policy	To seek approval to consult on review of Sexual Entertainment Venues Policy.	Mike Smith, Licensing Team Leader 01483 444387

25 July 2018

Item	Details of decision to be taken	Officer
	No Business currently	

26 September 2018

Item	Details of decision to be taken	Officer
Purple Flag and Best Bar None	The Committee to receive a verbal update on Purple Flag and Best Bar None.	Mike Smith, Licensing Team Leader 01483 444387
Sexual Entertainment Venues Policy	The Committee to consider the Sexual Entertainment Venues Policy consultation results and approve the policy.	Mike Smith, Licensing Team Leader 01483 444387

28 November 2018

Item	Details of decision to be taken	Officer
Gambling Policy	The Committee to consider the consultation results and approve the Gambling Policy.	Justine Fuller, Environmental Health Manager 01483 444370

7 January 2019

Item	Details of decision to be taken	Officer
Taxi and Private Hire fees and charges 2019-20 – for consultation	To consider for consultation the Taxi and Private Hire fees and charges 2019-20.	Mike Smith, Licensing Team Leader 01483 444387

25 March 2019		
Item	Details of decision to be taken	Officer
Taxi and Private Hire fees and charges 2019-20 – objections	To consider any objections received in relation to the Taxi and Private Hire fees and charges.	Mike Smith, Licensing Team Leader 01483 444387

UNSCHEDULED ITEMS		
Item	Details of decision to be taken	Officer
Review of Licensed Vehicle Test Standards	To consider consultation results and make recommendations to full Council, which shall determine whether the Taxi and Private Hire Licensing Policy should be amended to adopt any revised vehicle test standards	Mike Smith, Licensing Team Leader 01483 444387