

Council Report

Ward(s) affected: All Wards

Report of Director of Service Delivery

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Review of the Taxi and Private Hire Licensing Policy

Executive Summary

The Council in its role as the Licensing Authority for the hackney carriage and private hire vehicle trades has a paramount obligation to ensure the safety of the public. Following the publication of Statutory Taxi and Private Hire Standards in July 2020, a draft updated Policy was approved by Licensing Committee for full public consultation in September 2020. The results of the consultation were presented for consideration by the Committee on 24 March 2021, where the Committee agreed to recommend that Full Council approves the Policy at Appendix 1 following consideration of the consultation responses.

Recommendation to Council

That the updated Hackney Carriage and Private Hire Licensing Policy, attached as Appendix 1 to this report, be approved.

Reasons for Recommendation:

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

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 The purpose of this report is to brief Council on the recommendation by Licensing Committee on 24 March that Council adopts revisions to the Council's Taxi and Private Hire Licensing Policy following public consultation.

2. Strategic Priorities

- 2.1 The review of the Taxi and Private Hire Licensing Policy will contribute to our fundamental themes as follows:
- **Place making** – ensuring safe travel in the Borough through a well-regulated taxi and private hire service.
 - **Innovation** – using new ways of working to improve efficiency.

3. Background

- 3.1 Taxi and Private Hire Vehicles are licensed by local authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 The current Taxi and Private Hire Licensing Policy 2015-2020 adopted on 9 December 2015 introduced positive changes to protect public safety by introducing livery for taxis, door signs for private hire vehicles and the requirement for drivers to complete the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver. The Policy was revised on 7 February 2018 to introduce a uniform 'convictions Policy' across Surrey, mandatory Safeguarding training for all licensed drivers, and a requirement for all hackney carriages to accept card payments.
- 3.3 On 27 November 2019, the Licensing Committee considered a report concerning the strategic direction for the Taxi and Private Hire Licensing Policy and recommended that officers develop a Policy incorporating measures proposed under draft Guidance issued by the Secretary of State under section 177 of the Policing and Crime Act 2017 for consultation.
- 3.4 On 21 July 2020, the Department for Transport published Statutory Taxi and Private Hire Vehicle Standards, the final version of guidance issued by the Secretary of State under section 177 of the Policing and Crime Act 2017. This document follows the version consulted upon in 2019 following the publication of the Government's response to the Task and Finish Group Report. The Task and Finish Group report, together with the Government's response are linked in the background papers section of this report.
- 3.5 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in areas such as Rotherham since the 2010 version of the Department's Best Practice Guidance. The Department for Transport is currently updating the Best Practice Guidance which then should be subject to consultation.
- 3.6 The document sets out a framework of standards to which licensing authorities "must have regard" when exercising their functions. The document defines that "having regard" to the standards requires the Council, in formulating a policy, to give considerations to the weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of

the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.

- 3.7 The Department for Transport has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers), and expects that Licensing Authorities will have taken steps to implement these measures by January 2021.
- 3.8 The Council is also recommended to publish its consideration of the measures contained in the Statutory Standards, and the policies and delivery plans that stem from these. A consideration of the standards was presented in the report to the Licensing Committee on 23 September 2020.
- 3.9 Also on 23 September 2020, the Licensing Committee considered a draft Taxi and Private Hire Licensing Policy developed following the publication of the Statutory Standards and approved the draft for public consultation.
- 3.10 The draft policy considered the following changes to the Council's Taxi and Private Hire Licensing Policy:

Measures to improve driver standards through:

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

Measures to improve vehicle standards through:

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

Measures to improve private hire operator standards through:

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

- 3.11 The summarised changes above are detailed as follows:

3.12 Hackney Carriage and Private Hire Drivers

Guildford has already adopted a number of measures outlined in the Standards, including requiring an enhanced DBS certificate (a criminal records check) which checks the barred lists (list of individuals barred from working with adults and/or children), with a robust Policy on previous convictions; a test of the applicant's

knowledge, including an understanding of English; safeguarding awareness training; a BTEC qualification which includes equality awareness and use of the NR3 register (National register of drivers whose licences have been refused/revoked by an authority).

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

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

3.13 CCTV in Licensed Vehicles

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

3.14 Licensed Vehicle Age/Emissions

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

Whilst the Council currently does not have an emission standard for licensed vehicles; it does have an age limit for vehicles, which is as follows:

“Up to five years old for a vehicle at first licensing, up to a maximum age of 10 years (15 for wheelchair accessible type vehicles).”

Whilst the proportion of licensed vehicles makes up a small percentage of traffic in and around Guildford at any one time, it is recognised that licensed vehicles are used regularly throughout the day on multiple journeys. As such, the Committee were invited to consider any strategic direction for the Policy to improve air quality in the Borough.

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

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

3.15 ‘Fit and Proper’ Test for Vehicle Proprietors

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

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

3.16 Private Hire Operators

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

The Standards also recommend that licensing authorities should be satisfied that PHV operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.

Licensing authorities should request that, as a condition of granting an operator licence, a register of all staff that will take bookings or dispatch vehicles is kept and maintained. The operator should be required to evidence that they have had sight of a Basic DBS check on all individuals listed and produce a policy on employing staff with a relevant criminal record.

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

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

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

Trading names:

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

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

Sub-contracting:

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

Operator Staff:

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

Operator Procedures:

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

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

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

Pick up and drop off locations

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

Operator Tariff:

Traditionally, operators' fares have matched the hackney carriage fares, until the fare review in 2017. Whilst the Council regulates the fares for hackney carriages, we do not regulate fares for private hire vehicles or operators. Feedback from previous mystery shopping exercises cited confusion from operators who were asked to quote for a local journey, with the response that the journey would be 'on the meter'. This does not provide any clarity for customers about how much a journey may cost them. Additionally, there may be a temptation for a private hire driver to take a journey without a booking as it would be 'on the meter', rather than the customer booking and being quoted for a journey in advance.

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

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

Executive hires:

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

- 3.17 On 24 March, the Licensing Committee considered the results of the public consultation, discussed below, and recommended that Full Council adopt the revised Policy at Appendix 1.

4. Consultations

- 4.1 Consultation is critical to ensure any changes to the Taxi and Private Hire Licensing Policy are clear and transparent for licence holders and the travelling public.
- 4.2 Section 3.12 of the Statutory Standards suggests licensing authorities should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers in consultation. Examples include groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women's groups, local traders, and the local multi-agency safeguarding arrangements. The standards also suggest consultation with night-time economy groups (such as Pubwatch) as the Taxi and Private Hire trade is an important element of dispersal from the local night-time economy's activities.
- 4.3 Following the Committee's approval, full, formal consultation took place with members of the public, community stakeholders, specific groups and individuals as identified in Appendix 2.
- 4.4 The consultation period was from 2 October 2020 for 12 weeks ending on 11 January 2021. A dedicated consultation webpage with questionnaire was set up facilitating the capturing of responses, with this being promoted to the public via the Council's Communications team on the Council's website and social media channels. The consultation was also promoted with a direct email to stakeholders and members of the Taxi and Private Hire trades were invited to participate in the consultation via a number of reminders in the Council's regular newsletters.
- 4.5 Members of the trade were also invited to join a series of 'virtual' meetings to discuss the proposals and to answer any questions they may have had. Seven meetings occurring between November 2020 to January 2021 were scheduled with the trade receiving invites and reminders via the Council's newsletter. One member of the trade took the opportunity to join a meeting.

4.6 Fifty-five (55) responses were received to the online questionnaire. The questionnaire and responses can be seen at Appendix 3.

4.7 In addition, five (5) individual written responses were received from:

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

These individual responses are set out at Appendix 4.

4.8 The results of the consultation considered by the Licensing Committee are set out below.

5. Consideration of Consultation Responses

5.1 The online questionnaire

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

Identity of respondents

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

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

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

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

Perceptions of proposed changes overall

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

Just over half of respondents, 56% (25) agreed that the Policy was consistent with the objective of ensuring the highest standards within the professional

licenced taxi trade; and just over half of respondents, 55% (24) agreed that the Policy was consistent with the objective of maintaining public confidence in the licensed trade.

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

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

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

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

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

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

Comment	Officer's Response
Will plate exempt vehicles still have to display interior licence permanently?	This is a question rather than a comment about the Policy.
Why don't councils butt out and leave the trade alone. Always tinkering and pissing drivers right off with all your meddling crap. Seems to me it's just some officials keeping busy to keep themselves employed at our expense. Leave us alone !!	It is well established that Licensing Authorities are responsible for setting standards locally for reasons of public safety.

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

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

Comment	Officer's Response
service. You can contact CTA at: info@chauffeur-training.co.uk	
All taxis in Guildford should be zero emission vehicles and this should be a requirement	A proposal for emissions has been made, however it is considered unreasonable to introduce a zero emissions Policy immediately due to reasons of cost and infrastructure.
Consider a clause to make sure interior of vehicles are clean, tidy and not littered with unnecessary notices. I have travelled in GBC taxis where there are hand written signs. Do this, do that, I don't accept £20 notes etc	Licence conditions already require vehicles to be clean and tidy both inside and out.
CCTV should be optional in care.	See previous comments relating to CCTV.
I have focused my feedback exclusively on ensuring the policy reflects the appropriate ambition on vehicle emissions (ultimately to protect the health of taxi drivers, passengers, residents and visitors). A separate document has been e-mailed to explore this area in more detail.	A separate response to the written consultation will be considered.
CCTV I personally think is not required if you are honest with customer you dont get trouble Except plates shouldn't have door signage at all you are investing £40k+ for a car and you are not going to do minicab work you are aiming for top end clients It also depends on your definition of what you call except which should be clarified from the beginning	See previous comments relating to CCTV. Vehicles with a plate exemption are not required to display door signage and exemption requirements have been improved in the Policy.
Would cctv being fitted in cars not be invasive of a passengers dignity.	See previous comments relating to CCTV. CCTV is part of daily life and should promote confidence in the service.
i think you should bring disabled access cars, as they will be covid safe	See above comment relating to accessible vehicles.
Dress code shouldn't be that strict. Each individual choice that's fits their personality and the clothes they feels comfortable. However needs to be clean and tidy.	See above comment relating to dress code.
Why Uber is operating in Guildford without having a license from Guildford borough council?	See above comment relating to 'cross border hire'.

Comment	Officer's Response
Please see response sent via email.	This will be considered separately.
We are going through Covid at present as you might know. I myself have had NO WORK for probably 3or 4 months now, could you please tell me, who is going to foot the bill for these cameras, as I can just about put food on my table at present let alone paying out for things some pen pusher is thinking what can we do next to kick taxi drivers while they are down. If you continue to keep putting pressure on drivers with all these great ideas you will find that you'll end up with NO Taxi Drivers in Guildford because they'll either leave the trade, join Uber or start up I a different Borough. Don't kill the goose that lays the golden egg!!	The Council understands that many businesses have been impacted by the current pandemic. The Council is however required by the Department for Transport to consider the statutory guidance despite the pandemic, as all Licensing Authorities are required. A reasonable implementation period has been proposed in order to obtain CCTV should this be required.

Issues with licensed vehicles

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

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

Comment	Officer's Response
VEHICLES SRE STILL BEING SENT FOR INSPECTION WITH SEVERAL FAULTS ie LIGHTS NOT WORKING /TYRES BELOW LIMIT/BRAKES WORN ECT	The vehicle test is an inspection of a vehicle to demonstrate that it is safe. The test should not be used to identify defects with a vehicle and the Council's criteria with respect of proprietors' responsibilities has been updated in order to deal with this.
Go hassle someone else please, most drivers are mindful and do the job correctly. If a small few don't, deal with them on merit by the complaints process.	The Council agrees that the vast majority of drivers provide a professional service. The Policy aims to encourage all to provide a service to the same standard.
A taxi firm in Horsley charges a minimum charge of £15 but doesn't tell you until you have started the journey. These are the kind of companies that need regulating.	Operators should provide a quote for the service in advance if asked.

Comment	Officer's Response
Uber drivers collecting in Castle Street at restaurant close in bulk, causing traffic flow & parking issues, can we not have an allocated collection point for UBER?	This is an idea that is being progressed through developments in the town centre.
Operators in Guildford & out of area are using out of Guildford licensed private hire vehicles to work guildford it was taught to us on betec course that private hire can do a booked job but must return to licensed area which is not happening they are parked here plying for hire taking jobs without returning to there licensed bourough .	See above comment relating to 'cross border hire'. The policy also includes an expectation on licensed operators though a new 'fit and proper' test for operators.
Uber and cross border taxis , the council have no idea who's working in the bourough . It's impossible to keep the public safe when they allow Uber and cross border taxis .	See above comment relating to 'cross border hire'.
Nothing mentioned of GBC responsibilities.	There isn't sufficient detail provided to comment on this remark.
COST	There isn't sufficient detail provided to comment on this remark.
Drivers are consistently rude, don't like using contactless payment and won't bring themselves up to date. Frankly Uber provides a better service.	This comment is noted. Customers who experience difficulties with the licensed trade are encouraged to complain.
Private hair/Uber drives coming into guildford todo Uber should not be allowed as some are travel from far as Portsmouth,London.Manchester and other far towns these drivers are staying in cars over night and some stay whole week and have seen some of them urinating in places. only people should be allowed are local towns.	See above comment relating to 'cross border hire'.
Impact on local air quality	There is currently no Policy requirement relating to emissions. A requirement is proposed.
Hackney carriage drivers some are always over charging Operators are over quoting for jobs Drivers pick up others jobs and lots of drivers dont class ash vale as there borough so over charge for dropping customers off and use longest routes	This comment is noted. Customers who experience difficulties with the licensed trade are encouraged to complain.
Because big big influx of Uber drivers,	See above comment relating to 'cross

Comment	Officer's Response
the standard has dropped because people put them under the rules and regs of Guildford	border hire'.
£454 to renew is alot of money with no work foreseeable future	£454 relates to the driver licence fee and is set to cover the Council's legally recoverable costs. We understand the impact the current pandemic is having on the licensed trade and have signposted drivers to the support available via our newsletters.
All drivers are professional and trustworthy. Helps customers out of the way.	This is noted and we hope that the majority of the trade meets these standards.
Too many plates issued and private hire companies r operating from out side with their own drivers and cars	The Council removed a limit on hackney carriages many years ago and number of licensed vehicles has reduced over the past few years.
Hackney Carriages from Guildford do not return to their nearest ranks when a hire has been completed.	This comment is noted and drivers are regularly reminded about the byelaws.
Plenty of touters as always, and different Borough operators taking advantage and using completely unqualified drivers from other Boroughs and working in Guildford as official Guildford drivers..absolute joke.	See above comment relating to 'cross border hire'. The policy also includes an expectation on licensed operators though a new 'fit and proper' test for operators.

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

New Additions to the Policy – Vehicles

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

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

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

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

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

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

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

Comment	Officer's Response
<p>be given to allow all taxis to convert to zero emissions vehicles with the next 2 years</p>	<p>unreasonable for the licensed trade to purchase the appropriate vehicle and the vehicle charging infrastructure to be implemented.</p>
<p>GBC has high standards already, However they do not hold other authority drivers eg uber and ola etc to the same standard One rule for GBC drivers another for everyone else.the should be one standard for all</p>	<p>See above notes about 'cross border hire'.</p>
<p>Additional detail provided on emissions separately. There is plenty of scope to reasonably tighten the regulations in this area.</p>	<p>Comment noted.</p>
<p>As mentioned previously no drive should be getting a e class Mercedes or similar car for exempt it should only be for S class or V class or same category cars for chauffering with the criteria for exempt plates it's a topic were drivers and licenses authority would need to discuss to make it a fair playing field</p>	<p>Comment noted. The criteria for plate exemption have been updated to reflect that only more 'executive chauffeur' type vehicles benefit from exemption.</p>
<p>Current standards are more than good, it's outside authority councils standards that are rubbish eg Uber, that Guildford council does nothing to regulate</p>	<p>The Council is required to review its policy following publication of the Statutory Guidance. See above notes about 'cross border hire'.</p>
<p>As a primarily operation in the chauffeur field I feel it has become more difficult to obtain a exemption.</p> <p>It is deemed unfair to ask for an exemption letter for example for a customer wishes to book a car for a special event like a wedding, as this is kind of work I do myself.</p> <p>I can totally understand the rule of exemption has been misused in Guildford borough by some firms or drivers.</p> <p>As we are now in 2020 with customer demands of a smart, professional and high end executive travel are greater.</p>	<p>Comment noted. The criteria for plate exemption have been updated to reflect that only more 'executive chauffeur' type vehicles benefit from exemption.</p>

Comment	Officer's Response
<p>I believe an exemption should be considered on an individual merit. A decision solely based on contract accounts doesn't prove to be fair in the decision making.</p> <p>Now a days passengers who want a one off special car for an event shouldn't have to look outside the Guildford borough to find a car without "teal green door signs".</p> <p>The same goes for wedding car hire jobs, funeral jobs, events.</p> <p>At minimum an executive car should be Mercedes S Class or equivalent.</p> <p>Hope my views are not to strong and as a one man band who has to try a turn a profit and compete in this ever so saturated taxi market.</p> <p>Thanks</p>	
<p>Installation of CCTV in taxi and private hire is good and can increase the public safety and public trust in the trade. However audio and video control should be with the driver and local authority responsible for data. If passengers can turn off the audio it's no point to install one in. Having DBS should be mandatory but only when new/renewal of application.</p> <p>Sometimes you hire out your vehicle to other licensed driver or something sudden happen with car which maybe can take time as long as it's not put customers safety in risk shouldn't be an action against the proprietor.</p>	<p>Comments noted. The draft Policy outlines how the system would be used, including circumstances for private use and how audio recording is activated.</p>
<p>Every car should have plate on it</p>	<p>Comment noted.</p>
<p>I think looking at the situation we should have delayed this until the corona virus had been sorted and probably had tag meetings and could have talked about it, life is already difficult for a cab driver putting cctv in cars will drive up the cost and drivers should be given the choice not forced</p>	<p>The Council is required to review its Policy following the publication of the Statutory Guidance.</p> <p>The Council has worked hard to engage with the trade and have provided a number of opportunities to engage in online TAG meetings.</p> <p>See above comments relating to</p>

Comment	Officer's Response
<p>into putting a cctv by council the travelling public will have to suffer with the costs of the fares going up .so i think if a cab driver wants to put cctv in he should be allowed to go to Halford and put a system in which is cheap and wouldn't impact on the travelling public. On euro emissions 6 i agree but ulev in 10 years time is a long way we should wait 5 years and then see what is happening and to vehicle presented in a defective or dangerous condition no one takes a vehicle to be tested sometimes the driver or proprietor don't realise so no one does it on purpose so i don't think they should be punished i think the policy we have is working shouldn't be changed. The dbs we have is ok it doesn't need changing and the current policy is tight and working shouldn't be changing it is hard to work as a cab driver so please don't make it harder .</p>	<p>CCTV. There are a number of issues with a 'shop brought' CCTV system, mainly in terms of data protection. The ULEV proposal would be from 2030, allowing nearly 10 years for a car to be purchased. The aim of the Policy is to ensure drivers make sure their vehicles are maintained to a satisfactory standard for the purposes of public safety.</p>
<p>Please see separate response sent by email.</p>	
<p>I am not having CCTV put in my vehicle as I do school run and parents said i cant for the safe guarding purpose. Only will have CCTV if I can control when to turn of and on as use for private purpose family etc so no to CCTV.</p>	<p>See above comments relating to CCTV.</p>
<p>With CCTV in vehicles who will be responsible for the costs of implementing the systems, would be unfair on the drivers to payout on for additional expenses with decline in trade due to competition from other licensing bourghs and overall increaing costs with in the trade. secondly will the cctv be required to be in continuous use or only when transporting passengers, and it should be switched off when you're off duty.</p> <p>With the exemption of the plate, I believe if a driver has an opportunity to make an regular earning with this option it should be granted</p>	<p>See above comments relating to CCTV. Any decision on a plate exemption will be based upon the public safety rationale of the Policy, and the vehicle meeting the criteria, and not on the financial implications for the driver.</p>

Comment	Officer's Response
With CCTV in vehicles who will be responsible for the costs of implementing the systems, would be unfair on the drivers to payout on for additional expenses with decline in trade due to competition from other licensing bourghs and overall increaing costs with in the trade. secondly will the cctv be required to be in continuous use or only when transporting passengers, and it should be switched off when you're off duty. With the exemption of the plate, I believe if a driver has an opportunity to make an regular earning with this option it should be granted	As above.

New Additions to the Policy – Drivers

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

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

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

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

Comment	Officer's response
I agree to a certain degree about a uniform such as no footware that allows bare feet to be shown. Also about a basic level of personal hygiene being followed. Other then these points I beleave the driver should be able to wear whatever they like aslong as it's not offensive	The current and proposed dress code provides guidelines at the same time as allowing drivers choice.
There should be a data base the police update that councils can check. Stop placing all the pressure on drivers	The DBS requirement forms part of the Statutory Standards. There is currently a national database of revocations and refusals which the Council has signed up to.
Is it becoming a police state?	Comment noted.
The DRIVER should be clean and tidy	Comment noted.
Again GBC drivers have a good standard,	See previous comment on cross border hire.

Comment	Officer's response
<p>It's other drivers from out of town who out GBC drivers to shame Because people don't care as long as they get a cheap taxi</p>	
<p>Again standards of full drivers are good, it outside authority drivers standards are low eg Uber again And Guildford drivers are being out into the standard which is wrong</p>	<p>See previous comment on cross border hire.</p>
<p>I feel the dress code is important. Especially for me a chauffeur company.</p>	<p>Comment noted</p>
<p>1)DBS every six months is not realistic. It should be when new/renewal of an application. 2) Conviction and arrest report can be reported within 72 hours. 3) Code of conduct should be fair drivers should get chance to explain and allowed to be represented legally. 4) Dress code can be the way each individual suits and feels comfortable with. However needs to be clean and tidy. If it's easy and flexible a driver can go to gym after work or walk while waiting for job.</p>	<p>See previous comment on DBS and dress code requirement. Any action taken against a licence holder needs to be proportionate and should allow for the licence holder to make representation. Any decision by the Council has a right of appeal.</p>
<p>Hi good idea for db's check every 6 month for customers safety</p>	<p>Comment noted</p>
<p>The db's we have is working we don't need 6 months checks a driver is ok to report any offence in 7 days and taking action against a driver code of conduct i don't agree and dress code we have is currently ok we don't need to get tough on the drivers with these policies so don't agree with some of the policies i think it's already hard at a bad times with covid to introduce or change anything.</p>	<p>See previous comment about DBS. The Council was required to review its Policy in light of publication of the Statutory Standards.</p>
<p>I wouldn't agree to any code of conduct without seeing it first.</p>	<p>The draft code of conduct formed part of the Policy and was available online for the consultation period.</p>
<p>A dress should not be compulsory like a uniform but formal and smart wear is understandable. In due respect drivers must 'self-report' any arrest, charges or conviction within 48 hours. The</p>	<p>The 48 hour reporting period is recommended by the Statutory Standards.</p>

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

New Additions to the Policy – Operators

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

There was very strong agreement to most of the proposals with 71 to 86% (31 to 38) respondents agreeing with the proposed standards for operators. There was also agreement to the proposals to remove meters from private hire vehicles with

59% (26) agreeing with this suggestion, however a number of comments were made as follows:

Comment	Officer's response
Does George Orwell work at that council ?	Comment noted as not relevant.
Do GBC have the same standards?	Not sufficient detail to comment.
YES BUT THE IMPLEMENTATION OF THE CHANGES MUST NOT IMPACT ON TARRIFS	The Council does not regulate fares for private hire vehicles with operators able to set their own fares.
This would cause problems and create a two tier system and increase rivalry between different taxi companies	As above.
All vetting is done by GBC, that is why you have high standards, otherwise what's the point of the licensing team. Drivers already have good standard of pick up and drop off, it's outside of GBC drivers that don't know how to pick up and drop off Private hire should have meter to keep good standards because it gives customer choice, because they can already book a fixed price job	See previous comments about cross border hire.
Drivers should always drop off and pick up in a safe place that's basic common sense	Comment noted.
Currently I believe all standards are met,	Comment noted.
A local operators and local licensed vehicle may enter Guildford to pick up or drop off customers, the Council would not expect vehicles licensed outside of Guildford to be waiting in Guildford and be made available for bookings as this diminishes the Council's ability to set local standards and local control. Sub contracting of jobs should also be made within Guildford borough licensed operators.	The legislation permits subcontracting between operators licensed by different authorities.
If u want to finish private hire meter finish then u have to decrease Hcv meter Fare price to protect driver health hand safety otherwise drivers get in trouble because of several different low prices	The Council does not regulate fares for private hire vehicles with operators able to set their own fares. The Council has a set methodology for setting hackney fares which are a legal maximum with scope for drivers to charge less should they wish.
On getting rid of the meter in a private	There is no requirement to fit a PDA

Comment	Officer's response
hire vehicle wouldn't be good the pda doesn't have reception like going under a bridge they would lose a lot of money it is already working on a meter don't change it every one is happy on a meter	instead of a meter, this is one possible alternative.
Loading more obligations on Operators in the areas with a no response is unnecessary. Private Hire vehicles should charge a metered rate because quite often the passengers change their route, or incur excessive or unprdicted waiting time. Additionally, passengers quite often deliberatelt mislead the operators as to the extent of their trip.	Operators are still permitted to have procedures to charge customers who require a service over and above that quoted for.

5.2 Response from Guide Dogs

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

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

Comment	Officer's Response
Joint warranting: We welcome the joint working approach taken by local authorities in Surrey. We agree that this enables improved enforcement of the taxi and private hire trade across the County and improves safety within the licensed hackney carriage and private hire vehicle service operating in Surrey.	Comment noted.
Disclosure and Barring Service (DBS): Guide Dogs welcome any amendments to this policy that will allow the Borough Council to take further steps in ensuring the safety of passengers, including children and vulnerable adults.	Comment noted.
Testing: We are pleased to note that all applicants will be required to	Comment noted. Awareness of the Equality Act features in both the Level

Comment	Officer's Response
<p>undertake disability awareness (including physical and sensory disability) training and we would ask that this includes awareness of the Equality Act 2010. We feel that the policy should be clear on how this training will be delivered and refresher training will be a requirement within a reasonable period. We would also recommend that all customer facing staff within a taxi operator are required to take part in such training. The inclusion of customer care training is also welcomed.</p>	<p>2 qualification required by drivers and in the Council's knowledge test. There is currently no refresher training requirement, however drivers who fail to maintain standards can be required to complete further training. Operators are expected to have staff training commensurate to their business, which should include the Equality Act.</p>
<p>Medical assessment: The policy should be more specific and state that a medical exemption certificate for carrying assistance dogs will only be issued when authorised by a medical practitioner and accompanied by medical evidence, such as a blood test, a skin prick test or clinical history. The medical exemption certificates should be accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'.</p>	<p>The policy currently states that exemptions will only be granted where medical evidence is provided. We have updated this to reflect that exemptions will be confirmed by the Council's medical advisor.</p>
<p>Updating the council: Guide Dogs welcomes the requirement within the draft policy that "If a licence holder receives a conviction, caution, fixed penalty notice or is subject to arrest or criminal proceedings of any sort, then they must notify the Council within 48 hours".</p>	<p>Comment noted.</p>
<p>CCTV: We welcome the introduction of this requirement within the draft policy document. Guide Dogs are of the view that CCTV has great benefits in protecting both drivers and passengers from harm, inappropriate behaviour, abuse and poor customer service. This amendment would help to resolve disputes by providing important evidence. For example, if an assistance dog owner makes an</p>	<p>Comment noted.</p>

Comment	Officer's Response
<p>allegation of being refused carriage by a driver, due to the person travelling with an assistance dog. As part of the proposed disability awareness training, we would ask that drivers are reminded to make blind and partially sighted passengers aware that CCTV is in operation and that passengers have can operate the system, as they are unlikely to see signs notifying them of this.</p>	
<p>Compliance and Enforcement: We note that the draft policy states that all drivers are under a duty to comply with the Equality Act 2010 to carry, free of charge, any assistance dog. We advise highlighting within the policy that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence.</p>	<p>Comment noted.</p>
<p>Prosecution: The policy should state that Guildford Borough Council will use its best endeavours to investigate all reported violations of the Equality Act 2010 in a timely manner with a view to pursuing a conviction.</p>	<p>Comment noted.</p>
<p>Sample purchasing: The policy should state that the Borough Council will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.</p>	<p>Comment noted.</p>

5.3 Guildford Environmental Forum

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

Comment	Officer's response
<p>Why it is important for tight emission standards in taxi licensing?</p>	<p>Comment noted.</p>

Comment	Officer's response
<p><i>It's good for Guildford</i></p> <ul style="list-style-type: none"> • Due to the relatively high mileage of taxis and concentration in/around the centre of Guildford, they have a disproportionately high impact on local air quality. This negatively impacts the residents, visitors and workers of Guildford, and overall attractiveness of the town • Guildford Borough Council has declared a Climate Emergency and with its licensed hackney vehicles being so visible on the streets of Guildford, a zero (or very low) emission fleet of vehicles would demonstrate its commitment to tackling climate change • As urban centres will need to 'compete' more for footfall and businesses, good air quality can be a positive differentiator, alongside Guildford's inherent cultural, geographical and historical strengths • Guildford Borough Council is already asking residents and businesses to consider "...using cleaner, ultra low emission vehicles", so strengthening the licensing policy would support this messaging (https://www.guildford.gov.uk/article/19807/Air-quality-monitoring) <p><i>It's good for Taxi Drivers/operators</i></p> <ul style="list-style-type: none"> • Poor air quality impacts taxi drivers themselves • Zero-emission vehicles have significantly lower running costs, both in terms of costs of fuel, but also in maintenance. And as higher-emitting vehicles become less popular for the general public, the depreciation of these vehicles will increase, meaning finance costs will be relatively more, as their resale values will fall • Zero emission vehicles can be more comfortable, with fewer vibrations and less noise • As more businesses and organisations aim to reduce their 	

Comment	Officer's response
<p>environmental impact, they are likely to procure transport services from low/zero-emission providers</p> <ul style="list-style-type: none"> • The more local authorities can do to push for tighter emissions (both for taxi licensing and its own fleet procurement), the stronger the demand message will be heard by the OEMs, improving supply for everyone, and reducing costs 	
<p>C. Consultation feedback <i>N.B. For simplicity, the feedback does not differentiate between hackney carriage and private hire licences, nor consider the additional constraints which wheelchair-accessible vehicles may pose. Additionally, it does not include fuel-cell/LPG vehicles, which may be appropriate in some cases.</i> Given the rapidly-evolving nature of zero-emission vehicle availability, charging infrastructure and UK Government support, it should be explicit in the policy that any licensing policy relating to emissions will be reviewed every 2 years. Proactive engagement with the trade is important, including education on availability of UK Government grants and subsidies (for vehicles, charging infrastructure, taxation, etc.) Guildford Borough Council must be more ambitious in setting emission-related standards for taxi licensing in the Borough. We are entering a decade of <i>unprecedented</i> change in the automotive sector, the national regulatory frameworks are aligned to this change (e.g. since this consultation was launched, the UK Government have brought forward the ban on pure diesel/petrol powered cars to 2030 and are further supporting public chargepoint infrastructure rollout), and so it must be reflected at a local level too. However, this feedback must also</p>	<p>The feedback recommends reviewing the policy relating to emissions every two years. Reviewing a policy takes a significant amount of time and resource. The Council must also provide the trade with the opportunity to engage and adapt to any new requirement. Officers would suggest that a policy relating to emissions, where the licensed trade would have to change their vehicle so it meets the current standard places a considerable cost implication on the trade. There is no proposal to change the planned review period but this does not prevent an interim review if appropriate.</p> <p>In addition, whilst licence fee subsidies may help uptake of a greener fleet, currently there is no funding to realise this aim. It is well documented that local authorities are facing huge financial challenges and the prospect of financing licensing fees, which enable the holder to provide a service for which they charge a fare, may not be the best use of the Council budget.</p> <p>The response also comments on provision for taxi only charge points which although is a really sensible and positive proposal, falls outside of the scope of the policy review.</p>

Comment	Officer's response
<p>take account of the livelihoods of drivers (and any investment they have in an existing vehicle), and ensure there is a clear pathway for an eventual ambition of a fully-electric taxi fleet serving Guildford at the earliest possible opportunity.</p> <p>The following changes are proposed (see Appendix 1 for visual summary). In essence, these recommendations 'bring forward' the dates for minimum emission requirements, but also some additional incentives for any driver who exceeds the minimum:</p> <p>(as per consultation) From April 2021, any vehicle presented for licensing for the <i>first time</i> must be Euro 6 compliant, especially important for minimising NOx emissions from diesel powertrains. [n.b. this is effectively covered by the maximum age of new vehicles being 5 years already, as all vehicles registered from September 2015 must be Euro 6 compliant]</p> <p>From April 2023, any licence <i>renewal</i> must be Euro 6 compliant (all vehicles registered from September 2015 are Euro 6 compliant, so this will encourage a small number of vehicles less than the 10 year age limit, but over 7.5 years and not Euro 6 compliant to be changed)</p> <p>From April 2023, any vehicle presented for licensing for the <i>first time</i> must be at least an ULEV-compliant vehicle*</p> <p>From April 2021, any ULEV-compliant vehicle* presented for licensing for <i>first time or renewal</i> will attract a reduced-rate in its licensing fees</p> <p>From April 2021 until April 2023, any Driver/operator who replaces a non-Euro 6 compliant vehicle with a ULEV, will earn a one-off £1,500 scrappage cashback payment (helping accelerate the removal of</p>	

Comment	Officer's response
<p>most-polluting vehicles from Guildford's roads as soon as possible)</p> <p>From April 2028, any vehicle presented for licensing for the first time must be Zero-emission [<i>n.b. pace of EV availability and cost may mean this can be brought forward</i>]</p> <p>(as per consultation) From April 2030, any vehicle presented for licence renewal must be ULEV-compliant. [<i>n.b. this means non-ULEV vehicles first registered in 2021 or 2022 cannot be renewed for full ten year age policy period</i>]</p> <ul style="list-style-type: none"> • Alongside 'raising the bar' on the <i>minimum</i> requirements, further incentives for drivers to choose a zero-emission vehicle (ZEV): <ul style="list-style-type: none"> o Priority bays in taxi ranks (enforcement easy through recently announced green number plates) <ul style="list-style-type: none"> o Zero cost taxi licensing fees for first three years of registration o Additional financial incentive over and above UK Government by Council to encourage uptake of ZEVs (see Appendix 1 for 'ZEV Incentive Scheme') <p>Additionally, to demonstrate commitment to this policy, Guildford Borough Council (and/or Surrey County Council) should provide 'taxi-only' chargepoints and/or subsidised charging costs for public chargepoints. These should be positioned in areas of frequent taxi drop-off and pick-up locations. New developments (e.g. North Street) should include provision of taxi charging in their design.</p> <p>*Note on ULEVs</p> <p>There are various definitions of the standards required to be a 'ULEV' vehicle, so this must be clear in any policy. Two aspects are relevant:</p> <ul style="list-style-type: none"> • Maximum g CO₂/km; 50g CO₂/km is appropriate • Minimum electric only range (miles). Plug-in hybrid electric vehicles with a 	

Comment	Officer's response
<p>very low electric-only range may never be charged in reality, so a significant electric-only range is highly recommended. 70 miles is now the standard set to support eligibility for the UK Government's Plugin Grant, and the consultation proposal of 10 miles of range is not adequate. It could be increased each year potentially for new licences?</p> <p>Plug-in hybrids are seen as a 'stop-gap' before fully electric vehicles are the default choice, hence the necessity to update the licensing to reflect the technological change, and the additional incentives to help drivers go fully electric.</p>	

5.4 Luxury in Motion

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

Comment	Officer's response
<p>1) No. Passengers (x4) Given the government announcement today regarding a ban on the sale of petrol and diesel vehicles by 2030, many of us will be considering the purchase of either hybrid or fully electric vehicles over the coming years.</p> <p>There are a few key problems however, that they propose for the chauffeur industry, such as their current maximum range given their driver's may often conduct up to 400 miles of journeys on some days. Also, the boot space that is lost to house the battery.</p> <p>Also, when looking for an executive, long-wheel base vehicle the fully electric choice on the market at present is limited. For example, traditional Mercedes S-Class and BMW 7 Series vehicles are not available yet as fully electric options.</p>	<p>The Policy proposes a gradual change to the emissions standards of licensed vehicles, with a full implementation by 2030 by which time technology is likely to have moved on. The Policy allows applications to be treated on their merits, for example licensing a vehicle for less than 4 passengers.</p>

Comment	Officer's response
<p>This currently leaves options such as the Porsche Taycan which has a more generous range of circa, 240 miles and has an executive level interior, but only has two seats in the rear (three passenger seats in total in addition to the driver).</p> <p>Regarding the minimum of x4 passengers rule, I wonder whether exceptions could be made for licensing electric, or hybrid chauffeur vehicles with two rear seats, or with a central console and only two seats in the rear?</p>	
<p>2) Hire/replacement vehicles</p> <p>This doesn't happen often, but when a vehicle breaks down and needs a replacement part that you have to wait on it can seriously damage revenue and Client satisfaction if you can't meet Client demand for several weeks as the vehicle is off-road.</p> <p>Also, some insurance policies include replacement vehicle hire but they tend to be TFL licensed vehicles. As a regional operator this poses some temporary, but serious issues. There are reliable companies such as LCH who specifically hire vehicles to the private hire industry which are licensed with TFL and meet the same stringent conditions required by Guildford licensing. But, they cannot currently be hired for a short period of time whilst repairs take place as they are not licensed within Guildford Borough. I wonder if there could also be some leniency during such occasional scenarios to allow a hire vehicle to be used if hired from a reputable hire company and licensed by a similar authority such as TFL to ensure the vehicle meets requirements.</p>	<p>It is recognised that vehicles can be off the road due to repairs. It is possible to licence another vehicle for a short term basis if it meets the criteria, or operators are permitted to sub-contract work and processes are in place to issue these applications swiftly to reduce the time a driver is unable to work.</p> <p>'Dual plating' of vehicles is not permitted by Guildford as this poses licensing difficulties. For example, vehicles cannot be compliant with their conditions with one authority if they are displaying licensing information of another. Case law has indicated that once a vehicle is licensed, it remains a licensed vehicle and as such must comply with its conditions.</p>

5.5 Mark Rostron

A lengthy response was received from this respondent. The full text of the response has not been copied as it concerns largely historical and irrelevant matters, namely the decision to adopt a livery for hackney carriages in 2015. The full text is available for review in Appendix 4 to this report.

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

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

Comment	Officer's response
Reasonableness of setting a policy and illegality of such a policy.	It is well established that Licensing Authorities are able to set licensing requirements through local policy, provided they are pursuant to a legitimate aim. In this case, the Council regulates the licensed trade for the purposes of public safety, and the response also fails to acknowledge the 'shift' towards the 'public safety' rationale of licensing as described by the Statutory Guidance.
Decision to adopt hackney carriage livery	The decision to adopt a livery was taken in 2015 following consultation and was not challenged at the time by way of judicial review. As such the livery requirement remains unchanged under the current review. The response lists a number of unevicenced statements continuing disagreement with this historical decision which do not require further consideration.
Comfort of vehicles	There is no evidence provided to support the statement that some licensed vehicles are uncomfortable. The policy seeks to ensure the comfort and safety of passengers.
Decision to de-restrict taxi numbers	The decision taken to de-limit taxi numbers was taken many years ago and there is no requirement to review this decision. There are currently 125 licensed hackney carriage vehicles, compared to approximately 180 when the policy was last reviewed in 2015.

Comment	Officer's response
Cost of livery and BTEC policy	The arguments about cost are historical matters as the decision to adopt a livery and BTEC requirement was made in 2015. These costs are also accounted for in the taxi fare calculator which allows drivers to recover these costs via taxi fares.

5.6 Normandy Parish Council

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

5.7 Surrey Police

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

Comment	Officer's response
<p>I am fully supportive of CCTV being mandated in licenced vehicles and can only see this being a good thing for everyone involved. From the drivers perspective it would deter any offences committed against them such as assault or non-payment and in general provides transparency. Where offences do take place we will also be better placed to identify and deal with suspects where without CCTV, identification could be an issue.</p> <p>The users of the taxi's will also feel re-assured by the presence of CCTV and allegations against drivers can be evidenced or disproved using CCTV.</p>	Comment noted.

5.8 Conclusion of consultation responses

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

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

However, some respondents, of which there was a large proportion of the licensed trade, considered some of the elements unreasonable. Comments

about this centred around the cost of CCTV cameras and differing standards between authorities.

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

6. Changes to the draft Policy

- 6.1 Following consultation, the following changes are therefore recommended for inclusion:
- 6.2 The criteria used to award a medical exemption from the duties under the Equality Act 2010 have been clarified to require the applicant to provide sufficient evidence and clinical history for review by the Council's Medical Consultant.
- 6.3 During the consultation period a number of Private Hire Operators sought to close their premises and operate from their home address. It subsequently emerged that the process of changing operating 'base' is not as clear as it perhaps could be in the Policy. Equally, the requirement for submission of planning permission delayed the process for applicants.

As such, the draft policy has been updated so that the requirement for the appropriate planning permission is a condition of the licence and not an application requirement. This should assist applicants with the process of licensing a base. In addition, as an operator's licence is linked to an address, and there is no provision in the legislation to transfer a licence, the policy has been clarified so as to require a new application to update any details.

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

7. Key Risks

- 7.1 The Statutory Standards represent a radical change in approach to taxi and private hire vehicle licensing from the current (2010) Best Practice guidance. The Standards emphasise that the taxi industry is a 'high risk' environment, with the overriding element of the role of the Council being public protection, whereas the Best Practice guidance sought to 'balance' public protection against an individual's right to hold a licence.
- 7.2 This approach, focused on public protection, is to be welcomed by the public who use taxis and those members of the trade who currently do their utmost to look after their passengers. However, it will take some time for others involved in

both the trade itself and decision makers to adjust to. Support during the Policy consultation has been offered to members of the trade via our newsletters and TAG meetings, which will continue. Officers and Members have also been offered additional training and supervision.

- 7.3 The Department for Transport has set out that it expects Licensing Authorities to “have regard” to the guidance and adopt the standards unless there is a compelling reason not to. As such, there is a risk that if the Council does not adopt the guidance then there will be a risk of challenge. The Department has requested that Licensing Authorities provide an update on their considerations of the guidance by January 2021 and circulated a survey to Authorities at the end of January 2021 which has been responded to.
- 7.4 The Council is reminded of the legal challenges which followed the Policy update in 2015. The legal challenges were not a direct challenge to the Policy itself, but centred around the decision to adopt a livery for hackney carriages and apply a condition to a vehicle licence requiring livery. Considerable resources were required not only to successfully defend these challenges, but also implement the livery and other requirements of the Policy as officers spent considerable time advising licence holders on all elements of the Policy, including livery, PHV signage and driver training. There is a risk that some of the measures may be challenged by the licensed trade, by challenging the policy itself or appealing a decision based on the policy, particularly at a time when many businesses are trying to recover from the coronavirus pandemic.
- 7.5 The most notable changes to the Policy are CCTV in licensed vehicles, an emissions standard for licensed vehicles and higher standards for Private Hire Operators. The benefits of CCTV in licensed vehicles are clear to both drivers and passengers, and the majority of respondents supported these measures during the consultation. Many of the licensed trade have already installed CCTV and it is envisaged that should the decision to adopt CCTV be made, the Council would have to undergo a procurement exercise for an approved system and then allow a reasonable transition period, with the proposal to have all vehicles fitted with CCTV by 1 April 2023. Similarly, with respect of vehicle emissions, the current age policy means that many vehicles will currently meet Euro 6 emissions standards, with what is considered to be a reasonable adjustment period to meet the low emission criteria in future. With respect to standards for Private Hire Operators, there are a number of measures proposed which will require some operators to improve standards, with the risk of possible action taken against those that do not meet the new standards following a reasonable period of adjustment.
- 7.6 Implementing the changes will take considerable officer time, at a time when the Licensing resource has been reduced by the Future Guildford Programme and considerable work is also required to transition to the new organisational structure. Furthermore, the Council is still responding to the Covid 19 pandemic and there is a considerable pressure on the licensing service with assisting licence holders and ensuring compliance with regularly changing regulations.

8. Financial Implications

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

9. Legal Implications

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

- 9.2 The Licensing Authority must now have regard to the Statutory guidance issued under section 177 of the Policing and Crime Act 2017 when drafting its Policy and making decisions. The Council is also encouraged to publish its consideration of the guidance, which is considered in this report, and its Policy stemming from this. The draft Policy and considerations in this report are officers' recommendations of the measures which the Council should introduce in its Licensing Policy.
- 9.3 A Privacy Impact Assessment considering the use of CCTV in licensed vehicles is attached to this report as Appendix 5.
- 9.4 The Policy may be challenged by judicial review. If the policy is not challenged or is upheld following a challenge, a court hearing an appeal against any licensing decision must apply the policy as if it was standing in the shoes of the Council as per the judgement of R (on the Application of Simmonds) vs The Crown Court at Guildford.

10. Human Resource Implications

- 10.1 Work to review the Taxi and Private Hire Licensing Policy, together with the implementation of the measures approved following consultation will take considerable officer time.
- 10.2 The Future Guildford review has introduced wider changes to the Council's structure, including a reduction in the current Licensing resource, although the creation of a number of other potential resources in the Case Services or Compliance Team to potentially assist with Licensing work although it remains to be seen what effect this will have on the effective operation of the service and implementation of the Policy. In addition, this work has come at a time when the Licensing Service is busy assisting with the Council's response to the coronavirus pandemic, which has seen implications for other areas of Licensing, including relaxations to alcohol licensing restrictions.
- 10.3 Paragraph 5.2 of the Statutory Guidance requires that Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

11. Equality and Diversity Implications

- 11.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 11.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

- 11.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 11.4 The Policy proposes a number of measures which improve safety and standards in the taxi and private hire trades and which would improve access to the service for customers from all groups.
- 11.5 Wide public consultation has taken place, including with taxi user groups who share protected characteristics and responses have been received from Guide Dogs and members of the Guildford Access Group which have been considered in this report.
- 11.6 An Equalities Impact Assessment has been completed and is included in this report as Appendix 6.

12. Climate Change/Sustainability Implications

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

13. Summary of Options

- 13.1 After considering the report and the recommendation of the Licensing Committee, the Council may either:
 - 1. Approve the draft Policy at Appendix 1 following public consultation, or
 - 2. Approve the draft with amendments.

14. Conclusion

- 14.1 The aim of Taxi and Private Hire Licensing is to protect the travelling public, and to ensure that the highest standards within the professional licensed taxi trade are maintained so that the public have confidence to use the service.
- 14.2 The Council's current Policy is due for review. Following publication of Statutory Standards in July 2020, the Council is required to have regard to the Statutory Guidance issued under s.177 of the Policing and Crime Act 2017 when considering any changes.
- 14.3 A draft Policy has undergone a public consultation exercise with Licensing Committee on 24 March 2021 recommending Full Council approve the Policy.

15. Background Papers

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

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

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

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

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

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

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

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

16. Appendices

Appendix 1: Hackney Carriage and Private Hire Vehicle Licensing Policy for approval

Appendix 2: List of Consultees

Appendix 3: Online questionnaire and responses

Appendix 4: Individual consultation responses received

Appendix 5: Privacy Impact Assessment

Appendix 6: Equalities Impact Assessment