



Please reply to:

Contact: Christeen Abee
Service: Committee Services
Direct line: 01784 446224
E-mail: c.abee@spelthorne.gov.uk
Date: 15 July 2024

Notice of meeting

Licensing Committee

Date: Tuesday, 23 July 2024

Time: 7.00 pm

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

To the members of the Licensing Committee

Councillors:

S.A. Dunn (Chair)
M.J. Lee (Vice-Chair)
M. Arnold
C. Bateson
S. Bhadye

T. Burrell
R. Chandler
D.C. Clarke
J.T.F. Doran
A. Gale

K.M. Grant
K.E. Rutherford
B. Weerasinghe

Councillors are reminded to notify Committee Services of any Gifts and Hospitality offered to you since the last Council meeting so that these may be entered in the Gifts and Hospitality Declaration book.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

AGENDA

Page nos.

- 1. Apologies and Substitutes**
To receive any apologies for absence and notification of substitutions.
- 2. Minutes** **3 - 4**
To agree the minutes of the meeting held on 5 March 2024 as a correct record.
- 3. Disclosures of Interest**
To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.
- 4. Hackney Carriage and Private Hire Licensing Policy** **5 - 126**
To consider approval of the Hackney Carriage and Private Hire Policy 2024-2029 for consultation.
- 5. Pavement Policy** **127 - 162**
To consider approval of the draft Pavement Licensing Policy for adoption and consultation with the proposed fee, and to consider approval for minor amendments to the Policy to be approved by the Deputy Chief Executive and the Chair of the Licensing Committee.
- 6. Gambling Act Policy 2025-2028 Draft for Consultation** **163 - 200**
To consider approval of the draft Statement of Gambling Policy 2025-2028 for consultation.
- 7. Forward Plan** **201 - 202**
To note the forward plan for future Committee business.

**Minutes of the Licensing Committee
5 March 2024**

Present:

Councillor S.A. Dunn (Chair)
Councillor O. Rybinski (Vice-Chair)

Councillors:

E. Baldock	J.T.F. Doran	K.E. Rutherford
C. Bateson	S.M. Doran	
D.C. Clarke	K.M. Grant	

Apologies: Councillors R. Chandler and B. Weerasinghe

1/24 Minutes

The minutes of the meeting held on 05 December 2023 were agreed as a correct record.

2/24 Disclosures of Interest

There were no disclosures of interest.

3/24 Setting of Fees & Charges for the licensing of Hackney Carriages, Private Hire, and Private Hire Operators 2024-2025

The Senior Environmental Health Manager presented the report on the setting of Fees & Charges for the licensing of Hackney Carriages, Private Hire and Private Hire Operators for 2024 – 2025. The Senior Environmental Health Manager outlined the key issues raised by the consultation and the Licensing Department's responses.

The Committee were informed that a review of the Hackney Carriage and Private Hire Licensing Policy, alongside a review of the Taxi tariffs, would be carried out in Summer 2024. The Senior Environmental Health Manager advised the Committee that following a period of staffing difficulties, the Licensing Department was now almost back to a full complement of staff.

The Committee discussed the signage at Staines Train Station and highlighted that as it was privately owned land the Council had no control or influence over it. The Committee suggested that Shepperton Train Station

could benefit from having a taxi rank. The Committee further stated that they felt the restriction on 10-year-old vehicles needed to be reviewed. The Committee requested clarification over what would happen if the fees and charges were not increased and were informed that it was best practice for Taxi fees to be cost neutral to prevent them from being subsidised by the taxpayer and as such an increase, to cover costs of the service, was advised.

The Committee resolved to agree the proposed fees, noting the consultation responses and undertake to bring forward reviews of the policies expressly referred within a reasonable timeframe pursuant to meaningful consultation and to carry out a full review of fees in the 2024/25 municipal year.

Licensing Committee



23 July 2024

Title	Hackney Carriage and Private Hire Policy 2024-2029
Purpose of the report	To make a decision
Report Author	Lucy Catlyn, Principal Licensing Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	n/a
Corporate Priority	Environment
Recommendations	<p>Committee is asked to:</p> <ul style="list-style-type: none"> • Approve the Hackney Carriage and Private Hire Policy 2024-2029 for consultation
Reason for Recommendation	The Licensing Authority must update their Hackney Carriage and Private Hire Policy. The proposed changes will further increase public safety.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • The last update of the policy was in 2022 where a small amendment was made. The Policy needs to be updated. 	<ul style="list-style-type: none"> • The Policy must be updated to consider the Statutory Standards and Best Practice Guidance issued by the Department for Transport to safeguard the public.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> • The Licensing Committee is asked to approve the draft Policy for consultation as it has been granted or make amendments. 	<ul style="list-style-type: none"> • Once approved by Licensing Committee a public consultation will be initiated.

1.1 This report seeks to obtain Licensing Committee’s approval to consult on the Revised Hackney Carriage and Private Hire Policy.

- 1.2 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.
- 1.3 The revised Policy has been drafted to incorporate the Statutory Standards and Best Practice Guidance issued by the Department for Transport.

2. Key issues

- 2.1 The Department for Transport (DFT) recommends in the Statutory taxi and private hire standards that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a fit and proper person test, licence conditions and vehicle standards.
- 2.2 The existing policy does not include the changes from the Statutory taxi and Private Hire Standards or the updated Best Practice Guidance. The policy has been rewritten to be in line with this. It is not possible to list all the changes, however the significant changes of note are: -
- 2.3 Summary of Key Changes: -
 - (a) Removal of forms which are currently given out with licenses with conditions and instead have the one policy with the conditions attached. This will make the process more streamlined and easier for applicants/existing trade to understand the requirements.
 - (b) The Council will no longer issue any Private Hire (PH), Hackney Carriage or Private Hire Operator licence until all documentation has been submitted e.g. medical and DBS.
 - (c) Relaxation of Window Tinting requirements to allow factory fitted windows.
 - (d) Introducing a time limit for new drivers to complete their application of six months. This is to provide clarification on the process as it has been a recurring issue where new applicants can take extensive lengths of time to complete the process and not contact the Council for months on end.
 - (e) Introducing clarification where current medicals are not in place that the Council may suspend the licence for public safety.
 - (f) Applicants for the grant of a vehicle licence where they are not a holder of a current driver licence issued by the Council will be required to provide a basic DBS certificate.
 - (g) Removal of the requirement to carry a first aid kit and fire extinguisher.
 - (h) Drivers to register on the online DBS update service. If they fail to do so or maintain subscription during the period the licence is in force the licence may be suspended or revoked. A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate. Should drivers not have a DBS in place there will be no 'grandfather rights'. Checks will be carried out every six months at a minimum.

- (i) No longer accepting third party DBS's completed for other job roles e.g. Surrey School runs.
- (j) Lowering of age and time limits for statement of good conducts. These will now be required if the applicant has spent three or more continuous months living outside the UK (previously six months). This will be from age 10 (previously as an adult).¹
- (k) Disability awareness training. Refresher training will be required every three years. All existing drivers to complete this by 1 October 2025. New Drivers will need to complete.
- (l) New and existing drivers to complete safeguarding, child sexual abuse and exploitation and county lines training. Existing Drivers to complete refresher training every three years – all existing drivers to retake this by 1 October 2025.
- (m) New and existing drivers to undertake training and/or assessment focussed on attitudes and behaviours. Existing Drivers to complete refresher training every three years – all existing drivers to complete this by 1 October 2025.
- (n) Update to policy and penalty points to notify the Council, in writing, of any motoring or criminal convictions within 48 hours of conviction or caution during period of current licence.
- (o) Introduction of 12 penalty points for failure of hackney carriage driver, private hire driver to provide a pass certificate in respect of Disability awareness training and/or Driver conduct, attitude, and behaviour training by 1 October 2025.
- (p) New Convictions policy in line with statutory guidance and Institute of Licensing guidance. "Where an applicant has seven or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed."²
- (q) Revision of emissions policy. We currently have a 10-year age limit for non-wheelchair accessible and 12 for wheelchair accessible. If a driver currently has a ULEZ compliant car then their age limit of when it will be last licensed will now be extended to 15 years old.

To further support the uptake of Ultra- Low and Zero Emission vehicles, there is no minimum engine size for hybrid/LPG, electric or other alternatively powered vehicles.

Further information is detailed at **Appendix B**.

From 1 October 2025	From 1 October 2028	From 1 October 2028
New - will only be granted to ULEZ compliant vehicles. The maximum a license will be	New non-wheelchair accessible vehicle-licence will only be granted if the vehicle is	New wheelchair accessible - will only be granted to ULEZ and/or electric compliant

¹ [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

² Section 4.42 on Institute of Licensing – Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades [guidance-on-suitability-online-pdf-2.pdf \(instituteforlicensing.org\)](https://www.instituteforlicensing.org/guidance-on-suitability-online-pdf-2.pdf)

granted is when the vehicle is 15 years old.	zero emissions (electric) with no age limit	vehicles. The maximum a license will be granted is when the vehicle is 15 years old.
Renewal of currently licensed vehicles at the time of this policy being adopted - The maximum a license will be granted is when the vehicle is 15 years old.	Renewal of currently licensed vehicles at the time of this policy being adopted - The maximum a license will be granted is when the vehicle is 15 years old which must be ULEZ compliant	Renewal wheelchair accessible - The maximum a license will be granted is when the vehicle is 15 years old which must be ULEZ compliant

3. CCTV

- 3.1 At present the Licensing Authority does not mandate CCTV in licensed vehicles. If we were to mandate the need for CCTV it would need to be implemented on evidence and kept under constant review.
- 3.2 The Licensing Authority have consulted with Surrey Police who has advised that "CCTV is a powerful tool in the prevention and detection of crime. At this stage there are no significant levels of crime committed in taxis over and above other crime so there is currently no case for mandatory installation however it should be highly recommended to all taxi operators as an effective tool to protect both the driver and passenger. This should be kept under review however as if there is a spike in incidents then mandatory installation should be reconsidered".
- 3.3 The Licensing Authority propose to keep the requirement to have CCTV as a voluntary choice. This will be kept under review and a change of policy will be brought to the Licensing Committee should circumstances change.

4. Window Tinting

- 4.1 A local issue has been brought to the Licensing Authority's attention of vehicles being fitted with privacy glazing as standard which do not meet the current policy criteria. This is creating problems of applicants not being able to licence vehicles and having to replace factory fitted glazing, often at significant cost.
- 4.2 The Licensing Authority have spoken to Surrey Police, and they have advised that "we do not have any reports from the public around concerns of taxi's having tinted windows. If the vehicle complies with traffic law around tinting there are no objections from the police with regards to amending the policy to comply with DFT best practice".
- 4.3 The Licensing Authority is proposing a minor change to the Council's Licensing Policy which seeks to allow 'privacy glass' to be permitted.
- 4.4 Many vehicles are still fitted with this style of glazing with it having been allowed under the previous policy. The Licensing Authority does not believe that safety is compromised.

- 4.5 Should this be agreed, it will improve the range of vehicles available for licensing and to reduce costs to the licensed trade should glazing installed in a vehicle at the time of manufacture not meet the Council's specification.
- 4.6 In addition to the above, most Councils are moving away from window tinting requirements as they do not consider it necessary.

5. Options analysis and proposal

- 5.1 Option one: approve the policy as drafted. This is the preferred option.
- 5.2 Option two: make changes to the policy as drafted.
- 5.3 Option three: make no changes to the policy.
- 5.4 Not updating the policy will mean that the Council does not have a policy which is drafted with the Best Practice Guidance and Statutory Standards in mind. It is imperative that the current Policy is brought up to date and failure to do this could result in the Council not having a robust and up to date policy which will compromise public safety and confidence in the Council. All Councils are expected to review their policies in line with government guidance.

6. Financial management comments

- 6.1 There are no financial implications for the Council as a result of this change.
- 6.2 For the trade however, the cost of replacing glazing in vehicles can amount to many thousands of pounds. Therefore, if the policy is approved to allow factory fitted glass this would save the trade money.
- 6.3 In addition, the trade is required to complete extra tests, however these are being put forward in line with the Department for Transport expectations.

7. Risk management comments

- 7.1 By updating the policy as outlined it will minimise risk to public safety and any challenges on licensing issues for taxi and private hire licensing.

8. Procurement comments

- 8.1 There are no procurement issues associated with this report.

9. Legal comments

- 9.1 The Statutory Taxis and Private Hire Vehicles Standards was issued under the Policing and Crime Act 2017 and came into effect on 20 July 2020. The Act enables the Secretary of State for Transport to issue statutory guidance on exercising Taxi and Private Hire licensing functions to protect children and vulnerable adults from harm when using these services. The Act places a statutory duty on public authorities that have licensing functions under taxi and private hire vehicle legislation to have regard to any such guidance. These functions include developing, implementing, and reviewing their taxi and private hire vehicle licensing regimes.
- 9.2 The Statutory Standards and Best Practice Guidance sets out a framework of policies that licensing authorities must have regard to when exercising their functions. The overriding consideration in relation to licensing hackney carriages and private hire vehicles is public safety.
- 9.3 The Standards require local authorities to take them into account and if a decision is made to depart from the Standards, authorities are required to give

clear reasons for the departure. If the Council does wish to depart from the Standards, it should also document reasons for the departure.

- 9.4 The Standards have informed the amendments to the Council's policy. The newly drafted policy sets out the Council's approach to hackney carriage and private hire licensing to provide transparency and consistency for both those working in the industry, passengers, other road users and members of the public.
- 9.5 Under section 1 of the Equality Act 2010 local authorities must have due regard to the need to exercise their functions in a way that is designed to eliminate discrimination, harassment, victimisation, and advance equality of opportunity. Under section 149 of the Equality Act 2010 there is a public sector equality duty, which requires local authorities to eliminate discrimination, harassment, and victimisation and to advance equality of opportunity when exercising their functions. The Council's newly drafted Hackney Carriage and Private Hire Licensing Policy has regard for the public sector equality duty and the need to protect the needs of disabled people and those with a relevant protected characteristic.
- 9.6 There is no law that requires the Council to adopt the Statutory Standards. However, there is a strong expectation that local authorities will do so, and there is a risk of legal challenge, and reputational risk, in the event where an incident occurs which could have been prevented from happening if the Council had adopted these new Standards.
- 9.7 A proper consultation on the proposal to implement this new Council policy will minimise the risk of legal challenge if the new policy is subsequently implemented.

10. Other considerations

- 10.1 Refresher training will add further to increasing public safety in respect of Child Sexual Exploitation and County Lines. We have approximately 100 drivers in total. The costs are minimal to the trade.
- 10.2 Existing drivers to undertake training and/or assessment focussed on attitudes and behaviours. Existing Drivers to complete refresher training every three years – all existing drivers to complete this by 1 October 2025.

11. Equality and Diversity

- 11.1 An equality and diversity assessment has been carried out and no issues have been identified.

12. Sustainability/Climate Change Implications

- 12.1 The current policy has been drafted in line with input from the Council's Pollution and Climate team.
- Environment – improving transportation in the Borough through a well-regulated private hire service.
 - Community – ensuring that all taxi and private hire vehicle users are still able to travel safely.
 - Emissions will be reduced.

13. Timetable for implementation.

23 July 2024	Licensing Committee for approval on consultation on draft policy
26 July-26 August 2024	1-month Public Consultation
25 September 2024	Licensing Committee for approval of final policy to consider any comments

14. Contact

14.1 Lucy Catlyn, 01784 444295, l.catlyn@spelthorne.gov.uk or licensing@spelthorne.gov.uk

Background papers:

- Department for Transport Statutory Taxi and Private Hire Vehicle Standards: [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England: [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Appendices:

Appendix A- Draft Hackney Carriage and Private Hire Policy 2024-2029

Appendix B – Sustainable Taxi and Private Hire Information

This page is intentionally left blank

Spelthorne Borough Council
Council Offices
Knowle Green
Staines-upon-Thames
TW18 1XB



Tel: 01784 444202

email: licensing@spelthorne.gov.uk

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2024-2029

Effective: (insert date)
Version 1.1 – draft for consultation

Section	Title	Page
1	Introduction	
2	Principles	
3	Definitions	
4	Legislation, Byelaws, Guidance and Best Practice	
5	Shared Information	
6	General Principles	
7	Compliance and Enforcement	
8	Driver Requirements	
9	Hackney Carriage and Private Hire Vehicle Licences	
10	Private Hire Operator Licenses	
Appendix A	Hackney Carriage and Private Hire Licensing Guidance relating to relevance of previous convictions	
Appendix B	Penalty Points Scheme	
Appendix C	Byelaws for Hackney Carriages	
Appendix D	Standard Private Hire Driver and Dual Hackney Carriage Driver Licence Conditions	
Appendix E	Standard Hackney Carriage Vehicle Licence Conditions	
Appendix F	Standard Private Hire Vehicle Licence Conditions	
Appendix G	Additional licence conditions for private hire vehicles benefiting from plate exemption	
Appendix H	PH Operator – Standard Licensing Conditions	

page numbers will be inserted when the policy is adopted

1. Introduction

Spelthorne Borough Council ('the Council') is the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 responsible for regulating the Hackney carriage (HC) and Private Hire (PH) trades operating in the Borough.

The original policy was adopted on 23 May 2017 and came into force on 14 July 2017. It was updated and published on 21 November 2019. A temporary amendment was made to the policy on 12 July 2022. Public Consultation on this policy took place between (insert date) and (insert date). The policy was approved by the Council on (insert date).

The Council will review this policy every five years, or sooner in light of any significant changes to legislation or guidance and consult on any proposed amendments. If the Council make any changes, then the policy will be re-published. However, when and where necessary, minor amendments may be

made by agreement, by the Senior Environmental Health Manager and the Chairman of the Licensing Committee, in accordance with the Council's Constitution¹.

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or decision to take enforcement action will be considered on its own merits.

2. Principles

In exercising the principles of protecting the public the Council will adopt and carry out its HC and PH licensing functions with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,
- To promote public confidence in the HC and PH services
- The safety and health of the public and drivers
- Vehicle safety comfort and access
- Encouraging environmental sustainability,
- Promoting the vision of Spelthorne as a place to live, work and visit.

These aims and objectives will be taken into account by the Council when making decisions. The Council will continue to work in partnership with the industry, its neighbouring authorities, the Police, local businesses, and local people towards the promotion of the aims and objectives.

Where licence holders and prospective applicants do not uphold the expectations placed upon a professional licensed service, consideration will be given to suspending or revoked their licence or refusing their application.

Licenses are only granted to people who satisfy the Council that they are fit and proper people to hold such a licence. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Council to provide that they are not.

Being a fit and proper person is not simply a question at the time of the application; it is a continuing requirement, and if at any time the conduct or behaviour of the licensee falls below the acceptable standard, action may be taken against the licence.

3. Definitions

This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force. This policy applies to:

¹ [Constitution - Spelthorne Borough Council](#)

- Hackney Carriages (HC); being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public or undertake pre- booked work.
- Private Hire Vehicles (PHV): licensed to carry no more than eight passengers and must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.
- Private Hire Operators (PHO): are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The PHO is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.
- Hackney Carriage (HC) and Private Hire (PH) Drivers: Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.

4. Legislation, Byelaws, Guidance and Best Practice

The Department of Transport (DfT) has national responsibility for the HC and PH legislation in England and Wales. The DfT has produced updated Statutory Taxi and Private Hire Vehicle Standards in July 2020 (hereafter the 2020 Guidance)² to reflect an increasing appetite to improve safeguarding provision. The Council has taken account of the DfT guidance and Best Practice Guidance.³

HC and PH activity are governed by two principal pieces of legislation, the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, in both cases as amended by subsequent legislation. These have been interpreted by the senior courts over the years (the High Court and the Court of Appeal, and ultimately, the Supreme Court).

In addition, the Council has byelaws relating to Hackney Carriage activity. The Council will in addition have regard to guidance issued by the Department for Transport, the Town Police Clauses Acts 1889, the Public Health Act 1875 and the Local Government Act 1972 and the Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment in this policy. The policy also reflects changes due to the Deregulation Act 2015.

Each application will be considered on its own merits, taking into account all the relevant circumstances, legislation, guidance and this policy.

² [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/458212/statutory-taxi-and-private-hire-vehicle-standards-july-2020.pdf)

³ [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/458212/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england-july-2020.pdf)

Once a licence has been granted, the licensee will be subject to all the above and the conditions attached to any licence.

The Council will comply with its duties under the Equality Act 2010. In addition, licensees must comply with their duties under the relevant parts of the legislation.

A licence will not be issued until the appropriate fee is paid and cleared funds have been received.

Once the fee is paid no refund will be given unless there are clear and compelling reasons with evidence provided. This is at the discretion of the licensing authority.

5. Shared Information

The Licensing Authority may share all information with other public bodies such as other councils, the Police, Home Office Immigration Compliance Enforcement, National Anti-Fraud Network (NAFN), Driver Vehicle Standards Agency (DVSA) and Her Majesty's Revenue and Customs (HMRC). Information will only be released in response to a properly made formal request and where there is a valid reason to do so, for example investigation of a criminal offence.

Where drivers either have been or are currently licensed with other authorities, the Council will carry out checks with those authorities for any information that may be relevant to the application being considered.

The Council reserves the right to consider information from internal and external sources as part of its licensing activities and to share information supplied by applicants with other enforcement bodies, e.g. the Audit Commission, the Police etc, in accordance with the Data Protection Act 1998 and any statutory code or guidance made under that Act.

Applicants for HC or PH driver licences should be aware that - in the event that the Council opts to refuse an application for or suspends or revokes an existing HC or PHD driver licence for any reason - information will be submitted for inclusion on the National Anti-Fraud Network (NAFN)'s National Register of Refusals and Revocations (NR3). Further information about how this information is stored can be found on the relevant privacy notice, available from the NAFN.

6. General Principals

6.1 Tariff

The tariff is a maximum figure that HC drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. The tariff does not apply to PH vehicles or pre-booked journeys where the cost is agreed in advance. Drivers may charge any amount for a journey provided it does not exceed the fare on the meter. HC vehicles must carry a tariff card within the vehicle which is readily available upon request. In

HC vehicles the tariff card must be clearly visible and legible from the passenger area.

This policy statement sets out the Council's approach to making licensing decisions. It will only be deviated from in exceptional circumstances based upon the merits of those circumstances and provided that the overall principles of the Policy are not undermined.

6.2 Enforcement

The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement will be proportionate and transparent. While the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers overseen by the Licensing Committee and the associated Licensing sub-committee.

Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There are grades of sanctions from informal advice and warnings through to suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by licensing officers. The councils operate a points-based enforcement scheme. The points system does not affect the driver's or operator's rights of appeal to the magistrate's court.

6.3 Submission and Processing of applications

If an application to renew is **submitted** by the applicant to the Licensing Authority after the licence expiry, the application will be treated as a new licence and will need to meet all requirements involved for a new licence.

For operators, this will mean they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licensed by the Council until a new licence has been granted. Only in exceptional circumstances will the Council consider departing from this part of the Policy.

The Council aims to process applications as efficiently as possible. However, there may be occasions where there are peaks in demand or other pressures placed upon the service. If a **valid** application has been submitted in line with this policy and conditions and the licence expires in the meantime the applicant can carry on working under their licence. ⁴

Applicants and licence holders are expected to allow 10 working days (starting with the first working day after) the submission of a complete, valid application for licences to be processed and issued.

⁴Cartledge v Gedling Borough Council | [Institute of Licensing](#)

In instances where the licensing authority has not received a full application in line with this policy **(this includes medical & DBS) then the application will be incomplete. Where a medical is due part way through a licence and expires the Council may suspend the licence for public safety.**

New driver applicants should allow a longer timeframe as additional checks are required and the timescales are dependent on third parties. Where the Council must check an applicant's right to live and work in the UK, the applicant should allow extra time for this check and be aware no decision will be made until the right to live and work check has been completed.

The Council will not be held responsible for any delays or periods of expiration associated with the incomplete or late submission of applications.

6.4 Licence Fees

Licence fees will be reviewed annually. Fees will be calculated using the methodology approved by Licensing Committee with the aim of ensuring full cost recovery.

All applications must be accompanied by the appropriate fee.

The Council will not refund any part of the licence fee if a licence is surrendered, suspended or revoked.

6.5 Vehicle Accessibility

The Council will encourage the provision of accessible vehicles through financial incentives in vehicle application fees. There will be a separate fee set for wheelchair accessible HC and PH vehicles and published in the fees and charges.

6.6 Limitation of numbers

The Council do not limit the maximum number of HC or PH vehicles.

6.7 Whistleblowing

The purpose of this Policy is to protect the wider public using HC and PHVs. However, it is in the application of these policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. It is therefore recommended that any staff follow the Council's Whistleblowing procedures to raise concerns so that these can be dealt with openly and fairly.

Members of the licensed trade are also encouraged to report concerns relating to public safety and will not face licensing action for bringing concerns to the authorities' attention.

The failure of a member of the trade to report incidents which they are aware of might however call into question their suitability to hold a licence.

A copy of the Council's Confidential Reporting Code (Whistleblowing) is available on our website.⁵

6.8 Lost Property

Drivers and operators are expected to take all reasonable steps to ensure property is returned to its rightful owner within 48 hours of discovery. Drivers must check their vehicle after each hiring to identify any lost property.

Where drivers working for companies or operators cannot return items directly to the passenger, they must present the item to the Council or booking company within 48 hours of discovery. The Council will keep the item for up to 28 days and after such time will dispose of the item/s as the Council feels fit.

The company or operator shall keep a record of all lost property for at least 28 days and attempts must be made and recorded to trace the original owner.

6.9 Updating the Council – applicable to all licences

It is essential that the Council has up to date contact details for licence holders. It is also vital that the Council is notified of any change in circumstances which may compromise the applicant's suitability at the earliest opportunity.

If a licence holder changes their name, address, other contact details (including telephone number or email address) or operator during the term of their licence, they must inform the licensing team in writing within seven days.

If a licence holder receives a conviction, caution, fixed penalty notice or is subject to arrest or criminal proceedings of any sort then they must notify the Council within 48 hours.

If a licence holder's medical status changes then they must notify the Council within 48 hours.

Licence holders who fail to keep the Council up to date as required are likely to be considered unsuitable to continue to hold a licence.

7. Compliance and Enforcement

- 7.1** Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the relevant council to suspend, revoke or refuse to renew a licence if the licensee has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local

⁵ [Comments, compliments and complaints - Spelthorne Borough Council](#)

Government (Miscellaneous Provisions) Act 1976; has been convicted of an immigration offence or had to pay an immigration penalty, or any other reasonable cause.

A suspension or revocation can take immediate effect if that is necessary in the interest of public safety under section 61(2B). This will be clearly detailed in the decision notice.

The council operates a penalty points scheme full details of which can be found in **Appendix C**

The principal purpose of HC & PH licensing is to protect the public and promote public safety. In doing this, the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated, and promoting confidence in the service in the eyes of those who use it.

The Council will follow the Regulators Code and the Council's Enforcement Policy and will base any enforcement action on the seriousness of the breach and the possible consequences arising from it. A range of tools and powers, including mystery shopping, to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator is a "fit and proper" person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

The Council has a procedure whereby the general public can submit service requests / complaints / concerns about licensed drivers and operators. In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account. In addition if anyone wishes to complain about the service provided by the Council there is a Complaints procedure available on the website.

Under section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions that it considers 'reasonably necessary' to private hire driver's licences. This includes dual licensed hackney carriage and private hire driver's, as well as holders of private hire driver (only) licences.

Applications are normally granted subject to the Council's Standard Licence Conditions contained within this Policy, however further, additional conditions may be attached on a case by case basis.

Where appropriate referrals will be made to other agencies such as the Police, Disclosure and Barring Service, HM Customs & Excise and both Adult and / or Child safeguarding teams. The Council will respond to complaints made by the public and referrals from other agencies & bodies. In addition officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations. Licensing decisions are taken on the 'civil' standard of proof and in line with the statutory guidance, the

benefit of the doubt will **not** be given to the licence holder when making any decision.

The Council aim to achieve and maintain a consistent approach making our decisions. In reaching any decision the Council will consider the following criteria:

- seriousness of any offences or breach of conditions
- licence holder's past history, including previous advice and warnings issued
- consequence(s) of non-compliance
- likely effectiveness of the various enforcement options
- danger to the public

Having considered all relevant information and evidence, the normal options are one or more of:

- take no action
- take informal action
- issue statutory notices (stop notices etc.)
- suspend a licence
- revoke a licence
- prosecution

As well as complying with legislation and licence conditions, it is essential that licence holders comply with reasonable requests for information or assistance from licensing and/or Police officers. Failure to do so may lead to disciplinary action being taken.

The Council will apply the guidelines set out in **Appendix 2** when a licence holder is convicted, cautioned for or charged with any of the offences or other information (including complaints from the public) is received to indicate that the licence holder has conducted themselves in a way outlined by the offence. For example, if a complaint has been received about a licence holder which has not resulted in a conviction, in the interest of public safety the policy and sanction for that offence will still be applied.

Before making our decision, the Council will consider the seriousness of the conviction, caution, endorsement or other information which has been provided to us.

7.2 Statutory notices

If a defect in a licensed vehicle is found, including a breach of licensing conditions or vehicle specification, the Council may serve notice in writing requiring the vehicle (or the taximeter in the vehicle) to be examined at the vehicle testing station or by a taximeter examiner nominated by the Council.

If a defect in a licensed vehicle is found upon inspection which causes the vehicle to fail the MOT then a statutory notice may be served preventing the

vehicle from being used until the defect is remedied and the vehicle passes the test.

7.3 Suspending or revoking a licence (vehicles) the Council may suspend a vehicle licence where:

- the Council has reasonable grounds to suspect that the condition of the vehicle is dangerous or poses a risk to passengers or other road users. For example, there is damage to the vehicle, the tyre tread is insufficient, or the vehicle has been involved in a collision
- the insurance is no longer valid.
- the vehicle has not completed the vehicle test at the required interval, or failed the test
- the vehicle is non-compliant with its licence conditions or other licensing policy requirement

The suspension will be lifted once the Council are satisfied that the reason for the suspension has been addressed and the vehicle complies with the Council's policy requirements.

7.4 The Council may revoke a vehicle licence where:

- The proprietor regularly presents a vehicle for inspection which is in unsatisfactory condition
- The proprietor is no longer considered suitable to hold a licence
- The vehicle is dangerous and poses a risk to passengers or other road users and suspension of the licence is not appropriate. For example, if there is no reasonable prospect of repairing the damage, such as an accident write-off.

7.5 Suspending, revoking or refusing to renew a licence (drivers)

The Council may suspend or revoke a driver's licence if the licence holder:

- is convicted of any offence involving dishonesty, indecency or violence
- is convicted of an offence under or has failed to comply with the relevant taxi and private hire legislation or
- for any other reasonable cause

Any other reasonable cause can include, but is not restricted to:

- a suspension of your DVLA licence (either due to 'totting up' or disqualification imposed for specific offences)
- a medical issue
- other offences not included in Appendix 2, but still indicating that the licence holder is of unsuitable character
- a culmination of minor transgressions or continual non-compliance with licensing requirements
- any action that presents a risk to the public or is likely to undermine public confidence in the licensing regime
- obstruction of or being abusive towards an authorised officer, or disregarding the advice, warnings or sanctions of an authorised officer

If a driver's licence is suspended this will normally be for a defined period and the Council will inform the licence holder of our reasons. The Council will normally only suspend a licence where the relevant behaviour can be addressed within a reasonable timescale. In other cases the licence will normally be revoked. However, the Council reserves the right to utilise suspensions as a punitive measure so that drivers can have a defined period to reflect on their conduct.

If the Council consider it is in the interest of public safety to suspend or revoke a licence with immediate effect, we will do so and we will inform the licence holder of our reasons.

7.6 Suspending, revoking or refusing to renew a licence (operators)

The Council may suspend, revoke or refuse to renew a private hire operator's licence:

- if the licence holder commits any offence under or fails to comply with relevant taxi and private hire legislation or
- there is any conduct on the part of the operator, including convictions, which falls below the standards expected by the Council of professional, licensed private hire operators, or
- there is any material change of the circumstances of the operator on the basis of which the licence was granted, or
- the operator seeks to negate local control by not using vehicles and drivers licensed by the Council within its jurisdiction, or
- for any other reasonable cause

Any other reasonable cause can include, but is not restricted to:

- other offences not included in **Appendix A**, but still indicating that the licence holder is of unsuitable character
- a culmination of minor transgressions or continual non-compliance with licensing requirements
- any action that presents a risk to the public or is likely to undermine public confidence in the licensing regime
- using unlicensed drivers or vehicles
- using uninsured or unsafe vehicles
- obstruction of or being abusive towards an authorised officer, or disregarding the advice, warnings or sanctions of an authorised officer

If an operator's licence is suspended this will normally be for a defined period and the Council will inform the licence holder of our reasons. The Council will normally only suspend a licence where the relevant behaviour can be addressed within a reasonable timescale. In other cases the licence will normally be revoked. However, the Council reserves the right to utilise suspensions as a punitive measure so that operators can have a defined period to reflect on their conduct.

7.7 Common Law Disclosure

The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire

vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.

Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.

7.8 Decision making

Where an applicant is unable to demonstrate that they fulfil the requirements of this Policy, applications may be refused. If an applicant does not meet the required standards but wishes for their application to be considered by us, it will be referred to the Senior Environmental Health Manager who may refer the decision to the Licensing Sub Committee for a hearing. This will be the case for both new applicants and existing licence holders.

The Senior Environmental Health Manager in conjunction with the Chair of the Licensing Sub Committee have authority to suspend or revoke licences with immediate effect on the grounds of public safety. In cases where immediate action is not considered necessary, issues such as new offences will be referred the Senior Environmental Health Manager in the first instance.

The Council will make a record of the reasons for our decision and will provide the applicant with a copy of that document. Police would also be notified.

7.9 Prosecution

The Council recognises that it is a significant step to prosecute, however, will consider prosecution in appropriate cases where there is sufficient evidence and it is in the public interest to do so.

To protect public safety and promote public confidence in the licensing regime, the Council will generally consider that prosecution is appropriate in the majority of cases, but will take into consideration:

- the overall seriousness of the offence and harm caused
- if the offender also encouraged others to commit offences
- the offence was pre-meditated
- the offender showed disregard for the law
- the offender stood to gain from the offence
- the victim, if any, was vulnerable, suffered damage or felt threatened by the offence
- there is significant environmental harm
- the offence had a discriminatory element, for example on the basis of protected characteristics
- the offender has previous convictions or cautions that are for offences that have some similarity with the current one
- there is likelihood that further offences might be committed.

7.10 Appeals

If the Council suspends, revokes or refuses a licence, a record of the reasons for our decision will be made and we will provide the licence holder with a copy of that document.

The licence holder may appeal to the Magistrates' Court within 21 days of the decision. The Council would recommend that appellants seek legal advice.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the Magistrates Court in order to challenge the council's decision. There is no other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

The Council will normally defend any appeal and seek full recovery of its costs from the appellant.

8. Driver Requirements

8.1 Guidance on suitability to hold a licence

The Council may attach such conditions to a Private Hire / Hackney Carriage driver's licence as are considered reasonably necessary. The Council's standard conditions are set out in **Appendix D**.

The Council has also made byelaws that are specifically applicable to Hackney Carriage drivers / proprietors. The existing Hackney Carriage byelaws are set out in **Appendix C**.

Drivers are expected to familiarise themselves with licence conditions and comply with the requirements associated with being a professional licence holder.

All drivers must satisfy the Council that they are fit and proper people to be granted a drivers' licence and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process. Existing licence holders are always also expected to act professionally at a time a licence is held and consequently both applicants and existing licence holders must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, arrests, current investigations and pending criminal and civil proceedings.

The Council aims to ensure that PH and HC services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to HC & PH drivers unless indicated.

8.2 Fit and Proper person test

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants / licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term “Fit and Proper Person” for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

“without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

Applicants must prove they are fit and proper on the balance of probability. The DFT standards state that “this means that an applicant or licensee should not be given the benefit of the doubt”. If the committee or delegated officer is only 50/50 as to whether the applicant or licensee is fit and proper, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

When considering whether a person is fit and proper to hold a licence (which includes both new and renewal applicants, and existing licence holders), the Council have our own suitability criteria and this can be found in **Appendix A**. This applies to all vehicle, driver and operator licence holders and applicants.

These guidelines should be regarded as examples of issues that may lead to us considering you are not fit and proper. They are not intended to be an exhaustive list of the issues that may be taken into consideration.

The Council may not be satisfied that a person is a fit and proper person to hold a driver’s licence for any good reason. If adequate evidence of good character is not available, or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse an application.

An applicant who does not satisfy these guidelines will not necessarily be barred from obtaining a licence. The Council will consider each case on its own merits, considering any relevant circumstances or mitigating factors.

The overriding consideration in compiling and interpreting these guidelines is the safety of the public. The Council have a duty to ensure that those licensed to drive HC & PH vehicles are suitable persons to do so. The Council need to satisfy ourselves that applicants and licensed drivers are safe drivers with good driving records and adequate experience; sober; courteous; mentally and physically fit; honest and not persons who would take advantage of their employment to abuse or assault passengers.

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

Both applicants and existing licence holders must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, arrests, current investigations and pending criminal and civil proceedings.

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies, and other information/complaints received. This list is not exhaustive.

If a driver, acting in their capacity as the holder of a different licence (for example vehicle proprietor's licence or private hire operator's licence) fails to comply with the byelaws or conditions attached to that licence, or has that licence revoked for reasons of being unsuitable to hold that licence, the Council will consider this to reflect on their character as a licensed driver and they should expect to have their licence to drive a vehicle suspended or revoked.

8.3 Driver Application process

The Council issues drivers licences that enable:

- the driving of both HC and PH Vehicles (dual licence), or
- the driving of PH Vehicles only.

The type of licence applied for or held will be determined by which of the Council's knowledge tests the applicant has passed.

Licences will be issued for a maximum period of three years but the Council can grant licences for a lesser period if deemed appropriate. This will usually be when the applicant has time limited 'right to work' status with the licence only being granted in line with the time limits dictated by the applicant's immigration status.

The sections below apply equally to PH and HC drivers unless indicated.

It is the policy of the councils that every application for a licence to drive a HC and/or PH vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been valid until such time as they are complete.

All **new** applicants will have **6** months from the application form submission to complete the application process. After this time any incomplete application will be closed, and any subsequent application will be treated as a fresh application.

HC Driver Licensees will be required to comply with the current Hackney Carriage Byelaws detailed in this policy. Attached at **Appendix C**.

Where a licence is found to have been obtained using false or incomplete information the licence may be revoked with immediate effect. Anyone obtaining or attempting to obtain a licence using false or misleading information may be subject to further enforcement action including, prosecution and reporting the matter to other enforcement agencies including the police.

Applicants will be required to disclose if they have been/are licensed as a driver with a previous/current authority. The councils reserve the right to check the details of applicants with any previous/current licensing authorities, in accordance with the relevant data protection legislation to aid the determination of the application.

8.4 Application form & Fee

An application form must be completed by the applicant. Failure to complete the appropriate form could result in an application being delayed or declined. Knowingly or recklessly making a false declaration or omitting any material information required when applying for a licence is an offence. Where an applicant has knowingly made a false statement or declaration the application will normally be rejected or refused.

It is the driver's responsibility to apply in good time so their application can be determined before their existing licence expires. A completed, valid renewal application should be submitted no less than 10 working days, but no sooner than 8 weeks before the expiry date.

Failure to pay the full fee could result in an application being delayed or declined. A list of current fees and charges is published on the Council's website www.spelthorne.gov.uk

8.5 Identity

To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence). Applicants from outside the UK must provide:

- (a) a passport with a valid stamp from the Home Office to say that they have leave to remain in the country indefinitely; or
- (b) a passport with a valid UK visa, which allows the holder to work as a private hire or Hackney Carriage driver (student visas will not be accepted), and which has at least six calendar months remaining at the time of application.

A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The Licensing Authority reserves the right to verify, at any time, a licensee's entitlement to remain in the UK. The Council will not accept letters issued by the Home Office when a visa application is pending.

To comply with the Immigration Act 2016, the councils are required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence at time of application.

For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain and may only be granted for a shorter period. The licence maybe extended should the applicant's right to remain in the UK be made permanent.

If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If a licensee loses the right to remain in the UK during the period of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within seven days to the relevant council.

8.6 Proof of right to work in the UK

All applicants for licensed driver badges must prove that they have a right to work in the UK. The Council will follow the guidance published by UK Borders and Immigration (or their successor bodies) on establishing proof of right to work.

In addition to requiring documents, the Council may also make direct enquiries to the UK Border and Immigration to verify the details of an applicant's right to work.

If the UK Border and Immigration is currently determining a licence holder's right to live or work in the UK, and they are entitled to live and work in the UK pending final determination of that application, the Council will issue a licence for a maximum of 6 months from the date of our decision. It is the licence holder's responsibility to contact the council at least 15 working days before the licence expires so that the licensing authority can contact the UK Border and Immigration to check their rights.

If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it.

Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended if the period of right to work is extended. There is no discounted fee for licences.

If after referring to UK Borders and Immigration (or their successor bodies) guidance, the Licensing Authority are still unsure about an applicant's right to work in the UK, they will undertake further enquires with UK Borders and Immigration (or their successor bodies). If it transpires the applicant is illegally in the UK (due to illegally entering or overstaying for example) the Licensing Authority will assist UK Borders and Immigration (or their successor bodies) or the Police in their enquiries as necessary.

8.7 HM Revenue and Customs (HMRC) requirements

All applicants must demonstrate that they are registered with HMRC for tax purposes. This is done by providing a tax code from the HMRC website. Further information can be found here: [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/organisations/hm-revenue-customs/about/tax-checks)

8.8 Disclosure and Barring Service Checks (DBS)

Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.

In addition to this, requests will be sent to the police, following the requirements of the Data Protection Act 2018, to obtain any information that may be relevant when determining an application.

Both HC and PH drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order"). All drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate.

New applicants must provide an Enhanced DBS Certificate which includes a check of the Adult and Child Barred Lists which is no more than **one calendar month old** at the date of submission of the certificate.

The Council is no longer carrying out paper DBS checks. All licence holders must subscribe to the Disclosure and Barring Service Online Update Service, this will be required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. **If a licence holder fails to sign up to the update service, or fails**

to maintain subscription during the period that the licence is in force, then the licence may be suspended or revoked.

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, arrest, current investigations, cautions and fixed penalty notices during the licence period may result in suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate. Should drivers not have a DBS in place there will be no 'grandfather rights' for a licence to be given without a certificate.

The Council will use the update service to monitor the criminal record of licence holders. Checks will be made at a frequency of not less than once every **six months**. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed.

The Council is committed to ensuring that the licensed trade is fit and proper, this will entail periodic audits of licensed drivers to ensure that material changes are identified and acted upon.

Any licensee may be required to undertake a further DBS check at any time as directed by the Council.

The Council will only accept DBS certificates which are applied for through Spelthorne Borough Council's Licensing Service or their nominated third party provider. The Council **does not accept DBS certificates issued to other local authorities, including Surrey County Council for school contracts.**

8.9 Certificate of good conduct

As DBS checks do not cover convictions in countries outside the United Kingdom, if you, from the age of 10 years, spent **3 or more continuous months** living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period is required. This will normally be in the form of a 'Certificate of Good Conduct' issued through the relevant embassy or consulate, which details any convictions or other matters arising against the applicant while resident in that country. It is your responsibility to obtain such documents and to pay any fees. This requirement is in addition to the DBS disclosure. Where you are unable to obtain the above, you must give a statement outlining the reasons and provide references from appropriate bodies as to your conduct in the country that satisfy us.

This includes any time spent overseas during the course of a licence.

The date of the letter must be within three months of the date of the application. Certificates are required to be translated and certified as a correct translation at the cost of the applicant.

Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed at **Appendix A** you should consider seeking independent expert or legal advice to ensure that you provide information that is truthful and accurate.

8.10 Previous Convictions

In relation to the consideration of previous convictions and cautions recorded against applicants and licensees. The DfT guidance recommends that, when considering an individual's criminal record, the Council must consider each case on its merits, but to take a particularly cautious view of any offences involving violence, and sexual attack. It recommends that councils have a clear policy for the consideration of criminal records that must address:

- the type of offence
- the number of offences
- the number of elapsed years since the offence.

The Council may also draw appropriate inferences from repeat incidents or patterns of such issues which may not necessarily have resulted in formal action.

All applicants will need to demonstrate their fit and proper person status through a full disclosure of their full criminal history.

Relevant offences at the time of writing are set out in **Appendix A**.

8.11 Medical Examination

The Council requires Group 2⁶ Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed HC and PH drivers.

Applicants shall provide a completed medical examination form supplied by the Council and **completed by their own General Practitioner** (or a Doctor working at their registered GP's practice) on first application and every 5 years thereafter until aged **65** years when **annual** examinations are required. Licence holders with certain medical conditions (for example certain neurological or cardiovascular conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their driver's licence.

To ensure currency and relevance the licensing authority will require applicants to submit a suitable medical report which is dated no more than three months prior to the initial application.

⁶ [General information: assessing fitness to drive - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Holders of Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, will not be required to undergo a medical examination on first application.

Licence holders must advise the Council of any deterioration or other change in their health that may affect their driving capabilities within 48 hours of the change occurring.

Medical reports which may indicate that an applicant may not meet the Group 2 DLVA standard will be referred to the Council's independent medical advisor.

Where a LEO or the Council's independent medical advisor has reason to believe that an applicant's ability to drive may be impaired by a specific medical condition, the applicant, or their GP, or in the case of eyesight requirements, an optician, may be asked to provide further information at any time following the submission of the medical assessment form. The Council may require a new medical assessment, at the licensee's expense, if they have reason to believe that a licensee's medical status may have changed.

No licence will be issued, or remain in force until medical confirmation that the DVLA Group 2 standards have been met has been received.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful, they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Licensed drivers are under a legal duty to provide assistance to wheelchair users, including loading/securing/unloading the wheelchair and assisting the user in and out of the vehicle, and carrying luggage at the request of the hirer, without additional charge. Drivers who have a medical condition which prevents them from offering this assistance may apply to the Council for exemption from the duty on medical grounds. If an application is successful, they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Any application for exemption will need to be supported by medical evidence including the appropriate tests and clinical history (provided by the applicant) and confirmed by the Council's medical advisor.

8.12 Driving Licence

Applicants must have held a full UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for twelve months, after which it must be exchanged for a UK licence) for at least twelve months prior to application (this excludes the holding of a provisional licence).

A photo card driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the Driver and Vehicle Licensing Agency (DVLA) information issued. Any prospective applicant who does not hold a photo card driving licence must obtain one before the application is made. The address on the DVLA licence must be the same as the addresses on any other paperwork submitted with the application. The Council may carry out spot checks on a random basis to ascertain any changes to the status of the DVLA licence.

On each renewal a DVLA check code will be required full details will be provided on the renewal form.

8.13 Practical Assessments for Licensed Drivers and Applicants

Applicants must produce a certificate confirming that they have passed a Blue Lamp Trust Enhanced Driving Test for Taxi and Private Hire Drivers, or equivalent. The assessment should be no more than 12 months old when first applying to the Council.

At the discretion of the Principal Licensing Officer (PLO), where an applicant is to be employed by a company exclusively using specially adapted minibus vehicles for the sole purpose of Blue Badge school runs, a certificate for an alternative, equivalent test for competence to drive minibuses may be supplied.

8.14 Knowledge Tests

To maintain the high standards that the councils expect of licensed drivers, new applicants will be required to undertake an assessment of competence. This will take the form of a test and will contribute to satisfying the requirement to be a 'fit and proper person'.

Applicants with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional the applicant will be given appropriate support. The need for such support must be identified at the time of the original application.

The knowledge test will be in a form and structure determined by the relevant council and may be administered by a third party. All applicants must pass the Council's: -

- English & Numeracy test
- Licence Conditions test.
- Geographical test

Together, all the required tests above are designed to assess the applicant's understanding of both oral and written English.⁷

Where there is a reasonable cause to believe that there is a need to assess a licence holder's English language literacy and numeracy skills or knowledge of licensing requirements an authorised officer may require them to undertake such testing at the drivers own expense within such timescale as the officer prescribes.

Test Retakes

Applicants who fail to achieve the pass mark in the test will be invited to take a different test on another occasion. They will not be 'fit and proper' to hold a licence until they have achieved the required pass mark.

An applicant will only be permitted to take a test three times in a year. The year period will start from the date of the first test.

Applicants who fail a test must wait for a minimum of a two-week period before re-sitting the test.

8.15 Highway Code and Relevant Legislation

All Applicants are expected to have a good knowledge of the Highway Code and the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847.

8.16 Training in the Assistance of Disabled Persons

All applicants must be able to show that they have undergone training in Disability Awareness to a standard acceptable to the Licensing Authority. Refresher training will be required every 3 years. The councils identify training providers (which may include the relevant council itself) from time to time and applicants will be informed of the available courses and any cost at the time of application.⁸

Applicants must produce a certificate confirming that they have passed a Blue Lamp Trust Disability Awareness Training⁹, or equivalent. The assessment should be no more than 12 months old when first applying to the Council.

The form and structure of the training will be determined by the relevant council and may be administered by a third party.

All existing drivers will need to complete this by **1 October 2025**.

⁷ Section 6.9 Best Practice Guidance [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england)

⁸ Section 6.3 Best Practice Guidance [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england)

⁹ [THE BLUE LAMP TRUST | DRIVEN BY SAFETY](https://www.bluelamptrust.org/)

8.17 Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training

All new applicants for a driver licence must complete safeguarding, child sexual abuse and exploitation (CSAE) and county lines training prior to the issue of a licence.

Applicants must produce a certificate confirming that they have passed the Safeguarding Adults and Child Sexual Exploitation Training¹⁰. The assessment should be no more than 12 months old when first applying to the Council.

Existing drivers must complete refresher training every 3 years. The Council will expect all existing drivers to have completed their refresher training by **1 October 2025**.

The form and structure of the training will be determined by the relevant council and may be administered by a third party.

8.18 Driver Proficiency

The Road Safety Statement published in 2019 stated that:

The need to improve road safety does not end with the driving test; nor does it exclude those who drive or ride professionally or as part of their job.

Licensing authorities should require taxi and private hire vehicle drivers, as professional drivers, to display a higher degree of driving aptitude and diligence than a private motorist. This is considered appropriate and proportionate and is consistent with other elements of taxi and private hire vehicle driver licensing, for example, medical and vision assessments.

The ability to drive a car is tested when obtaining a driving licence. Nevertheless, evidence shows that driving behaviours are a significant contributor to road collisions. Factors such as fatigue, distractions and excess speed contribute significantly to collisions; excess speed alone accounted for 12 percent of all road traffic collisions in 2021 and 25 percent of those that resulted in a fatality. As professional drivers, for whom time is money, an appreciation of the effect of additional distractions and pressures which can negatively influence their driving behaviours is particularly relevant.

Licensing authorities should require taxi and private hire vehicle drivers to undertake training and/or assessment focussed on attitudes and behaviours, such as those provided by IAM Roadsmart and the Royal Society for the Prevention of Accidents (RoSPA), **at first application and renewal** (typically every 3 years). Where an authority has specific concerns about the driving ability of a driver, for example through passenger complaints, it would be appropriate for the authority to consider whether the driver in question should

¹⁰ Safeguarding Adults and Child Sexual Exploitation Training [LearnUpon](#)

undertake a practical driving ability training course or assessment to address those concerns.¹¹

The Council will nominate the provider and this will be communicated to the trade. The Council expects all drivers to have completed this by **1 October 2025**.

8.19 The National Register of Taxi Licence Revocations and Refusals

The Licensing Authority provides information to the National Register of Taxi Licence Refusals, Suspensions and Revocations (NR3) a mechanism for licensing authorities to share details of individuals. This is necessary for assessing whether an individual is a fit and proper person to hold a Hackney Carriage or private hire driver licence.

Where a Hackney Carriage or private hire driver licence is revoked or suspended, or an application for one refused, the relevant council will automatically record this decision on NR3.

This is a mandatory part of applying for a Hackney Carriage and private hire driver licence.

The Licensing Authority will provide details of the reasons for each decision to another licensing authority following receipt of the necessary data sharing request.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary for the relevant councils statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

8.20 Licences and Badges

The Licensing Authority issue a plastic card driver badge. All drivers must wear one driver's badge visible on your external clothing at all times when you are driving or working with a private hire vehicle or Hackney Carriage and failure to do so is a criminal offence [under s54 of the Local Government (Miscellaneous Provisions) Act 1976] when using a private hire vehicle and byelaw number 12 when using a hackney carriage.

You must display the second copy (large copy of your badge) in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi driver.

9 Hackney Carriage and Private Hire Vehicle Licenses

Applications will not be accepted if the vehicle is already licensed by any other licensing authority (or Transport for London).

¹¹ Section 6.4 Best Practice Guidance [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england)

Legislation limits HC or PH vehicle licences to a maximum period of 12 months

9.19 Grant of Licence

The Council will grant vehicle licences for HC with the standard conditions at **Appendix E**. The Council has also made byelaws that are specifically applicable to Hackney Carriage drivers / proprietors. The existing Hackney Carriage byelaws are set out in **Appendix C**.

The Council will grant licences for PH vehicles with the standard conditions at **Appendix F**.

Proprietors are expected to familiarise themselves with licence conditions and comply with the requirements associated with being a professional licence holder.

If vehicles and/or proprietors do not satisfy the requirements the Council will refuse the application.

Proprietors who do not comply with the conditions can expect to have their licences revoked.

9.20 Refusal of applications

If the Council refuse your application, we will make a record of the reasons for our decision and we will provide the applicant with a copy of that document. Police would also be notified.

When new or renewal driver licence applications are refused, or existing driver licences revoked, because the individual is thought to pose a risk to a child or a vulnerable adult, the Council will refer this to the DBS and Police.

An applicant may appeal the Council's decision (within the statutory time period) to:

- the Magistrates' Court (for refusal of private hire applications, or refusal to renew hackney carriage vehicles), or
- Crown Court (for refusal to grant a new hackney carriage).

The Council would recommend that appellants seek legal advice. The Council will normally defend the decision and seek full recovery of its costs from the appellant.

9.21 Test of Fitness and Propriety

The Council considers that licensed vehicle proprietors are in a position of trust, by virtue of the fact that they are responsible for ensuring the maintenance of vehicles which are used to transport members of the public. Licensed vehicles can also travel with a considerable degree of inconspicuousness and as such can be used as cover for illegal transportation. Therefore the Council must ensure that applicants / licence holders are suitable persons that will ensure that they will maintain their

vehicles so that they are roadworthy at all times, and not allow the vehicle to be used for criminal or other unacceptable purposes.

In determining whether a person is suitable to hold a vehicle proprietor's licence, those tasked with determining applications are effectively asking the following question of themselves:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”

If the answer to the question is an unqualified 'yes', then the person can be suitable. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

The safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probabilities. This means that **an applicant or licensee will not be 'given the benefit of the doubt'**. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is suitable to hold a licence having considered the above test, they should not hold a licence.

Vehicle licences may be applied for by a company or partnership and as such the above test will be applied to each of the directors or partners in that company or partnership.

In order to assess the suitability of an applicant for a vehicle licence (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Right to work
- General conduct / standards of behaviour including online behaviour
- The conduct as an individual holding a licence, including but not limited to complaints and other information received during the application process or course of the licence
- The individual's history of vehicle maintenance, including passing of MOT and vehicle test without initial failures
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).

- Whether the applicant has had a licence suspended, refused or revoked by another licensing authority.

In relation to the consideration of convictions, cautions, warnings, arrests, reprimands and other 'relevant information', the Council has adopted the policy set out in **Appendix A**. The terms of this policy will have immediate effect.

The policy at **Appendix A** will be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence during the licence period.

However, it is important to acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. As the Council undertakes DBS checks for drivers it will not require those licensed drivers seeking to licence a vehicle to provide a basic DBS check as part of the application process and instead will rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic DBS certificate should be required immediately.

Similarly in cases where a proprietor exercises their right to transfer a vehicle a licence, the Council will require the new proprietor to obtain a basic DBS certificate, if they are not already a licensed driver.

If a proprietor, acting in their capacity as the holder of a different licence (for example a driver's licence or private hire operator's licence) fails to comply with the byelaws or conditions attached to that licence, or has that licence revoked for reasons of being unsuitable to hold that licence, the Council will consider this to reflect on their character as a licensed proprietor and they can expect to have their proprietors licence suspended or revoked.

General

- 9.22** The Licensing Authority will only accept complete applications comprising all the necessary evidence. Incomplete or missing evidence may result in the application being rejected.
- 9.23** Applications received after a licence has expired will be considered as new application.
- 9.24** Using a vehicle, as a PH vehicle or HC, when it does not have a valid PH vehicle or HC proprietors licence is a criminal offence.
- 9.25** As the vehicle cannot be separated from the licence, the vehicle must be owned or leased by the licensee. Proof of ownership of the vehicle must include:
- The original of the vehicle registration document (logbook/V5), certificate of registration for the vehicle (the new keeper's supplement section of the V5 document) will be accepted in the case of vehicles that are not licensed

at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required).

- Receipt for the purchase of the vehicle, or documentary evidence of any leasing arrangement with a vehicle leasing company must also be provided where the applicant does not own the vehicle.
- Insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for use as a Hackney Carriage or as a private hire vehicle (as appropriate).
- Current MOT certificate

9.26 Temporary Replacement Vehicle

If a licensed HC or PH vehicle has been involved in an accident or is otherwise incapacitated, an application can be made for a replacement vehicle to be licensed on a temporary basis. The existing vehicle licence will need to be returned to the Council, and the replacement vehicle will be granted the same licence number. Should the original vehicle be repaired, it will need to be reinspected before being used again.

Any replacement vehicle must meet the relevant council's specification for Hackney Carriage or private hire vehicles and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.

9.27 Transfer of Interest.

A 'transfer' is the sale of a licensed vehicle (including the paper licence and licence plate) from one person to another as opposed to when a proprietor wishes to license a vehicle as a HC or PH vehicle which is not currently licensed as such, which is an application for a 'new vehicle licence'.

If an existing proprietor sells (or transfers) a hackney carriage or private hire vehicle currently licensed by the Council, they must notify us of the name and address of the new proprietor within 14 days of the date of transfer.

9.28 Change of Vehicle

If an existing proprietor wishes to change their licensed vehicle, please check that it complies with the policy requirements above before completing a purchase. The Council is not responsible for applicants purchasing vehicles which are unsuitable.

9.29 Accidents

If at any time the vehicle is involved in an accident, however minor, the proprietor must inform the Council within 72 hours. An accident report form will then need to be completed and submitted to the Council within this timeframe.

If a vehicle is still being used following an accident, it will be required to be presented for inspection at the Council's as soon as possible after the

accident has taken place. The appointment must be arranged and paid for by the proprietor. Failure to present the vehicle for inspection following an accident may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council via the accident form and provide photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination. The proprietor must advise the Council once it is repaired and book an appointment for a vehicle inspection. Evidence that the vehicle has been repaired to the required standard will need to be provided e.g. receipts/reports.

If the vehicle is not going to be repaired, the proprietor is responsible for removing the external plate, internal plate and returning these to the Council.

9.30 Lost, stolen or damaged licences

If a proprietor loses a paper licence or the vehicle plate, or the plate has been stolen or damaged they will need to notify the Council within 48 hours of discovery, and request a replacement. There is a fee which must be paid before a replacement is issued.

9.31 Display of vehicle licence plates

The external licence plate supplied by the Licensing Authority shall be securely fixed to the outside rear of the vehicle. The licence plate remains the property of the council. If required to do so at any time the licence holder must return the plate to the council within seven days.

The Council also issues internal vehicle licence plates which must be displayed inside the windscreen on the top of the near side (passenger side).

9.32 Exemption from displaying a private hire licence plate

The Licensing Authority recognises operators may wish to cater for an 'exclusive' or important corporate client base and provide a vehicle of a prestige model and specification without the display of a licence plate or vehicle signage. An operator may apply for an exemption to the requirement to display a licence plate for the following approved work only:

- Exclusive chauffeured work where the dignity or security of the person would be affected if they were to be seen in a plated licensed vehicle, or
- Other 'special' journeys where the client specifically requests a vehicle of a prestige make and specification at the time of booking and pays a recognisably higher fee for that service compared to that charged for a non-exempt vehicle displaying corporate identity.

For clarification the Policy requires that in order to be considered for a 'plate exemption' the vehicle must carry out exclusively chauffeured or other special

work and as such there is a distinguishing feature between 'chauffeured' work and taking a business person to the airport for example.

To apply for an exemption you must supply the following documents:

- completed private hire vehicle application form, detailing the reasons for exemption
- letters from clients demonstrating the vehicle is required for chauffeured work and why the display of a plate would be detrimental to the client, for example a discreet service required by a well-known person seeking as much anonymity as possible.
- three months of booking records for all operators the driver works for, demonstrating that the vehicle is primarily used for chauffeured work (for new applications, three months of booking records must be provided after the plate exemption has been given).
- invoices for each named client who has supplied a letter in support of your application for the same period as the booking records (for new applications, three months of booking records must be provided after the plate exemption has been given)

The Council will also consider factors such as the list price of the vehicle, specification of vehicle and volume of exclusive or chauffeured work.

An exemption will only be granted where the Council is satisfied that the vehicle will be used exclusively or primarily for 'chauffeured' private hire work. It is expected that 'primary use' means at least 90% of the work for **businesses (not schools or other authorities)** with an account with the operator, as evidenced via a minimum of three months booking records. The Council may undertake an audit of booking records at any point during the exemption to ensure that the vehicle is being used for chauffeured work.

Exemptions may be withdrawn at any time by the Council and if the licence holder cannot prove that the vehicle is used exclusively or primarily for 'chauffeured' private hire work.

Exemptions are subject to annual review and licence holders must reapply each year.

If an exemption request is refused or withdrawn, the operator may ask for the Council to reconsider the decision by providing new, relevant information within 21 days of that decision. The Council aims to reconsider any such application within 10 working days of receipt. An officer with delegated authority will consider the information before making a final decision. The Council will make a record of the reasons for the decision and provide the operator with a copy of that document. There is no right of appeal to the Magistrates' Court.

If the Council grant an exemption, we will issue your licence subject to the additional conditions at **Appendix F**.

9.33 Vehicle testing

MOT and Vehicle Inspection Test (VIT)

Vehicles are required to pass a standard MOT test and the VIT.

MOT Testing must be done annually for vehicles over the age of one year and six monthly for vehicles over the age of five years.

VIT tests will be undertaken annually at the Council Offices.

Applicants must include an MOT certificate with their application form, which is the result of a test carried out in the 14 days prior to the date of application for grant or renewal of the licence.

Checks will be undertaken from time to time and penalty points will be awarded for failure to meet the timescales for MOTs to be conducted.

LEOs will consider MOT advisories and decide a course of action on a case by case basis. Where the MOT indicates that they may be defective, applicants would normally be required to replace tyres or repair to British Standard BS AU 159 (with evidence of this to be provided). At the discretion of LEOs, advisories on MOTs will usually be required to be fixed within one month of the MOT - with evidence to this effect to be provided. Failure to comply with this requirement would usually result in the issue of penalty points to a driver's hackney carriage or private hire driver licence and in some cases in the suspension of the vehicle licence. Other issues, including those relating to aesthetics, will be taken on a case-by-case basis and LEOs may at their discretion request that applicants have faults remedied within a reasonable time frame in order to promote a certain standard of vehicle for consumption by the HC and PH using public.

If the vehicle has not passed the vehicle test it cannot be used as a licensed vehicle even during the duration of an existing licence and any existing licence will be suspended.

Vehicle tests should not be used as a mechanism for identifying faults to be rectified. As such, the Council takes a serious view of proprietors who fail to present their vehicle for inspection in a satisfactory condition.

If the vehicle fails an inspection due mid-term or upon renewal, this will demonstrate to the Council that the proprietor is not complying with vehicle maintenance and licence conditions.

9.34 Vehicle Specifications

Emissions

On 14 October 2020 the Council declared a climate emergency. The Council encourages drivers and operators to adopt more efficient licensed vehicles, which reduce the levels of CO₂ and NO_x emitted. The use of alternative fuels

and improved technology such as fully electric vehicles will further reduce local emissions.

The Council currently have a 10 year age limit for non-wheelchair accessible and 12 for wheelchair accessible. If a driver currently has a ULEZ compliant car then their age limit of when it will be last licensed will now be extended to 15 years old.

From 1 October 2025	From 1 October 2028	From 1 October 2028
New - will only be granted to ULEZ compliant vehicles. The maximum a license will be granted is when the vehicle is 15 years old.	New non-wheelchair accessible vehicle-licence will only be granted if the vehicle is zero emissions (electric) with no age limit	New wheelchair accessible - will only be granted to ULEZ and/or electric compliant vehicles. The maximum a license will be granted is when the vehicle is 15 years old.
Renewal of currently licensed vehicles at the time of this policy being adopted - The maximum a license will be granted is when the vehicle is 15 years old.	Renewal of currently licensed vehicles at the time of this policy being adopted - The maximum a license will be granted is when the vehicle is 15 years old which must be ULEZ compliant	Renewal wheelchair accessible - The maximum a license will be granted is when the vehicle is 15 years old which must be ULEZ compliant

To further support the uptake of Ultra- Low and Zero Emission vehicles, there is no minimum engine size for hybrid/LPG, electric or other alternatively powered vehicles.

Due to the nature of the technological advancement of zero emissions vehicles and emissions standards this policy will be continuously reviewed.

9.35 Vehicle Type and Design

All vehicles must have at least four passenger doors (not including the boot door) for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver.

All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to eight passengers not including the driver; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Where a vehicle has been altered, adapted or modified only Type Approval Certificates granted after alteration, adaptation or modification will be accepted.

Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be

considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the councils.

For reasons of public safety, the councils will not accept any vehicle that has been subject to such damage as to be categorised as a 'write-off' by a relevant insurance company under the Code of Practice for the Disposal of Motor Vehicle Salvage. This includes Category S (formerly C) and Category N (formerly D) vehicles. This is because the history of the reasons for a write off cannot be established.

Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts. 'Q' plates are also used to disguise stolen or accident damaged vehicles.

The councils will not license purpose built hackney carriage vehicles as private hire as this can confuse members of the public.

9.36 Insurance

It is required that all insurance documents must be shown before a licence is issued. This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a HC or PH Vehicle.
- A HC vehicle requires insurance to cover public hire and hire and reward.
- A PH vehicle requires insurance to cover hire and reward.
- A cover note will be accepted, and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.

The council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

9.37 Meters and Fare Charts

Hackney Carriages

All HC vehicles must be fitted with a taxi meter. Meters used to calculate fares must be accurate, display the correct time and be capable of displaying the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force and sealed by the meter agent.

Meters will be checked for accuracy by a measured mile distance or by waiting time during the vehicle test, or upon request by an authorised officer.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey and positioned in a manner so as not to obstruct the view of the driver.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued. For the suspension notice to be removed, the vehicle meter must have been resealed and calibrated by an approved meter company and presented to the Council for inspection.

The Council's fare chart must be displayed clearly in the vehicle at all times for passengers to view.

Private Hire Vehicles

Private hire vehicles are not permitted to be fitted with a taximeter.

9.38 Roof Signs

The roof sign must be affixed to HC vehicles at all times. The only exceptions to this are:

- when the vehicle is parked off the street at a proprietor's home or
- in a private taxi office car park for security reasons or
- when the vehicle is undergoing maintenance work or is being cleaned.

In the above cases the roof sign must be put back on the vehicle before the vehicle is used on the highway.

There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle that has a built-in taxi roof sign.

In the event of the Council not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will have been breached and the proprietor requested to remedy the defect. The licensee of the vehicle may then be subject to a penalty within the Penalty Points Scheme and if not suitably rectified will then have the sanction of law imposed.

9.39 Seating and Interior dimensions

Licensed vehicles should have:

- Rear headroom that is adequate for passengers to sit comfortably and in any event for their head not to touch the ceiling above them;
- The distance between the rear of the forward seat or dashboard and the front face of the passenger seat should measure a minimum of 660 mm per passenger.

- Licensed Vehicles should have rear legroom that is adequate for passengers to sit comfortably and in any event for their knees not to touch the seating in front of them;
- Fitted fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

Seating

Where a vehicle provides separate seats for each person, the vehicle shall be licensed to carry one person for each separate seat provided – submit to them meeting the Council’s minimum size requirements of 410mm wide;

Where the vehicle is fitted with continuous seats, the vehicle shall be licensed to carry one person for each complete length of 410 mm measured in a straight line lengthwise across the front of such a seat, to a maximum not exceeding the number of seatbelts fitted.

Where the vehicle is fitted with continuous seats and with arms to separate the seating spaces, the arms shall be ignored in measuring the seat, if the arms can be folded back or otherwise put out of use, to a maximum not exceeding the number of seatbelts fitted.

Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.

Vehicles with a third row of seats:

- All passengers must have access to a door, one of which must be on the nearside of the vehicle.
- In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point to exit the vehicle via the rear side doors.
- The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both exit points.

9.40 Tyres

Tyre treads are designed to remove water efficiently and effectively from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 1.6 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre, as per MOT requirements.

Tyres fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:

- be compatible with the types of tyres fitted to the other wheels,
- not have any lump, bulge or tear caused by separation or partial failure of the structure,
- not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
- not have any part of the ply or cord exposed.
- be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.

All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.

The fitting of part worn tyres to licensed vehicles is not permitted.

9.41 Spare Wheels

Vehicles must carry a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle (not required for vehicles with run flat tyres or original manufacturers inflation kit). Together with:

- a) a spare wheel suitable for immediate use and properly maintained, OR
- b) if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary, OR
- c) Original manufacturer's tyre inflation kit with all fittings and un-used. Or
- d) Run flat tyres to the original manufacturer's specification.

9.42 Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed, thus smoking remains prohibited when the vehicle is not hired or not for hire. Every licensed vehicle is required to carry appropriate signage under the Smoke-free (Signs) Regulations 2007. Guidance and signs are available from the Smoke Free England website.

To avoid any doubt and promote a professional image of the licensed trade, the use of electronic or vaporising devices is not permitted in licensed vehicles at any time.

9.43 Access for wheelchair users and equipment

The Council are committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life. For this reason, the councils consider it important that disabled residents have access to all forms of public transportation.

All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.

The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

Equipment

A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

Ramps- Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kg and certified to BS6109.

A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

Wheelchair lift – a purpose designed wheelchair lift shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose-built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the purpose of conveying wheelchairs, the converter's

recommendations shall be followed. Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.

All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.

Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).

A VOSA certificate of compliance following a post conversion inspection or construction to agreed standards will indicate compliance with the above standards.

The council is aware of the different demands for private hire vehicles, particularly those involved in providing transport through school contracts for disabled children. Operators also need to be aware of their liabilities under health and safety legislation in respect of staff that they employ to ensure that they provide a safe system of work for the driver.

The Council will encourage the provision of wheelchair accessible vehicles through financial incentives in vehicle application fees. There will be a separate annual fee set for wheelchair accessible taxi vehicles and published in the fees and charges book.

9.44 CCTV

The council will not require enhanced security or CCTV measures in vehicles. Operators and drivers may install such equipment, but its use must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with the Data Protection Act 2018, GDPR and the ICO code of practice for surveillance cameras. It is the responsibility of the driver/operator to ensure compliance.

Audio recording on video equipment must not be enabled by default. Audio must only be used when the driver feels there is a threat to themselves or another person. If the audio is turned on, then the driver must make the person being filmed aware that audio recording is taking place.

When requested by a Licensing Officer investigating a complaint or incident drivers must release all relevant recordings free of charge within 36 hours of the request.

9.45 Windows

No vehicle shall be fitted with tinting film over and above that included at manufacture.

9.46 Signage and advertising

Vehicles are required to display signage to state how a complaint can be made to the Council.

Any advertisements on any vehicles must be legal and comply with the advertising standards agency code of practice.

9.47 Limousines and Special Event Vehicles

Any limousines or 'special event' vehicles with 8 seats or less which are used to transport passengers for hire or reward must be licensed as Private Hire Vehicles. Hire and reward has a wide definition in case law which goes further than the simple test of paying a fee for the journey.

The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- decommissioned emergency service vehicles
- vintage vehicles
- sporting or performance vehicles
- courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs
- other non-standard type converted vehicles used for special events.

The above list is not exhaustive, and other types of vehicles may be considered from time to time. When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy and relevant appendices.

All vehicles used for these purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

When a vehicle has been imported into this country, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

Drivers of limousines and special event vehicles must complete the licensing application process in the same way as any other licensed driver.

Three-wheeled motor vehicles such as Tuk Tuks or similar will not be licensed as HC or PH Vehicles.

10 Private Hire Operator Licenses

10.1 A Private Hire Operator (PHO) means a business or person who makes provision for the invitation or acceptance of bookings for PH vehicles. A licensed PH vehicle must only be booked through and despatched to a customer by a PHO, who must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence. This authority must be the same authority that issued the operator's licence, and this is known as the 'trinity' of licences.

Any person who makes provision for inviting or accepting bookings in the Spelthorne Borough, or who dispatches PH vehicles licensed by SBC must first obtain a Private Hire Operator's Licence from the Council.

All PHOs must satisfy the Council that they are fit and proper people to be granted a Private Hire Operators licence and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of an operator will be monitored and assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process. Existing licence holders are also expected to act professionally at all times a licence is held and consequently both applicants and existing licence holders must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, arrests, current investigations and pending criminal and civil proceedings.

10.2 Fit and Proper Test

All PHO must satisfy the Council that they are fit and proper people to be granted a PHO licence and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of an operator will be monitored and assessed throughout the period that the licence is held. The fit and proper test will apply to each of the directors or partners. PHO must advise the Council of any change in directors or partners.

Applicants are expected to act with honesty and integrity throughout the application process. Existing licence holders are also expected to always act professionally a licence is held and consequently both applicants and existing licence holders must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, arrests, current investigations and pending criminal and civil proceedings.

To assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In

assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- General conduct / standards of behaviour including online behaviour.
- The conduct as an individual holding a licence, including but not limited to complaints and other information received during the application process or course of the licence.
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Whether the applicant has had a licence suspended, refused, or revoked by another licensing authority.
- Business practices demonstrated by the applicant (for example standard of record keeping, procedures, training and vetting of staff, compliance with other regulatory requirements, financial practices etc)
- Awareness of safeguarding, equalities and public safety matters, and procedures to ensure promotion of the same through the operation.
- Policies and practices to promote the safety and welfare of drivers under their control.

The Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies, and other information/complaints received.

If an operator, acting in their capacity as the holder of a different licence (for example driver's licence or vehicle proprietor's licence) fails to comply with the byelaws or conditions attached to that licence, or has that licence revoked for reasons of being unsuitable to hold that licence, the Council will consider this to reflect on their character as a licensed operator and they can expect to have their licence to operate suspended or revoked.

Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training

All new applicants for a PHO a driver licence must complete safeguarding, child sexual abuse and exploitation (CSAE) and county lines training prior to the issue of a licence. If the applicant/PHO is an existing driver, then the certificate can be used for the PHO purposes.

Applicants must produce a certificate confirming that they have passed the Safeguarding Adults and Child Sexual Exploitation Training¹². The assessment should be no more than 12 months old when first applying to the Council.

¹² Safeguarding Adults and Child Sexual Exploitation Training [LearnUpon](#)

Existing PHOs must complete refresher training every 3 years. The Council will expect all existing PHOs to have completed their refresher training by **1 October 2025**.

If the applicant/PHO is an existing driver, then the certificate can be used for the PHO purposes.

The form and structure of the training will be determined by the relevant council and may be administered by a third party.

10.3 Right of operator to work in the UK

The Council is mandated under the Immigration Act 2016 to require all applicants to provide documentary evidence to confirm that they may legally work in the UK.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the UK.

10.4 Disclosure and Barring Service Checks (DBS)

A criminal record check on an operator is seen as an important safety measure. If an application is received from a person who is not a driver currently licensed by SBC, then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service (DBS).

All applicants for the grant or renewal of a licence requiring a DBS check will be responsible for the costs of obtaining the DBS certificate.

All applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions or cautions received during their licence period.

All licence holders must subscribe to the DBS Online Update Service. Any costs maintaining this subscription must be met by the Licence holder. If a licence holder fails to sign up to the update service or fails to maintain subscription during the period that the licence is in force, then the licence will be suspended or revoked.

The licence holder must give permission for the council to undertake checks of their DBS status, which will be at a frequency of not less than once every **six months**. The council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full DBS check will be required before a licence is renewed.

If an applicant or current licence holder has spent **three** continuous months or more overseas since the age of 10 the Council will need to see evidence of a

criminal record check from the country / countries visited covering the period that the applicant was overseas.

Because of the potential lifetime relevance of some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

Criminal record checks for PHOs and their controllers

All staff working in a “Controller” capacity for a PH Operator (whether paid or unpaid) will need to be listed on the relevant space on the Council’s application form. Applicants and every Controller working under their employ (paid or unpaid) will need to submit a standard DBS disclosure or a Police National Computer (PNC) check obtained within the last month at the time of new application.

At such a time as a new Controller begins working for the PH Operator, a standard DBS disclosure or PNC check dated within the preceding month will be supplied to the Council accordingly.

If an applicant for a PH Operator licence or one of the Controllers working for them holds a current HC Driver licence, a PH Driver licence they need not submit a further DBS check.

As above, all “controllers” must subscribe to the DBS update service and must give permission for the council to undertake checks of their DBS status, which will be at a frequency of not less than once every **six months**. The council will use the update service to monitor the criminal record. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full DBS check will be required. If the PHO requests the Controller to carrying on working in this capacity without a new DBS check, then the Council may deem the PHO to not be fit and proper and will take action in accordance with this policy.

Where a standard DBS disclosure or PNC check brings to light convictions, cautions, reprimands, warnings, charges etc which do not necessarily lead to conviction or any other information which may call into question the character of an applicant or his/her Controller(s) – the Council may take this information into account when determining whether to grant or renew a licence. The Council needs to assure that staff members working for Operators in a controller capacity are fit and proper to do so. Controllers have access to sensitive information, such as which properties are empty, as well as information about vulnerable people.

When considering whether an individual is appropriate to carry out this role, the Council therefore expects PHOs to give regard to the same ‘Policy

regarding the relevance of convictions and other related information' which the Council itself references when determining applications from prospective drivers (attached to this document as **Appendix A**). It is not expected that PHOs will employ persons with a previous conviction, caution, court order or similar (including reprimands, warnings, charges which do not necessarily lead to conviction or any other information); which could call into question their suitability to work in a position of trust. Furthermore, where an individual is employed as a controller, but convictions later come to light which might call into question their character, PHOs would be expected to refer to the 'Policy regarding the relevance of convictions and other related information' and take appropriate action accordingly. A dim view will be taken of PHOs found to be employing persons who it might not consider fit and proper, this information may result in the Council reviewing whether it considers an individual fit and proper to continue to hold a PHO licence.

Controllers are also required to complete an online training module regarding safeguarding.

It is expected that a "fit & proper" PHO will undertake the necessary checks to ensure that controllers working under his/her employ have permission to work in the UK, failure to do so would call into question whether they are suitable to hold said PHO licence and may trigger a referral to a Licensing Sub-Committee in order for a panel of members to determine whether the licence should remain in place.

10.5 Relevance of Convictions and Cautions etc.

The Council is committed to ensuring that the licensed trade are fit and proper. This will entail periodic audits of licensed operators to ensure that material changes are identified and acted upon.

In relation to the consideration of convictions, cautions or equivalent or deferred prosecution scheme, warnings, arrests, reprimands and other 'relevant information', the Council has adopted the policy set out in **Appendix A**. The terms of this policy will have immediate effect.

The policy at **Appendix A** will be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence during the licence period.

10.6 Operator Base

To be eligible for a PH Operator licence, applicants would normally be expected to operate from premises located within the Borough.

With the increasing popularity of app-based PH Operations there has been an influx of enquiries from prospective PH Operators who wish to work via "virtual offices". For the avoidance of confusion, a virtual office is one which need not be manned, from which any landline is redirected to a head office based elsewhere (often outside of the borough). In line with legal guidance outlined in Button On Taxis and under these circumstances, the Council is prepared to

accept applications for PH Operator licences under the proviso that the applicant agrees to supply digital records from their head office without delay on request from a LEO or other authorised officer working on behalf of the Council. Any failure to subsequently do so would immediately call into question the suitability of the applicant to hold a PH Operator licence and would usually trigger a referral to a Licensing Sub-Committee accordingly for members of the Licensing Committee to determine whether they deem it appropriate for the licence to remain in place.

10.7 Granting your application

If the Council grant an application, we will usually issue a licence for five years from the date of our decision. If a licence holder is subject to immigration controls as detailed below, the Council will issue a licence for a shorter period:

- If a licence holder’s current right to live or work in the UK expires during the five-year period beginning on the date their application was determined, the Council will issue a licence until the date their current right to live or work in the UK expires.
- If the Home Office is currently determining a licence holder’s right to live or work in the UK, and they are entitled to live and work in the UK pending final determination of that application, the Council will issue a licence for a maximum of 6 months from the date of our decision.

Under section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions that it considers ‘reasonably necessary’ to private hire operator’s licences. Applications are normally granted subject to the Council’s Standard Licence Conditions contained within this Policy, however further, additional conditions may be attached on a case-by-case basis.

The decision to attach conditions to a licence may be appealed to the Magistrates Court.

10.8 Trading Names and Advertising

The names of any private hire operator business must not:

- be the same (or similar) to a private hire business already licensed by the Council, or
- include any reference to ‘taxis’ or words with a similar meaning.

10.9 Record Keeping

Private Hire Operators licensed by the Council must maintain records covering the following information, and provide these records to the Council upon request:

Vehicles	Drivers
Names of proprietors/drivers of each vehicle	Names of all drivers
Registration number, make, model, type, colour and engine size	Badge numbers

Plate number and expiry date of current licence	Call signs
Number of passenger seats	Expiry dates of current driver's licences
Insurance details	Date each driver joined the operator and the date any driver left the operator
Vehicle call signs	All vehicles driver is linked to
Expiry date of vehicle road tax	Right to work
Expiry date of Mot	

Prior to each journey, the operator shall record the following information:

- name of passenger
- contact details of passenger
- number of passengers
- details of any luggage
- whether the passenger has any disability, especially if they have an assistance dog or wheelchair
- the destination, including any multiple pick ups, drop offs or requested stops during the journey
- date and time at which the booking was made
- date and time at which the booking was allocated to the driver
- plate number and badge number of the vehicle and driver undertaking the booking
- date, time and location of the pick up
- price quoted for the booking
- date, time and location that the booking was completed
- date and time of any subsequent cancellation or amendment
- the signature (or in the case of a computer system, the identity) of the person taking and dispatching the bookings).

Format and Retention of Records

- If the operating base is not located in Spelthorne Borough, the operator must be able to produce any operating records in an electronic format at the request of the Council.
- The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by them. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and immediately to the police.
- All such records must be in English, permanent, legible, and preserved for a period of not less than 24 months following the date of the last entry.
- Records must be kept in one of the following forms: -
 - a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
 - on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and

ink cartridges are maintained, and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or

- a computerised recording system which automatically generates a permanent entry onto a computer hard drive, a recordable CD or DVD or other approved server at the same time the booking is entered onto the system.
- No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24-hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.
- The records of bookings must be always maintained and kept up to date and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises if so required.
- The operator must have capacity to send records electronically (by email) to an Authorised officer upon request.
- The Operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

Private Hire Operators licensed by the Council are expected to provide the following policies and procedures upon application/renewal. Compliance with these will be a condition of the operator's licence. Any changes must be agreed in writing by the Council and must be reviewed at the request of the Council. Any information arising from the application of these procedures (such as staff training records, or complaint records) must also be provided to the Council upon request.

10.10 Private Hire Operator Policies and Procedures

PHO operators are expected to provide the following policies and procedures upon application/renewal. Compliance with these will be a condition of the PHO licence.

(a) Procedures for Vetting Staff

Operators or applicants for a licence are required to provide a written policy regarding their employment of ex-offenders in roles that have contact with the public, access to booking records and/or customer information, and/or oversee the dispatching of vehicles.

As with the threshold for obtaining a PHV operators' licence, those staff with a conviction for relevant offences detailed in our Conviction policy attached at Appendix B (other than those relating to driving) may not be suitable to handle the sensitive information the public may provide.

Operators must hold and maintain a register of all staff that have contact with the public, access to booking records and/or customer information, and/or oversee the dispatching of vehicles and be able to evidence that they have had sight of a basic DBS check on all individuals listed and this is compatible with their policy on employing ex-offenders. The register must also include ensuring the staff have the right to live and work in the UK.

(b) Staff Training

Training records of all staff must be maintained, and refresher training provided at appropriate intervals covering the following:

- Data protection
- Emergency procedures
- Breakdown procedures
- Customer complaints
- Lost property
- Young and vulnerable customers
- Equalities (Disability Awareness training must be undertaken)¹³

Sub-Contracting

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

The Council would expect that the operator receiving and undertaking the sub-contracted booking is subject to the same standards as operators licensed by Spelthorne Borough Council, and that the Spelthorne licensed operator receiving the original booking will have taken steps to ensure the sub-contracting operator upholds these standards.

Use of Public Service Vehicles

The use of public service vehicles (PSV) licensed drivers and vehicles to fulfil bookings accepted under a PHO licence is strictly forbidden.

Drivers of PSVs who are PCV licence holders are not subject to the same checks as PHV drivers.

Licensing Compliance Procedures

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

¹³ Section 7.2 Best Practice Guidance [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england)

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

Complaints and Lost Property

Operators must keep a record of complaints and any lost property and have procedures to resolve these. Records of complaints received, investigations undertaken, and any disciplinary action must be made available to the Licensing Authority or Police officer upon request. If an operator terminates the use of a driver, then this information including full reasons must be provided to the Licensing Authority in writing within 48 hours.

Data Protection

Operators have a duty under data protection legislation to protect the information they record and as such must have written procedures for protecting the information they hold. The Information Commissioner's Office provides comprehensive guidance on registering as a data controller and how to meet legal obligations.

Insurance

Before an application for a PHO licence is granted, the applicant shall provide evidence that they have taken out appropriate public liability insurance for the premises to be licensed if this premises is open to the public. Where necessary, operators must also hold employers liability insurance.

Reporting of Key events

Key events which may affect the safety of the public must be reported to the licensing authority within 48 hours.

Such events may include, but are not limited to, system changes, system faults (such as the ability to drive without a licence, insurance, mot, tax), serious offences and complaints, suspensions, data breaches or losses, investigations and action taken by other regulators (including criminal investigations and the suspension/revocation of any PHO licence held with another licensing authority).

Operator's responsibility in relation to vehicles / drivers that are operated.

The PHO must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business.

Appendix A - Hackney Carriage and Private Hire Licensing Guidelines relating to relevance of previous convictions.

1.1 Introduction

- 1.2 The purpose of this policy is to provide guidance on the criteria considered by the relevant Council when determining whether or not an applicant or an existing licensee is a fit and proper person to hold a Hackney Carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence.
- 1.3 Drivers and operators cannot be granted a licence unless the council is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 1.4 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor's licence.
- 1.5 'Fit and proper' will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

2. General Policy

- 2.1 Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Relevant Council v. Mohammed Farooq (1998).]
- 2.2 "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is "safe and suitable" to hold the licence.
- 2.3 In determining safety and suitability the council is entitled to consider all matters concerning that applicant or licensee. The Council is not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament. 38 Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to consider the character of a company director or secretary, or any partner.
- 2.4 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
- 2.5 Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be considered by the Council. In addition, complaints where there

was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

- 2.6 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the council to decide what action to take in the light of this policy.
- 2.7 In all cases, the council will consider the conviction or behaviour in question and what weight should be attached to it, and each case will be determined on its own merits, and in the light of this policy.
- 2.8 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 2.9 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 2.10 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
- 2.11 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their 'fit and proper' status. The council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 2.12 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked, and may result in prosecution.
- 2.13 This policy does not replace the duty of the council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper

person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

- 2.14 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in this policy, applicants are strongly advised to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate. Any foreign conviction will be considered in line with this policy. Failure to disclose or accurately disclose may result in the licence being refused, revoked, or suspended.

3. Powers

- 3.1 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 excludes applicants or holders of a private hire vehicle or Hackney Carriage driver's licence from the provisions of the Rehabilitation of Offenders Act 1974. This means that the Council can take account of all convictions, whether spent or not. Therefore, the Council will have regard to all relevant convictions. As detailed below, this will be particularly important where there is a long history of offending or a recent pattern of repeat offending.
- 3.2 In this policy the term "disqualification" refers to the period served, to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

4. Consideration of Disclosed Criminal History

- 4.1 Applicants can discuss what effect their offending history may have on any application by contacting the Council for advice.
- 4.2 Applicants for the grant or renewal of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). This must include a check of the adult and child barred lists. Drivers will then be required to sign up to the DBS update service.
- 4.3 The Council will not issue any licence to an individual that appears on either barred list.
- 4.4 Applicants for the grant of Hackney Carriage or private hire vehicle licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate to accompany every application and renewal of the vehicle licence.
- 4.5 Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the relevant council, must provide a basic DBS certificate annually throughout the currency of the licence.
- 4.6 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.

- 4.7 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly when giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the application will be refused, and if the licence has been granted it will be revoked.
- 4.8 The sole purpose of Hackney Carriage and private hire licensing is to protect the public. That is the only consideration the relevant council can consider when determining an application for a licence or whether to take action against an existing licence (suspend, revoke or refuse to renew).
- 4.9 Ideally, all those involved in the Hackney Carriage and private hire trades (Hackney Carriage and private hire drivers, Hackney Carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hardworking individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.10 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976¹⁴ ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.11 There are no statutory criteria for vehicle licences, therefore the relevant council has an absolute discretion over whether to grant either a Hackney Carriage or private hire proprietor's licence.
- 4.12 “Fit and proper” means that the individual (or in the case of a private hire operator's licence or vehicle proprietors licence, the limited company together with its directors and secretary, or ‘all members of a partnership’) is “safe and suitable” to hold the licence.
- 4.13 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.14 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified

¹⁴ Section 57(1) and 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

references) will result in a licence being refused, or if already granted, revoked, and may result in prosecution.

- 4.15 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.16 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The relevant Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

5. Drivers

- 5.1 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 5.2 A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 5.3 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a 'fit and proper' person.
- 5.4 In relation to single convictions, before a licence will be granted the following time periods should elapse following completion of the sentence. "Sentence" means the period of imprisonment imposed (not simply the time served), the date of conviction if a fine was imposed, completion of any disqualification from driving, or the end of whichever lasts longer if more than one penalty was imposed.

6. Crimes Resulting in Death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

7. Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, but this is not an exhaustive list.

8. Offences Involving Violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

9. Possession of a Weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

10. Sex and Indecency Offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Those given a jail sentence of more than 30 months for sexual offending are placed on the register indefinitely. Those imprisoned for between six and 30 months remain on the register for 10 years, or five years if they are under 18. Those sentenced to six months or less are placed on the register for seven years, or three-and-a-half years if under 18. Those cautioned for a sexual offence are put on the register for two years, or one year if under 18.

11. Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

12. Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at the time of application and every subsequent renewal at their own expense to demonstrate that they are not using controlled drugs.

13. Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

14. Motoring convictions

Hackney Carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.

Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

15. Drink driving/driving under the influence of drugs/using a hand-held telephone or handheld device whilst driving

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

16. Other Motoring Offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.¹⁵

A major traffic or vehicle related offence is one which is not covered above and any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

17 Hackney Carriage and Private Hire Offences

- 17.1 Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or private hire activity (excluding vehicle use),

¹⁵ Section 4.42 on Institute of Licensing – Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades [guidance-on-suitability-online-pdf-2.pdf \(instituteoflicensing.org\)](https://www.instituteoflicensing.org/guidance-on-suitability-online-pdf-2.pdf)

a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.¹⁶

18 Vehicle Use Offences

- 18.1 Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.¹⁷

19 Private Hire Operators

- 19.1 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 19.2 As stated above, where an applicant has more than 1 conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 19.3 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Relevant Council's overall criteria, that will lead to the operator's licence being revoked.
- 19.4 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

20 Vehicle Proprietors

- 20.1 Vehicle proprietors (both Hackney Carriage and private hire) have two principal responsibilities. • Firstly, they must ensure that the vehicle is always maintained to an acceptable standard. • Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

¹⁶ Section 4.44 Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades [guidance-on-suitability-online-pdf-2.pdf \(instituteoflicensing.org\)](#)

¹⁷ Section 4.45 Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades [guidance-on-suitability-online-pdf-2.pdf \(instituteoflicensing.org\)](#)

- 20.2 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 20.3 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

21 Licences Issued by Other Licensing Authorities

Applicants who hold a licence with another Council should not automatically assume that their application will be granted by this Relevant Council. Each case will be decided on its own merits.

Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

22 Protected Cautions and Convictions

- 22.1 Standard and Enhanced DBS certificates will include details of convictions and cautions (excluding youth cautions, reprimands, and warnings) recorded on the Police National Computer (PNC). PNC records relating to protected cautions and convictions will not automatically appear on the certificate.
- 22.2 The rules regarding the automatic disclosure of convictions or cautions are set out in legislation. This states that a certificate must include the following:

Disposal	Age when given/sentenced	How long ago
Caution for specified offence	18 or over	Any time
Caution for non-specified offence	18 or over	Less than 6 years
Conviction for specified offence	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time
Conviction for non-specified offence	18 or over	Less than 11 years
Conviction for non-specified offence	Under 18	Less than 5 and a half years

- 22.3 A 'specified offence' is one which is on the list of specified offences agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS certificate, regardless of how long ago it was given. This includes where a

specified offence receives a caution (but not youth cautions, reprimands or warnings).

- 22.4 The list includes a range of offences which are serious, relate to sexual or violent offending or are relevant in the context of safeguarding. The specified offences list covers those committed in England and Wales, however, the legislation also covers equivalent offences committed in other jurisdictions including overseas when they are recorded on the PNC. It is not possible to capture a definitive list of all equivalent offences under the law of all other jurisdictions.
- 22.5 Where an individual is aware that they have committed an offence outside England and Wales which may be equivalent to an offence on the list they should seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.
- 22.6 More information on the DBS filtering guide can be found online.¹⁸

23 Rehabilitation

- 23.1 The date of the court conviction is to be taken as the start date of the rehabilitation period, unless a sentence of imprisonment or corrective training exceeding 48 months was imposed, in which case the offence is never rehabilitated.
- 23.2 Each application will be considered on its individual merits considering the person's previous history of behaviour to determine if they meet the 'fit and proper person' criteria, and it may be that, having regard to the particular circumstances of any application, it would be right to depart from the policy. Initial consideration of applications will be undertaken by the licensing officer.
- 23.3 A decision to refuse, revoke or suspend the licence can be appealed under the Public Health Act 1936 to the Magistrates' Court within 21 days of the date on which the relevant Council's decision was served.
- 23.4 Information relating to rehabilitation periods can be found at <https://www.gov.uk/guidance/rehabilitation-periods>.

24 Summary

- 24.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime may not bar an applicant permanently from becoming licensed. However as public safety is the sole consideration, applicants with criminal convictions must recognise that the Relevant Council will give careful and serious consideration to any such application. In truly exceptional circumstances there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.

¹⁸ <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

- 24.2 It is the view of the relevant Council that any person who has criminal convictions and therefore must wait before an application is successful is more likely to value their licence and act accordingly.

Appendix B – Penalty Points Scheme

1. Hackney Carriage (taxi) and Private Hire Operators, drivers and vehicles are principally governed by a “regulatory framework” including: -
 - I. Local Government (Miscellaneous Provisions) Act 1976.
 - II. Town Police Clauses Act 1847.
 - III. Council’s Taxi Byelaws.
 - IV. Rules, Regulations and Conditions for taxi and private hire licences and vehicles as approved by Spelthorne’s Licensing Committee.

Town Police Clauses Act 1847

Section	Offence
40	Giving false information on application for HC(V) proprietor's licence
44	Failure to notify change of address of HC(V) proprietor
45	Plying for hire without HC(V) proprietors licence
47	Driving a HC(V) without HC drivers' licence.
47	Lending or parting with HC drivers' licence
47	HC(V) proprietor employing unlicensed driver
48	Failure of HC(V) proprietor to hold HC drivers' licence

48	Failure of HC(V) proprietor to produce HC drivers' licence
52	Failure to display HC(V) plate
53	Refusal to take a fare
54	Charging more than the agreed fare
55	Obtaining more than the legal fare
56	Travelling less than the lawful distance for the agreed fare
57	Failing to wait after a deposit to wait has been paid
58	Charging more than the legal fare
59	Carrying another person than the hirer without consent
60	Driving HC(V) without proprietor's consent
60	Allowing another to drive HC(V) without proprietors' consent
61	Drunken driving of HC(V)
61	Wanton / furious driving / wilful misconduct causing injury / danger
62	Driver leaving HC(V) unattended
64	HC driver obstructing other HC(V)'s

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence
49	Failure to notify transfer of HC(V) proprietors' licence
50(1)	Failure to present HC(V) for inspection as required
50(2)	Failure to inform local authority where HC(V) is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce HC(V) proprietors' licence and insurance certificate
53(3)	Failure to produce HC driver's licence
57	Making false statement or withholding information to obtain HC drivers licence
58(2)	Failure to return a plate after expiry of notice, revocation or suspension of HC(V) proprietor's licence

61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
64	Permitting any vehicle other than HC(V) to wait on HC stand
66	Charging more than the meter fare for a journey ending outside the district without prior agreement
67	Charging more than the meter fare when HC(V) used as private hire vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of an authorised officer or constable
73(1)(b)	Failure to comply with requirements of authorised officer or constable
73(1)(c)	Failure to give information or assistance to authorised officer or constable

Private Hire Trade Offences

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence
46(1)(a)	Using an unlicensed PH(V)
46(1)(b)	Driving a PH(V) without a PH driver's licence
46(1)(c)	Proprietor of a PH(V) using an unlicensed driver
46(1)(d)	Operating a PH(V) without a PH operator's licence
46(1)(e)	Operating a vehicle as a PH(V) when the vehicle is not licensed as a PH(V)
46(1)(e)	Operating a vehicle as a PH(V) when the driver is not licensed as a PH driver
48(6)	Failure to display PH(V) plate
49	Failure to notify transfer of PH(V) licence
50(1)	Failure to present PH(V) for inspection as required
50(2)	Failure to inform local authority where PH(V) is stored if requested
50(3)	Failure to report an accident to local authority

50(4)	Failure to produce PH(V) licence and insurance certificate
53(3)	Failure to produce PH drivers licence
54(2)	Failure to wear PH driver's badge
56(2)	Failure by PH operator to keep records of bookings
56(3)	Failure of PH operator to keep records of vehicles operated by him
56(4)	Failure to produce PH operator's licence on request
57	Making false statement or withholding information to obtain PH driver's or operator's licence
58(2)	Failure to return plate after expiry of notice, revocation, or suspension of PH(V) licence
61(2)	Failure to surrender driver's licence after suspension, revocation, or refusal to renew
67	Charging more than the meter fare when HC used as PH vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstructing of authorised officer or constable
73(1)(b)	Failure to comply with requirement of authorised officer or constable
73(1)(c)	Failure to give information or assistance to authorised officer or constable

Transport Act 1980

Section	Offence
64(2)(A)	Driving a PH(V) with a roof sign which contravenes s64(1)
64(2)(b)	Causing or permitting a PH(V) to be driven with a roof sign which contravenes s64(1)

Equality Act 2010

Section	Offence
165	Failure to comply with duties when carrying wheelchair passengers
168	Refusing to carry an assistance dog in a Taxi

Section	Offence
170 (1)	The Private Hire Operator refusing to accept a booking where the passenger has an assistance dog
170 (2)	Making an additional charge for an assistance dog
170 (3)	Driver of Private Hire Vehicle refusing or failing to undertake a booking where the passenger has an assistance dog

2. The primary objective of the penalty points scheme is to improve the levels of compliance with the regulatory framework and to help improve standards, safety, and the protection of members of the public affected by the actions of taxi, private hire drivers and operators. The scheme also seeks to improve the level of transparency and consistency in which the licensing system is administered and enforced.
3. Council officers (i.e. Licensing Enforcement Officers or the Principal Licensing Officer) will investigate allegations of offences under the regulatory framework, by licensed operators, drivers, or vehicles owners. When considering what action to take the Council officers will take into account all available and appropriate evidence, such as eye witness accounts and their reliability, the views of the licensee who may be affected by the outcome of the investigation, etc. The outcome of investigations may result in: -
 - I. No further action being taken.
 - II. A "Penalty points Notice" being awarded against a driver, operator, or owner of a vehicle (see pages 13 and 14). The officer will apply a fixed number of penalty points for each offence as specified in the table below.
 - III. A formal written warning.
 - IV. Immediate suspension of a licence (if the public safety condition is fulfilled).
 - V. Referral to the Council's Licensing Sub-Committee.
 - VI. Administer of a formal caution or Prosecution.
4. Once these investigations have been concluded, letters will be sent to all persons/organisations involved in the allegation(s) detailing the findings and decision of the Council officer. A record of the decision will be kept on the relevant licensed drivers, licensed vehicle owner's, or operator's file, including copies of any "Penalty Points Notice(s)" issued, where applicable.
5. The aim of a penalty point scheme is to work in conjunction with other enforcement options and does not preclude or prejudice the Council's ability to take other actions that it is entitled to take under the regulatory framework. It provides a formal and cumulative enforcement approach.
6. The purpose of the scheme is to record confirmed breaches or offences and to act as an ongoing record of a driver's, licensed vehicle owner's or operator's

behaviour and conduct, to ascertain whether they are a fit and proper person to hold such a licence.

7. Penalty points will remain on a driver's, licensed vehicle owners for a period of **three years from date of incident**. For operator's they will remain on record for a period of **five years from the date of incident**. Points issued will be confirmed in writing within 10 working days from the completion of an investigation.
8. The Council officers specified in paragraph 3 above have been given delegated powers by Spelthorne's Licensing Committee to administer penalty points to licensed taxi or private hire drivers, private hire operators or licensed vehicle owners.
9. If a licensee wishes to appeal against the issue of a "penalty points notice" they must do so in writing within 10 working days from the date of issue of such a notice, to the Council's Senior Environmental Health Manager who, in consultation with the Deputy Chief Executive will have the discretion to:
 - I. uphold the Council officer's decision – retain the number of points on the "penalty points notice"; or
 - II. cancel the issue of the "penalty points notice" to the licensee.

There is no appeal beyond the decision made by the Senior Environmental Health Manager in conjunction with the Deputy Chief Executive. However, should a licensee be subsequently reported to the Licensing Sub-Committee for accumulating 12 or more penalty points, they can raise the validity of the points issued.

10. Significant breaches of conduct, which are identified through officer observations or through complaints from the public or the trade, will be subject to investigation by Officers and may be reported to the Licensing Sub-Committee for a decision on whether the driver, operator or a licensed vehicle owner is a fit and proper person, whether penalty points have been awarded.
11. The Licensing Sub-Committee, when dealing with matters referred to them following the accumulation of penalty points, will consider the circumstances, the seriousness of the breaches of the regulatory framework, the quality of the evidence before it and the compliance history of the individual driver, licensed vehicle owner or operator. The Licensing Sub-Committee may decide to:
 - I. Suspend a licence; or
 - II. Revoke a licence; or
 - III. Take no action.
12. If a driver's, licensed vehicle owner or operator's licence is either suspended or revoked they will have the right to appeal against the Licensing Sub-Committee's decision to the Magistrates' Court

PENALTY POINTS SCHEME

With reference to relevant legislation stated in the table below, the following abbreviations have been used:

- Town Police Clauses Act 1847 – TPCA 1847.
- Local Government (Miscellaneous Provisions) Act 1976 – LG(MP)A 1976.
- Road Traffic Act 1988 – RTA 1988.

The trigger point for a licensed driver, vehicle owner or operator to be referred to the Council's Licensing Sub-Committee is a total of 12 penalty points accumulated within a 12-month period. The comprehensive lists of offences/breaches which will attract penalty points are listed in the table below:

	Offence/breach of Condition	Fixed Points
	Administrative offences	
1	Using unlicensed vehicle or vehicle without the relevant motor insurance cover (i.e. insured for use as a private hire or taxi for hire and reward).	12
2	Driver not holding a current DVLA Licence.	12
3	Providing false or misleading information / failing to provide relevant information or the relevant fee (including dishonoured cheques).	6
4	Failure to submit a licensed vehicle that is 5 years old, or more for a 6 monthly Mot and provide documented proof to the Council that it has passed such a test within 4 weeks of the due date of the Mot test.	4
5	Continuing failure, after a further 4 weeks has elapsed, to provide documentary evidence that a licensed vehicle has passed a 6-month Mot.	4
6	Failure to provide proof of appropriate motor insurance cover within a specified time when requested by a Council officer.	4
7	Continuing failure, after a further 4 weeks has elapsed, to provide documentary evidence that a licensed vehicle has the appropriate motor insurance cover.	4
8	Failure to produce specified documents within a specified timescale when requested by a Council Officer in writing.	4
9	Continuing failure to provide relevant documents to a Council officer, as requested in writing – for every 4 weeks that elapse.	4
10	Failure to produce a Hackney Carriage or Private Hire vehicle for inspection/testing when requested by a licensing officer.	4
11	Continuing failure, to provide a hackney carriage or private hire vehicle for inspection/testing within the timescale specified by the Licensing Officer.	4

12	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	6
13	Failure to produce on request records of drivers' work activity.	6
14	Failure to notify, in writing, a change in medical circumstances	6
15	Failure by a private hire operator to maintain proper records of drivers or vehicles registered with his/her business.	4
16	Failure to keep or produce records of private hire bookings.	6
17	Failure to notify the Council, in writing, of any motoring or criminal convictions within 48 hours of conviction or caution during period of current licence.	4
18	Failure to submit a licence renewal application until after the expiry date of an existing one.	6
19	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3
20	Failure to comply with any other licence conditions set by the Council.	3 per licence breach
21	Failure to notify the Council when involved in an accident whilst using a licensed vehicle.	4
21	Failure to notify the Council in writing, of a change of postal address, telephone number or e-mail address within 14 days (two week).	3
	Conduct of driver, licensed vehicle owner or Operator offences	
22	Using a vehicle subject to a suspension or revocation order issued by the Council.	12
23	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle.	12
24	Failure to carry an assistance dog without requisite exemption.	12
25	Serious misconduct or behaviour of a licensee	12
26	Failure to behave in a civil and orderly manner	6
27	Plying for hire by private hire drivers.	12
28	Unreasonable prolongation of journey	6
29	Failing to activate the meter or charging more than the metered fare for journeys inside the borough	12
30	Carrying more passengers than the capacity stated on the vehicle licence.	6
31	Failure of private hire operator to provide a valid criminal record check for a controller working under his/her employ on request of an authorised officer	6
32	Failure of private hire operator to provide a pass certificate in respect of Barnardo's Safeguarding Vulnerable Adults & CSE training module for a controller working under their employ on request of an authorised officer	4
33	Failure of private hire operator, hackney carriage driver, private hire driver to provide a pass certificate in respect of Barnardo's Safeguarding Vulnerable Adults & CSE training module.	4

34	Failure of hackney carriage driver, private hire driver to provide a pass certificate in respect of Disability awareness training and/or Driver conduct, attitude, and behaviour training by 1 October 2025.	12
35	Smoking or vaping in vehicle by either the driver or any passenger(s).	4
36	Eating and/or using a mobile phone which was not hands free while vehicle was in motion.	4
37	Failure to wear private hire or hackney carriage driver's badge.	4
38	Refusal to accept hiring without reasonable cause	4
39	Failure to observe rank discipline – taxi drivers (e.g. plying for hire outside the markings of one of the borough's taxi ranks).	4
40	Failure to issue a receipt on request	4
41	Failure to give assistance with loading/unloading luggage to or from any building or place.	4
42	Failure to attend punctually at appointed time and place without sufficient cause.	4
43	Failure to display the fare card.	3
44	Waiting or stopping on a double yellow road line, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle.	3
45	Failure to comply with any other licence conditions set by the Council	3 per licence breach.
46	Any other inappropriate behaviour, as defined by Council Officers in accordance with Spelthorne's licence conditions	Sliding scale: 1-12 points depending on the severity of the issue
	Condition of vehicle offences	
47	Using a non-approved or non-calibrated taximeter	12
48	Displaying any feature on a private hire vehicle that may suggest that it is a taxi vehicle.	6
49	Displaying any feature on a taxi that may suggest that it is a private hire vehicle.	6
50	A licensed vehicle with illegal tyres	4 per tyre
51	Failure to use authorised roof light on a hackney carriage vehicle.	4
52	Failure to display the external/internal licence plate or signs as required.	4
53	Failure to report to the Council, in writing, within 72 hours, of an accident or damage to licensed vehicle, which would cause the vehicle to breach a licence condition(s).	4
54	Unsatisfactory condition of vehicle, interior or exterior.	4

55	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle.	3
56	Leaving car unattended on a rank appointed by the Council	3
57	Failure to comply with any other licence conditions set by the Council.	3 per licence condition.

For certain infringements, points may be issued to one or several persons (drivers, proprietors, or operators) depending upon the nature of that infringement.

Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

Penalty Points Notice:

The penalty points imposed will be recorded on your personal file and will be considered when an application for renewal of a licence is made to the Council, or when considering any other enforcement action against you. If you accrue 12 points in any 12-month period, your licence will be reported to the Council's Licensing Sub-Committee for them to consider whether or not you are a fit and proper person to hold such a licence.

If you want to check how many penalty points have been awarded to you in the past 12 months, please contact the Licensing team.

If you think this notice should not have been served, you have the right to have the decision reviewed. A request to have this notice reviewed must be made in writing to the Senior Environmental Health Manager within 10 working days of the date of the award of the penalty points, stating why you think the points should not have been awarded. If you have been unable to appeal within this timescale, for example, because you have been away on holiday, then you should contact the Licensing Team as soon as possible on your return. If you can provide proof that you were away, then consideration will be given to allow a reasonable extension to the appeal period.

The award of penalty points under this scheme does not prevent you from facing enforcement action by any other agency, such as the Police.

If you have any questions about this notice, please contact:

Spelthorne Borough Council
Licensing
Council Offices
Knowle Green
Staines-upon-Thames
TW18 1XB
Telephone number: 01784 444202
Email: licensing@spelthorne.gov.uk
Website: www.spelthorne.gov.uk

Appendix C

BYELAWS FOR HACKNEY CARRIAGES (COPY)

BYELAWS made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Council of the Borough of Spelthorne with respect to hackney carriages in the District of the Borough of Spelthorne

1. Interpretation

Throughout these byelaws "the Council" means the Council of the Borough of Spelthorne and "the district" means the District of the Borough of Spelthorne

2. Display and Condition of Vehicle Licence No. and Plate

- (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside of the carriage, on plates supplied by the Council for that purpose and affixed thereto.
- (b) A proprietor or driver of a hackney carriage shall: -
 - i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
 - ii) not cause or permit the carriage to stand or ply for hire with any such plate or marking so defaced that any figure or material particular is illegible.

3. Standards for Hackney Carriages

The proprietor of a hackney carriage shall: -

- (a) provide sufficient means by which any person in the carriage may communicate with the driver.
- (b) cause the roof or covering to be kept water-tight.
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side.
- (d) cause the seats to be properly cushioned and covered.
- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering.
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service.
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage.
- (h) provide a suitable fire extinguisher which shall be carried in such a position as to be readily available for use; and
- (i) provide a suitable stocked first aid box which shall be kept in such a position as to be readily available for use.
- (j) provide at least four doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. **Taximeters**

The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say: -

- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by (time as well as for) distance in pursuance of the tariff fixed by the Council in that behalf.
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances.

5. **The Conduct of Drivers with regard to Taximeters**

The driver of a hackney carriage provided with a taximeter shall: -

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter and in which the words "FOR HIRE" are clearly visible and conveniently legible to persons outside the carriage.
- (b) Before beginning a journey for which a fare is charged for distance [and time], bring the machinery of the taximeter into action by moving the said key, flag, or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise, and at any other time at the request of the hirer.

6. **Prohibition on the Tampering with a Taximeter**

A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. **Conduct at Stands**

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -

- (a) proceed with reasonable speed to one of the stands fixed by the Council in that behalf.
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand.
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. **Prohibition on Touting**

A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. **Behaviour of Drivers**

The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. **Prompt Attendance**

The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. **Permitted Number of Passengers**

A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

12. **Driver's Badge**

The driver of a hackney carriage shall, when standing or plying for hire, and when hired, wear the badge provided by the Council in such position and manner as to be clearly visible. Moreover a driver of a hackney carriage shall not lend the badge or knowingly allow it to be used by any other person.

13. **Luggage**

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage: -

- (a) convey a reasonable quantity of luggage.
- (b) afford reasonable assistance in loading and unloading; and

- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

14. Fares

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the tariff fixed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the tariff fixed by the Council which it may not be possible to record on the face of the taximeter.

15. Display of Fare Tariff

- (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

16. Search for Lost Property

The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

17. Display of Lost Property

The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: -

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the nearest police station in the District, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

18. Penalties

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceed five pounds for each day during which the offence continues after conviction therefor.

THE COMMON SEAL of)
SPELTHORNE BOROUGH)
COUNCIL was hereunto)
affixed on the day)
of Two)
Thousand in the presence of:)

The foregoing Byelaws are hereby confirmed by the Secretary of State and shall come into effect on 1 April 2000

Signed by the authority of the Secretary of State

Appendix D Standard Private Hire Driver and Dual Hackney Carriage Driver Licence Conditions

Under section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions that it considers 'reasonably necessary' to private hire driver's licences. This includes dual licensed hackney carriage and private hire driver's, as well as holders of private hire driver (only) licences. A Hackney carriage driver badge is a dual licence, and the private hire conditions apply. Applications are normally granted subject to the Council's Standard Licence Conditions contained within this Policy, however further, additional conditions may be attached on a case-by-case basis.

The decision to attach conditions to a licence may be appealed to the Magistrates Court.

1. Driver Licence

The licence holder must not assign or in any way part with the benefit of the licence which is personal to the licensee.

2. Driver Badge

- a) The licence holder must always when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.
- b) The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge and card must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c) The badge must be returned to the Council immediately on demand if the licence is suspended or revoked.

3. Conduct of driver

- a) The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- b) The driver must afford all reasonable assistance with luggage and to passengers leaving the vehicle or any disability aids or wheelchair.
- c) The driver must take particular care with unaccompanied children and vulnerable adults, including remaining alert to concerns over the safeguarding of passengers.
- d) The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability, and comply with instructions issued by the Licensing Authority or Private Hire Operator.
- e) The driver shall not permit the vehicle they are driving to be stationed on the Highway in unsuitable, dangerous, or illegal locations.
- f) The driver shall not drive a licensed vehicle unless they understand how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
- g) The driver must not operate the horn to signal that they have arrived.

- h) The driver or passengers must not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006. The driver must also not use an electronic cigarette, vaporising, or similar device in a licensed vehicle at any time.
- i) The driver must not, without the express consent of the hirer eat in the vehicle or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- j) The driver must ensure that the vehicle is maintained in a roadworthy and clean condition.
- k) The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle are appropriately fixed/attached to the vehicle and do not become concealed from public view or be damaged.
- l) The driver of a private hire vehicle must ensure they punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
- m) Where there is a reasonable cause to believe that there is a need to assess a licence holder's English language literacy and numeracy skills or knowledge of licensing requirements because of a substantiated complaint, or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense within such timescale as the officer prescribes.
- n) Drivers must undertake an inspection of any vehicle before the vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of the vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check. Drivers are required to retain the vehicle checklist (**Appendix I**) as proof they have undertaken the required vehicle check. If a driver is unable to produce this or it is clear that while the form has been completed, the check has not then furthered sanctions may result against them, as well as vehicle proprietors. [Driver vehicle condition checklist \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

4. Fares

- a) The driver of a private hire vehicle must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and operator before commencement of the journey. When a fare scale is used that fare scale must be clearly displayed and must give an accurate reflection of the charge, including any specific additions (i.e. night tariff or Bank Holiday) the customer may be expected to pay.
- b) The driver must not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- c) The driver must not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

- d) The driver must, if requested by the hirer, provide a written receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

5. Passengers

- a) The driver must not allow/permit a greater number of persons than the number of persons specified in the licence issued in respect of that licensed vehicle.
- b) The driver must ensure they are compliant with current legislation in regard to the carriage of children in the vehicle.
- c) The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- d) The driver must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 at section 165 places the following duties on licensed drivers driving designated vehicles, however the Council expects compliance with these requirements from a driver of any vehicle, unless they have an exemption certificate: -
 - i. to carry the passenger while in the wheelchair.
 - ii. not to make any additional charge for doing so.
 - iii. if the passenger chooses to sit in a passenger seat, to carry the wheelchair.
 - iv. to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.
 - v. to give the passenger such mobility assistance as is reasonably required.
 - 1) to enable the passenger to get into or out of the vehicle.
 - 2) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair.
 - 3) to load the passenger's luggage into or out of the vehicle.
 - 4) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle (if the vehicle can carry the passenger in a wheelchair).
- e) Duty to carry guide dogs and assistance dogs.
 - a. The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.
 - b. Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle. Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.
 - c. No additional charge is permitted.

6. Found Property

The driver must, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property belonging to the hirer(s) which may have been left therein. Drivers are exempted to make reasonable

attempts to return the property to the owner. Should this not be possible within 48 hours it should be taken to the Council Offices or Private Hire Operator.

7. Medical Condition(s)

- a) The licence holder must notify the Council in writing within 48 hours of any change in medical condition.
- b) The licence holder must at such time as the Council reasonably requires, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

8. Convictions, Cautions, Arrest etc

- a) The licence holder must notify the Council in writing within 48 hours of any conviction, binding over, caution or equivalent or deferred prosecution scheme, charge, warning, reprimand, or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence and must provide full details.
- b) What should be reported: -
 - i. Any conviction or charge (criminal or driving matter).
 - ii. Any caution or equivalent (issued by the Police or any other agency).
 - iii. Issue of any Magistrate's Court summons.
 - iv. Issue of any fixed penalty notice for any matter.
 - v. Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar.
 - vi. Arrest for any offence (whether or not charged)
 - vii. Any acquittal following a criminal case heard by a court.

9. Disclosure and Barring Service Online Update Service

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder. The council will use the update service to monitor the criminal record of licence holders.

11. Change of Contact Details

The licence holder must notify the Council in writing within 7 days of any change of his/her contact details taking place during the period of the licence, whether permanent or temporary. The driver's contact details include name, address, telephone number and email address.

12. Time Spent Overseas

- a) The licence holder must notify the Council in writing within 7 days if they have spent three or more continuous months out of the UK. Such notification must include the list of countries visited and relevant dates.
- b) The licence holder must provide a Certificate of Good Conduct for any countries visited/lived in for three or more continuous months upon their return to the UK.

13. Working Hours

Licensed drivers must not drive when their ability to do so is impaired by having worked excessive hours.

14. Customer and other personal information

- a) Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- b) Drivers are expected to comply with GDPR and Data Protection Act 2018.

15. Duty to Cooperate on Regulatory Matters

Licensed drivers must co-operate with authorised officers of Spelthorne Borough Council and any other Licensing Authority or Police Force in all matters relating to the regulation of the licensed vehicle trade.

16. Dress and Appearance of Driver

- a) The driver must be clean and tidy in appearance and maintain a good standard of personal hygiene.
- b) If a licensed driver alters their appearance significantly, they must request a replacement ID badge from the council (paying the required fee).

17. Traffic Collision

If at any time the vehicle is involved in a traffic collision, however minor, the driver must inform the Council within 3 working days (by telephone or email). A traffic collision (accident report form) must be completed on the Council's website within 72 hours of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the 72 hours deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

18. Adherence to bookings

The holder of a licence who has agreed, or whose vehicle has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place, ensuring the place is in accordance with the operator and Council instructions as to where pick-ups can occur.

NOTES

- a) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- b) Any person who commits an offence against any of the provisions of the Act of 1976 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided by the Act. The licence holder should ensure compliance at all times.
- c) The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- d) If at any time the conduct of the driver causes concern to the Council as to whether they remain fit and proper to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper the driver licence may be suspended or revoked.

- e) Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation, or refusal to renew the hackney carriage/private hire driver licence.
- f) ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.
- g) ANY PERSON AGGREIVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE ISSUE OF THE LICENCE.

Appendix E - Standard Hackney Carriage Vehicle Licence Conditions

1. Maintenance Of Vehicle

- a. The vehicle and all its fittings and equipment must be maintained in accordance with the Road Vehicles (Construction and Use) Regulations 1986 and in accordance with the hackney carriage byelaws and all relevant statutory requirements.
- b. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.

2. Alteration of vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage.

3. Glazing

All glazing must comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. Tinted films applied to the vehicle windows post manufacture are not permitted.

4. General condition, cleanliness and appearance

- a) Every vehicle must be maintained in a safe and clean condition.
- b) Seats must be fully 'sprung', free of stains, tears, cigarette burns, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style. Seatbelts must be maintained to ensure there is no deterioration and that they are fully operational.
- c) Luggage and storage areas must be kept as free space for passenger's luggage.
- d) The proprietor must ensure that the licensed vehicle has a daily safety check in accordance with the checklist provided by the Government. Driver vehicle condition checklist (publishing.service.gov.uk)

5. Identification plate, signs, notices etc.

- a) The following must be in place at all times:
 - i. A licence plate permanently affixed to the rear of the vehicle
 - ii. A licence sign permanently displayed in the front windscreen of the vehicle with details on how a complaint can be made to be visible within the vehicle.
 - iii. No smoking signs, as required by the Health Act 2006
- b) The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.

6. Equipment and fittings

- a) The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b) If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-

- i. It must be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
- ii. it must not be changed in any way from its original design and must remain free of damage;
- iii. it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
- iv. it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
- v. the installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.

7. Meters, fares and farecards

A meter must be fitted to the vehicle and installed in accordance with the manufacturer's instructions. The meter must be calibrated to the Council's table of fares and sealed by the meter agent, who will provide a certificate. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter.

8. Seats and passengers

- a) The driver must not allow/permit a greater number of persons than the number of persons specified in the licence issued in respect of that licensed vehicle.
- b) All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards.
- c) Be right hand drive only, except for stretch limousines.

9. Vehicles with a third row of seats

- a) All passengers must have access to a passenger door, one of which must be on the nearside of the vehicle.
- b) In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c) The middle row of seats must have more than one seat capable of fully tilting

10. Wheelchair passengers

- a) Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be securely restrained.
- b) A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

11. Communication equipment

Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

12. Drivers

- a) Any person who drives the vehicle for any purpose whatsoever, must hold a drivers licence issued by Spelthorne Borough Council, even when the vehicle is not being used for hire/reward. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by Spelthorne Borough Council by examining each driver's licence.
- b) Proprietors must ensure that all driver(s) of the hackney carriage are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability.

14. Roof signage

- a) The vehicle must be fitted with an illuminated roof sign. It must carry the word 'TAXI' in black on the front of the sign together the words 'Taxi' on the back.
- b) Purpose built hackney carriages may be excluded from this specification if a sign is part of the taxi's structure.
- c) The roof sign must be connected to the taximeter so that it works in conjunction with it, i.e. when the meter is not in use the sign is illuminated and when the meter is in use the sign is NOT illuminated.

17. Convictions, cautions, arrest etc.

- a) The licence holder must notify the Council in writing within 48 hours of any conviction, binding over, caution or equivalent or deferred prosecution scheme, charge, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence and must provide full details.
- b) What should be reported:-
 - viii. Any conviction or charge (criminal or driving matter);
 - ix. Any caution or equivalent (issued by the Police or any other agency);
 - x. Issue of any Magistrate's Court summons;
 - xi. Issue of any fixed penalty notice for any matter;
 - xii. Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
 - xiii. Arrest for any offence (whether or not charged)
 - xiv. Any acquittal following a criminal case heard by a court

18. Disclosure and barring service online update service

- a) All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.
- b) The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

20. Change of contact details

The licence holder must notify the Council in writing within 7 days of any change of his/her contact details taking place during the period of the licence, whether permanent or temporary. The driver's contact details include: name, address, telephone number and email address.

21. Customer and other personal information

- a. Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- b. Drivers are expected to comply with GDPR and Data Protection Act 2018.

22. Duty to cooperate on regulatory matters

Licensed vehicle proprietors must co-operate with authorised officers of Spelthorne Borough Council and any other Licensing Authority or Police Force in all matters relating to the regulation of the licensed vehicle trade.

23. Vehicle testing

- a) The proprietor must ensure the vehicle complies with the vehicle testing requirements.
- b) A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

24. Traffic collision

If at any time the vehicle is involved in a traffic collision, however minor, the driver must inform the Council within 3 working days (by telephone or email). A traffic collision (accident report form) must be completed on the Council's website within 72 hours of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the 72 hours deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

25. Insurance

At all times the proprietor must, during the currency of this Licence:-

- a) keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- b) On being so required produce for examination at the Licensing Office within seven days of such request.

26. Transfer of licence

- a) If the proprietor of a hackney carriage licensed by the Council transfers his interest in the vehicle to a person not named in the licence, he must within fourteen days after such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the hackney carriage has been transferred.
- b) Following transfer, the new proprietor(s) must obtain a basic DBS certificate and meet the Council's Policy on suitability, if they are not already a licensed driver.

27. CCTV cameras

- a) If installed, the vehicle must carry appropriate signs informing the public that camera surveillance is active in the vehicle.
- b) Must comply with GDPR and the Data Protection Act 2018.

28. Parking

- a) The licence holder shall not permit the vehicle to be stationed on the Highway in unsuitable, dangerous, or illegal locations.
- b) The licence holder shall not permit the vehicle to be parked on a taxi rank where the driver is not in attendance.

29. Dual licensing

The vehicle is not permitted to be licensed as a hackney carriage or private hire vehicle with any other licensing authority.

NOTES

- a) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- b) Any person who commits an offence against any of the provisions of the Act of 1976 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided by the Act. The licence holder should ensure compliance at all times.
- c) The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- d) ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.
- e) ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE ISSUE OF THE LICENCE.

Appendix F – Standard Private Hire Vehicle Licence conditions

1. Maintenance of vehicle

- a) The vehicle and all its fittings and equipment must be maintained in accordance with the Road Vehicles (Construction and Use) Regulations 1986 and in accordance with the hackney carriage byelaws and all relevant statutory requirements.
- b) Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.

2. Alteration of vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle.

3. Glazing

All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. Tinted films applied to the vehicle windows post manufacture are not permitted.

4. General condition, cleanliness and appearance

- a) Every vehicle must be maintained in a safe and clean condition at all times.
- b) Seats must be fully 'sprung', free of stains, tears, cigarette burns and not be threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style. Seatbelts must be maintained to ensure there is no deterioration and that they are fully operational.
- c) Luggage and storage areas must be kept as free space for passenger's luggage.
- d) The proprietor must ensure that the licensed vehicle has a daily safety check in accordance with the checklist provided by the Government. [Driver vehicle condition checklist \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

5. Identification plate, signs, notices etc.

- a) The following must be in place at all times:
 - i. A licence plate permanently affixed to the rear of the vehicle
 - ii. A licence sign permanently displayed in the front windscreen of the vehicle with details on how a complaint can be made to be visible within the vehicle.
 - iii. No smoking signs, as required by the Health Act 2006
- b) The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.

6. Equipment and fittings

- a) The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b) If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-
 - I. It must be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
 - II. it must not be changed in any way from its original design and must remain free of damage;
 - III. it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
 - IV. it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
 - V. the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.

7. Meters, fares and farecards

The vehicle is not permitted to have a meter fitted.

8. Seats and passengers

- a) The driver must not allow/permit a greater number of persons than the number of persons specified in the licence issued in respect of that licensed vehicle.
- b) All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards.
- c) Be right hand drive only, except for stretch limousines.

9. Vehicles with a third row of seats

- a) All passengers must have access to a passenger door, one of which must be on the nearside of the vehicle.
- b) In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c) The middle row of seats must have more than one seat capable of fully tilting

10. Wheelchair passengers

- a) Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be securely restrained.
- b) A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

11. Communication equipment

Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the

driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

12. Drivers

- a) Any person who drives the vehicle for any purpose whatsoever, must hold a drivers licence issued by Spelthorne Borough Council. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by Spelthorne Borough Council by examining each driver's licence.
- b) Proprietors must ensure that all driver(s) of the hackney carriage are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability.

13. Roof signage

The vehicle must not be fitted with a roof sign of any type.

14. CONVICTIONS, CAUTIONS, ARREST ETC.

- a) The licence holder must notify the Council in writing within 48 hours of any conviction, binding over, caution or equivalent or deferred prosecution scheme, charge, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence and must provide full details.
- b) What should be reported:-
 - xv. Any conviction or charge (criminal or driving matter);
 - xvi. Any caution or equivalent (issued by the Police or any other agency);
 - xvii. Issue of any Magistrate's Court summons;
 - xviii. Issue of any fixed penalty notice for any matter;
 - xix. Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
 - xx. Arrest for any offence (whether or not charged)
 - xxi. Any acquittal following a criminal case heard by a court

15. Disclosure and barring service online update service

- a) All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.
- b) The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

16. Change of operator or driver

The licence holder must notify the Council in writing within 7 days of any change of operator through whom they works, or any change to the licensed driver. This includes occasions where a vehicle joins or leaves the employment of an operator, or where a driver starts or ends a period of hiring the vehicle.

17. Change of contact details

The licence holder must notify the Council in writing within 7 days of any change of his/her contact details taking place during the period of the licence, whether permanent

or temporary. The driver's contact details include: name, address, telephone number and email address.

18. Customer and other personal information

- a) Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- b) Drivers are expected to comply with GDPR and Data Protection Act 2018.

19. Duty to cooperate on regulatory matters

Licensed vehicle proprietors must co-operate with authorised officers of Spelthorne Borough Council and any other Licensing Authority or Police Force in all matters relating to the regulation of the licensed vehicle trade.

20. Vehicle testing

- a) The proprietor must ensure the vehicle complies with the vehicle testing requirements.
- b) A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

21. Traffic collision

If at any time the vehicle is involved in a traffic collision, however minor, the driver must inform the Council within 3 working days (by telephone or email). A traffic collision (accident report form) must be completed on the Council's website within 72 hours of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the 72 hours deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

22. Insurance

At all times the proprietor must, during the currency of this Licence:-

- a) keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- b) On being so required produce for examination at the Licensing Office within seven days of such request.

23. Transfer of licence

At all times the proprietor must, during the currency of this Licence:-

- a) keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- b) On being so required produce for examination at the Licensing Office within seven days of such request.

24. CCTV cameras

- a) If installed, the vehicle must carry appropriate signs informing the public that camera surveillance is active in the vehicle.
- b) Must comply with GDPR and the Data Protection Act 2018.

25. Parking

The licence holder shall not permit the vehicle to be stationed on the Highway in unsuitable, dangerous or illegal locations.

26. Adherence to bookings

The holder of a licence who has agreed, or whose vehicle has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place, ensuring the place is in accordance with the operator and Council instructions as to where pick-ups can occur.

27. Dual licensing

The vehicle is not permitted to be licensed as a hackney carriage or private hire vehicle with any other licensing authority.

NOTES

- a) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- b) Any person who commits an offence against any of the provisions of the Act of 1976 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided by the Act. The licence holder should ensure compliance at all times.
- c) The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- d) ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.
- e) ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE ISSUE OF THE LICENCE.

Appendix G- Additional licence conditions for private hire vehicles benefiting from a plate exemption

1. This exemption exempts the vehicle from displaying its rear vehicle licence plate.
2. All other licence conditions relating to private hire vehicles remain in force.
3. The private hire vehicle licence exemption notice issued by the Council must be carried in the vehicle and available at all times for inspection by a police officer or authorised officer.
4. An exemption will only be granted and remain valid where the Council is satisfied that the vehicle will be used exclusively or primarily for 'chauffeured' private hire work. Primary use means at least 90% of the work, as evidenced via booking records. The Council may undertake an audit of booking records at any point during the exemption to ensure that the vehicle is being used for chauffeured work.
5. Exemptions may be withdrawn at any time by the Council and if the licence holder cannot prove that the vehicle is used exclusively or primarily for 'chauffeured' private hire work.
6. Exemptions are subject to annual review and licence holders must reapply each year.

Appendix H - PH Operator – Standard Licensing Conditions

1. Prohibition on the use of words “Taxi” and Cab”

The operator shall not include the words “Taxi” or “Cab” whether in the singular or plural and whether they form part of another word or not, in their business name or any advertising material, letter headings or other stationary.

2 Record Keeping

- a. Private Hire Operators licensed by the Council must maintain records covering the following information, and provide these records to the Council upon request:

Vehicles:

- names and address of proprietors/drivers of each vehicle
- registration number, make, model, type, colour and engine size
- plate number and expiry date of current licence
- number of passenger seats
- insurance details
- vehicle call signs
- expiry date of vehicle road tax
- expiry date of MOT
- date and brief description of all works of modification and major works of maintenance or repair carried out to the vehicle.

Drivers:

- names, date of birth and address of all drivers
- national insurance number
- driving licence number and category of vehicle for which eligible to drive
- photograph of driver;
- badge numbers
- call signs
- expiry dates of current driver’s licences
- date each driver joined the operator and the date any driver left the operator
- all vehicles driver is linked to
- right to work

Bookings:

Prior to each journey, the operator shall record the following information of every booking taken, regardless of whether it was made with the hirer or undertaken at the request of another operator, including:

- name of passenger
- contact details of passenger
- number of passengers
- details of any luggage

- whether the passenger has any disability, especially if they have an assistance dog or wheelchair
 - the destination, including any multiple pickups, drop offs or requested stops during the journey
 - date and time at which the booking was made
 - date and time at which the booking was allocated to the driver
 - plate number and badge number of the vehicle and driver undertaking the booking, including the full name of the driver
 - date, time and location of the pick up
 - price quoted for the booking, including whether or not calculated by meter
 - date, time and location that the booking was completed
 - date and time of any subsequent cancellation or amendment
 - the signature (or in the case of a computer system, the identity) of the person taking and dispatching the bookings)
- b. If the operating base is not located in Spelthorne Borough, the operator must be able to produce any operating records in an electronic format at the request of the Council.
- c. The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by them. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected.
- d. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not be removed.
- e. All such records must be in English, permanent, legible and preserved for a period of not less than 24 months following the date of the last entry.

Records must be kept in one of the following forms:-

- a bound book with consecutively numbered pages (loose leaf registers are not acceptable) OR
 - stored on a computerised system, where by a continuous report can be printed instantly. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed.
- f. No alterations to records may be made – any amendment must be made to the original record by way of an additional correctly and not by deleting the original entry.
- g. Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator must ensure that any booking clerk

involved is competent in the recording of bookings and operating the system used.

- h. The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises if so required.
- i. The operator must have capacity to send records electronically (by email) to an Authorised officer upon request.
- j. The Operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

3. Operator Business Premises

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- a. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- b. The Operator must only conduct business from the Office at the address specified on the Licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council, and await approval from the Licensing Office before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.
- c. The Operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.
- d. If the premises is open to the public, the Operator must provide at the business premises an area to which the public have access for the purpose of making a booking for the services of a licensed private hire vehicle, and for the purpose of awaiting the arrival of such vehicle subsequent to any booking. The operator shall ensure that any waiting areas for customers are tidy, well lit, heated and ventilated and that there is adequate seating and is easily accessible for the disabled. This condition will not apply if the business premises is the residential address of the licensed operator.
- e. If the licensed operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements.

- f. The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to their business should be addressed to: Licensing Department, Spelthorne Borough Council, Knowle Green, Staines-Upon-Thames TW18 1XB; Tel: 01784 444202; Email: licensing@spelthorne.gov.uk.
- g. Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.

4. Conduct of Operators

- a. The holder of this licence shall:
 - provide a prompt, efficient and reliable service to members of the public at all reasonable times.
 - ensure that when a vehicle is hired it arrives on time, unless delayed by circumstances beyond the operator's control.
- b. The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.
- c. The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers that is licensed to carry.
- d. The operator must not allow a person in a public place to be solicited by any method to hire any of the licensed vehicles under their control.
- e. Operators must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Council.

5. Display of licence

Ensure that a copy of their licence is prominently displayed where members of the public can read it.

6. Change of details

Notify the Council in writing as soon as possible and in any event within 7 days of any material change in their operational circumstances, including: -

- a) change of name and / address, e-mail address or phone number.
- b) change of the nature of the business carried on by him/ her.
- c) change of the composition of the firm, if a partnership.
- d) the address of any secondary office(s) opened by the PH Operator.

- e) details of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal relate to his/her unsatisfactory conduct.
- f) any other change in the information given by the Operator to the Council at the time of granting the current licence.

7. Notification to Council

- a) The licence holder (or directors of a limited company or partner) must notify the Council in writing within 48 hours of any conviction, binding over, caution or equivalent or deferred prosecution scheme, charge, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence and must provide full details.
- b) What should be reported:-
 - xxii. Any conviction or charge (criminal or driving matter);
 - xxiii. Any caution or equivalent (issued by the Police or any other agency);
 - xxiv. Issue of any Magistrate's Court summons;
 - xxv. Issue of any fixed penalty notice for any matter;
 - xxvi. Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
 - xxvii. Arrest for any offence (whether or not charged)
 - xxviii. Any acquittal following a criminal case heard by a court

8. Disclosure and Barring Service Online Update service

- a. All licence holders and controllers whether working in a paid or unpaid capacity must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder or individuals themselves.
- b. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

9. Change of drivers or vehicles

The licence holder must notify the Council in writing within 7 days of any change of driver or vehicle under their control. This includes occasions where a driver and/or vehicle joins or leaves the employment of an operator.

10. Change of details

- a. The licence holder must notify the Council in writing within 7 days of any change of contact details taking place during the period of the licence, whether permanent or temporary. The contact details include:
 - Name
 - Address
 - Telephone number
 - Mobile phone number
 - Email address
 - Website or other social media/advertising platform addresses used
 - Company directors, including the contact details for any directors.

- Any change in the nature of the business carried out by them
- Any other change in the information given by the operator to the Council at the time of granting the current licence.

11. Customer and other personal information

- Operators must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- Operators must comply with GDPR and Data Protection Act 2018.
- Operators must report any breach of data protection to the Council (in addition to any requirement from the Information Commissioner) including any actions taken, within 7 days of the incident. Failure to report a breach or to investigate and resolve the matter may render the operator unsuitable to hold a licence.

12. Duty to Co-operate on Regulatory matters

- Licensed operators must co-operate with authorised officers of Spelthorne Borough Council and any other Licensing Authority or Police Force in all matters relating to the regulation of the licensed vehicle trade.
- Licensed operators must ensure that any request for booking records or other information from a Licensing Authority or Police Force is provided within 24 hours.
- Where operators utilise the use of electronic communication (including text messages, emails, notifications, GPS data) to drivers or passengers, such information must be provided to the Council upon request.

15. Procedure for Vetting Staff

- Operators are required to provide a written policy regarding their employment of ex-offenders in roles that have contact with the public and/or oversee the dispatching of vehicles.
- The procedure for vetting staff provided to the Council with this application must not be amended in any way unless agreed in writing by the Council.
- Operators must hold and maintain a register of all staff that have contact with the public and/or oversee the dispatching of vehicles and be able to evidence that they have had sight of a Basic DBS check on all individuals listed, and that this register is compatible with their policy on employing ex-offenders. Vetting and the register must also include ensuring that staff have the right to live and work in the UK.
- The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.

16. Staff Training

- Operators must ensure that all staff employed in a role which has contact with PHV users and PHV drivers have undergone training, and a record of this maintained for each employee.
- Training records of all staff must be maintained, and refresher training provided at intervals where necessary covering the following areas: -

- Data Protection
- Break down & Emergency Procedures
- Customer Complaints
- Lost Property
- Young and Vulnerable Customers
- Equalities

17. Sub-contracting

- If an operator sub-contracts a booking, whether to another licensed private hire operator or a hackney carriage vehicle, they should inform the customer and fix the price, and if using a hackney taking care not to charge more than the hackney carriage metered rate if the journey starts and ends in the relevant district. A clear record of the sub-contracting and when the customer was informed shall be kept, including the name of the sub-contractor, the details of their Private Hire Operator's licence and contact information.
- The Council would expect that the operator receiving and undertaking the sub-contracted booking is subject the same standards as operators licensed by Spelthorne Borough Council, and that the Spelthorne licensed operator receiving the original booking will have taken steps to ensure the sub-contracting operator upholds these standards.

18. Licensing Compliance Procedures

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

The record required to be kept by the operator of each of his/her drivers, under Section 55(3) of the above Act, shall contain the following details:

- name of driver;
- date of birth;
- address (or normal place of residence);
- date the driver became available to the operator;
- national insurance number;
- driving licence number and category of vehicle for which eligible to drive;
- photograph of driver;
- date the driver ceased to be available to the operator.
- date of commencement and expiry of the private hire driver licence of each driver employed by the company;

Records of a private hire driver must be kept for a period of twelve months from the date the driver ceased to be available to the operator.

- The operator must take all reasonable steps to ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.

- c. The operator must nominate an individual with a position of responsibility in the business to act as a compliance liaison officer to the Council and Police at the request of the licensing authority.
- d. The operator shall ensure that they comply with all requirements set out by the Immigration Act 2016, keeping copies of all documentation checked. This paperwork will be always kept securely on site and available for inspection if requested by the authorities.
- e. 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.
- f. Records of checks carried out must be maintained and provided to the Council upon request.
- g. At the request of the Council, the Operator must supply an independent audit of their compliance procedures to the satisfaction of the Council.

19. Complaints and Lost Property

- a. Operators must keep a record of complaints and any lost property and have procedures to resolve these. Records of complaints received, investigations undertaken, and any disciplinary action must be made available to the licensing authority or Police officer upon request and supplied within 48 hours. If an operator terminates the use of a driver, then this information must be provided to the Licensing authority within 48 hours.
- b. Upon request, the Operator must supply the Council with a report noting any trends or patterns of complaints.
- c. Upon request, the Operator must supply details of trip, geographic or hot spot data.
- d. The operator must notify the Council within 48 hours if any driver is subject to the operator's internal disciplinary processes or any other action that results in the driver being permanently or temporarily removed from the operator's system of allocating work to the driver.
- e. Any passenger that makes a complaint to the operator regarding the conduct of a driver that they operate (or operated at the time of the conduct) must be informed that they should also make the Council, and if appropriate the police, aware of their complaint.
- f. The Operator must provide a mechanism for customers to share concerns about other customers whom they have 'ride shared' with, and a process to ensure customers are safeguarded from sharing a trip with the same customer again at their request.
- g. The Operator must notify the council without delay if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following – allegations of sexual impropriety (including the use of sexualised language), violence (including verbal aggression), theft and any other serious misconduct (including matter which may lead to police investigation and motoring related matters).
- h. Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof, the Operator must endeavour to arrange to return such property to its rightful owner, failing which it must be handed in as found property to the Council within 24 hours of attempts to reunite the property with its owner being unsuccessful.

20. Reporting of Key Events

Key events which may affect the safety of the public must be reported to the licensing authority within 48 hours. Such events may include, but are not limited to, system changes, system faults (such as the ability to drive without a licence, insurance, mot, tax), serious offences and complaints, suspensions, data breaches or losses, investigations and action taken by other regulators (including criminal investigations and the suspension/revocation of any Private Hire Operator's licence held with another licensing authority).

23. Compliance with licence conditions

The operator shall ensure that the licence conditions in respect of any vehicle used by them and drivers employed or contracted to them are complied with at all times.

Appendix I – Daily Vehicle Checklist

Driver vehicle condition checklist (publishing.service.gov.uk)

Driver vehicle condition checklist

Completed by [INSERT DRIVER NAME] at HH:MM hours on DD/MM/YY

Vehicle Registration Mark: _____

Vehicle Licence Number: _____

Driver Licence Number: _____

Vehicle Mileage: _____

Area	Requirement	Faulty	Correct
Brakes	Foot/service brake works correctly and does not have any excess travel		
	Hand/parking brake works correctly and does not have any excessive travel		
Horn and steering	Horn control is easily accessible from driver's seat		
	Horn works when its control is operated		
	Steering has no excessive play		
Obligatory lights and lenses	All lights and indicators work correctly		
	All lenses are present, clean, in good condition and are the correct colour		

Area	Requirement	Faulty	Correct
	Stop lamps come on when the service brake is applied and go out when released		
	All dashboard warning lamps work correctly, including (if fitted) automatic braking system (ABS) airbags - (SRS) main beam headlamp warning lamp parking brake warning lamp		
Mirrors and glass	All required mirrors are fitted and should be properly aligned and secure Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, i.e., stickers, advertisements All windows operational		
Seats and seat belts	All seats are secure All seat belts must operate correctly and must be free from cuts and any damage		
Washers and wipers	Wipers move as per manufacturer design when switched on Wiper blades must clear the windscreen effectively Washers point at the windscreen and are operational Washer fluid is topped up		
Battery	Battery is held securely in place by the correct means Battery is not leaking		

Area	Requirement	Faulty	Correct
	Battery terminals are secure and free from corrosion		
Fluids, fuel and oil	<p>The brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level and without leaks.</p> <p>The fuel filler cap must be securely fitted and the seal is not torn, perished or missing</p> <p>There must not be any brake fluid, power steering fluid or water leaks</p> <p>With the engine off, look for puddles on the ground - if leaks are detected, trace the cause before using the vehicle</p> <p>With the engine on, check underneath the vehicle for any fuel and oil leaks - look for puddles on the ground.</p>		
Bodywork and doors	<p>All doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit</p> <p>There must not be any sharp edges or excess corrosion</p> <p>All body panels and sills must not be loose or in danger of falling off and free from excessive damage</p>		
Exhaust (if applicable)	The exhaust be secure, free from leaks and must not emit excessive amounts of smoke..		
Tyres and wheels	<p>Check as much of your tyres and wheels as you can see. There must be:</p> <p>a minimum tread depth of 1.6mm across the centre 75% of the tread</p>		

Area	Requirement	Faulty	Correct
	<p>correctly inflated</p> <p>no deep cuts in any tyre sidewall</p> <p>no cord visible anywhere on any tyre</p> <p>no missing or insecure wheel nuts</p> <p>Space saver tyres when fitted are not sufficient for use for hire and reward- can be used merely to get the vehicle to where a full-size tyre can be fitted.</p>		
Licence Plates Discs and other identifiers	<p>Drivers must ensure:</p> <p>all required plates and mandatory signs must be in place on the vehicle before use.</p> <p>when displayed the licence plate must not obstruct/ obscure the vehicle registration plate in such a way as to hide the name of the issuing authority or other identifying details.</p> <p>taxi roof light is safe and operational (if fitted).</p> <p>Taxi meter (if fitted) seal is intact.</p>		

WARNING: Drivers are found using a defective vehicle in breach of the duty to check could be at risk of sanction, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.

This page is intentionally left blank

Terms:

The term 'electric vehicle, or EV' includes both battery electric vehicles and hydrogen fuel cell electric vehicles.

Environmental Considerations and Vehicle Requirements:

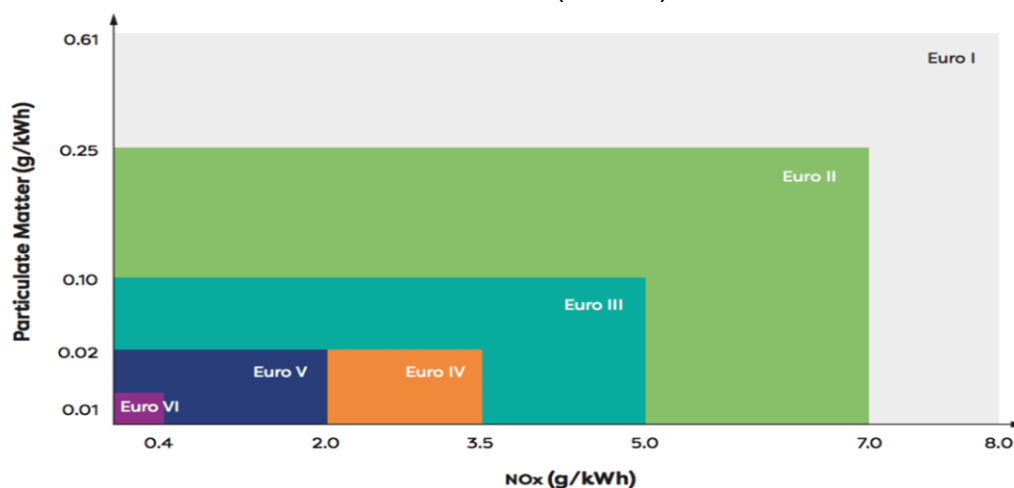
Section 47(2) of the LG (MP) Act 1976 details that the Licensing Authority may require any Taxi licensed by them under the Act of 1847 to be of such design or appearance or bear any distinguishing marks that shall clearly identify it as a Taxi. Section 48(1)(a)(i) of the LG(MP) Act 1976 states that the Licensing Authority cannot grant a private hire vehicle (PHV) licence unless satisfied that the vehicle is suitable in type, size and design for use as a PHV.

The Council will consider all applications for vehicle licences based on vehicles meeting the specifications in this Policy.

The Council stipulates that efforts should be made to improve the efficiency of vehicles licensed to operate in the borough by reducing the emissions of pollutants such as Nitrous Oxides, Particulate Matter and Carbon Dioxide.

It is the Council's intention to reduce taxi and private hire emissions in line with Surrey County Council Climate Change Strategy¹ aim (SP3) that: 'By 2035 - Leading by example, local authorities will ensure that public transport and taxis are 100% electric or converted to hydrogen at the earliest opportunity'.

To limit pollution from road vehicles, this policy will require all internal combustion vehicles to meet strict emissions standards (Euro 6).



Development of European Heavy-Duty Legislated Emissions Limits

Source: www.aecc.eu

¹ [Surrey's Climate Change Strategy 2020 - Surrey County Council \(surreycc.gov.uk\)](https://www.surreycc.gov.uk)

EURO STANDARD	DATE	NOX (G/km)	PM (G/ km)
Euro 1	July 1992		0.14
Euro 2	January 1996		0.08
Euro 3	January 2000	0.50	0.05
Euro 4	January 2005	0.25	0.02
Euro 5	September 2009	0.18	0.00
Euro 6	September 2014	0.08	0.00

Table 1: Table showing the implementation dates of successive Euro Standards and the Nox and PM levels for each of those standards.

Air Quality and Vehicle emissions

Spelthorne Borough Council (SBC) has declared a climate emergency recognising the threat of climate change to the borough and more widely. In the same way that tackling climate change requires actions and lifestyle changes by individuals and organisations', the same is true of improving and safeguarding air quality. SBC are committed to a Climate Change Strategy 2022 - 2030 - Spelthorne Borough Council, that will have benefits in also reducing emissions of air pollutants. Tackling air quality, which will improve the environment and reduce carbon emissions, is integral to that goal to achieve carbon neutral by 2030. Air quality in Spelthorne is predominantly influenced by transport emissions. The principal air pollutant of concern within Spelthorne is nitrogen dioxide (NO₂). When looking at the road emissions in more detail, the assessments showed that diesel vehicles were the largest contributor to emissions. It is recognised that particulate matter (PM₁₀ and PM_{2.5}), has significant health impacts and that the World Health Organisation Global Stringent Air Quality Guideline levels are not met in Spelthorne in line with the wider region. In 2021, Spelthorne Borough Council passed a motion to advocate for and work towards meeting the WHO Global Air Quality Guidelines.

This Air Quality Action Plan (AQAP) has been produced as part of our statutory duties required by the Local Air Quality Management framework. It outlines the action we will take to improve air quality in Spelthorne Borough Council (SBC) between 2024 and 2029. this action plan replaces the previous action plan which ran from 2005, which contained 43 actions to reduce pollutants within Spelthorne, covering a range of topics including reducing road emissions and raising awareness and increasing available information regarding air quality and its improvement among other actions.

Action/measure number 12 of the SBC Draft 2024-2029 AQAP², which is available on our website and currently out for public consultation, comprises delivering EV taxi programme to encourage taxi companies and drivers to invest in electric fleets. This action involves implementing EV projects as well as policy changes.

The current Defra Funded EV Taxi Project is a pilot scheme funding from DEFRA via a joint project with the Surrey Air Alliance³. The project is to part fund the deposit and first year payments to enable taxi drivers and operators to enter a purchase agreement with an EV taxi vehicle supplier. After the end of the first year, the taxi driver or operator will be able to continue payments to complete the purchase of the vehicle or return the vehicle to the supplier. As the project is focused on engagement with taxi drivers and operators to influence behaviour in purchasing EV vehicles, the scope of support from this project is for year 1 only.

The EV vehicle will have lower NOx emissions than an equivalent internal combustion engine vehicle. Uptake of EVs as Taxis in Surrey has been low due to the expense involved but there are advantages in terms of lowering idling emissions, lower on road emissions and the fact that taxis frequent locations such as hospitals, schools and care homes where people are highly vulnerable to air pollution.

Match funding from SCC and a small contribution from Environmental Health budget at some of the participating Local Authorities. The project was delayed by the impacts of the Covid-19 pandemic upon the taxi and private hire trade and suppliers. Further delays were caused by changes to state subsidy control legislation which required a legal opinion and further Defra approval.

Defra confirmed at the end of March 2023 that they agreed to the revised project. Unfortunately, the original grant to be provided by Surrey County Council's (SCC) Greener Futures Team to help match fund the project was no longer available. Defra confirmed we could not use any grant funds awarded to pay SCC's revenue costs. Fortunately, SCC's Public Health Team secured a £25k Public Health grant to help provide match funding to take the project forward. However, the Greener Futures Team were not able to undertake the work needed to administer the project including drafting the required legal contracts and procurement work within this budget. Guildford Borough Council agreed to take on this work within the £25k budget which meant we had secured all the funding needed to take this project forward. The project team have drafted details of the contracts and procurement specifications needed. They are with Guildford Borough Council's legal/procurement team to take forward. It is intended the grants will be awarded by Autumn 2024 for completion of trials Autumn 2025.

SBC also amended the taxi and private hire vehicle licencing policy to accommodate fully electric vehicles in 2022. The policy was also amended to allow electric London Style cabs or those with Euro 6 standard engines to operate in Spelthorne to improve accessibility of the taxi fleet for disabled customers.

² <https://www.spelthorne.gov.uk/article/21746>

³ Surrey Air Alliance is an officer working group which meets quarterly, with representatives from each of the 11 District and Borough Councils; Surrey County Council's Transport, Greener Futures, and Public Health teams; National Highways and the NHS. Surrey Air Alliance works with stakeholders to improve understanding, promote behaviour changes, and progress actions relating to air quality across Surrey.

Draft AQAP and the following link cabinet approval for the consultation: <https://democracy.spelthorne.gov.uk/ieDecisionDetails.aspx?ID=2113>

Taxi and Private Hire Vehicle Policy: Spelthorne Borough Council (SBC)

Proposal for Spelthorne

We currently have a 10 year age limit for non-wheelchair accessible and 12 for wheelchair accessible. If a driver currently has a ULEZ compliant car then their age limit of when it will be last licensed will now be extended to 15 years old.

From 1 October 2025	From 1 October 2028	From 1 October 2028
New - will only be granted to ULEZ compliant vehicles. The maximum a license will be granted is when the vehicle is 15 years old.	New non-wheelchair accessible vehicle-licence will only be granted if the vehicle is zero emissions (electric) with no age limit	New wheelchair accessible - will only be granted to ULEZ and/or electric compliant vehicles. The maximum a license will be granted is when the vehicle is 15 years old.
Renewal of currently licensed vehicles at the time of this policy being adopted - The maximum a license will be granted is when the vehicle is 15 years old.	Renewal of currently licensed vehicles at the time of this policy being adopted - The maximum a license will be granted is when the vehicle is 15 years old which must be ULEZ compliant	Renewal wheelchair accessible - The maximum a license will be granted is when the vehicle is 15 years old which must be ULEZ compliant

To further support the uptake of Ultra- Low and Zero Emission vehicles, there is no minimum engine size for hybrid/LPG, electric or other alternatively powered vehicles.

Due to the nature of the technological advancement of zero emissions vehicles and emissions standards this policy will be continuously reviewed.

Local Authority	ULEZ
Surrey Heath	Fully ULEZ compliant 2025
Epsom & Ewell	Fully ULEZ compliant 2026
Waverley	Fully ULEZ compliant 2031
Guildford	Fully ULEZ compliant 2025
Woking	Fully ULEZ compliant 2026
Elmbridge	No new to licence diesels since 2021. Renew diesel and all petrol latest euro standard by 01/01/26
Mole Valley	Fully ULEZ compliant 2027
Tandridge	Fully ULEZ compliant 2027
Runnymede	No decision yet
Hart	Fully ULEZ compliant December 2033

Grants





[Plug-in taxi grant: eligibility and applications - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/plug-in-taxi-grant-eligibility-and-applications) - The PiTG is only available to newly purchased taxis. Second-hand taxis will not be eligible for the grant.

<https://www.surreyheath.gov.uk/sites/default/files/2023-08/Hackney%20Carriage%20%28Taxi%29%20and%20Private%20Hire%20Licensing%20Policy%202021%20to%202026.pdf>

<https://energysavingtrust.org.uk/wp-content/uploads/2022/05/Transitioning-the-taxi-trade-to-electric-vehicles-A-step-by-step-guide-for-LAs-Final-v1-1.pdf>

<https://tfl.gov.uk/info-for/media/press-releases/2022/december/all-private-hire-vehicles-licensed-for-the-first-time-in-2023-to-be-zero-emission-capable>

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england>

Table 3 – Electric taxi examples			Vehicle details and estimated mileage
Hackney Carriages and Wheelchair Accessible Vehicles	LEVC – London Electric Vehicle Company TX Electric Taxi		ZEC – 1.5l petrol engine & 31 kWh battery 5 Passenger seats Battery electric range: 50-80 miles Total mileage range: 350 miles
	Nissan Dynamo		ZEV – 40kWh battery 6 passenger seats Total Zero carbon mile range : 120-150 miles
Wheelchair Accessible Vehicles	Mercedes-Benz Vito Taxi		ZEV – 100 kWh battery Total zero carbon miles range: 250 miles
	Ford Tourneo Taxi (mild hybrid)		ZEC – 1l eco-boost petrol engine 13.6kWh battery Battery electric range: 35 miles Total mileage range: 300 miles
Private Hire Vehicles	MG 5 EV		ZEV – 61 kWh battery Total zero carbon miles range: 250 miles
	Nissan Leaf		ZEV – 62 kWh battery Total zero carbon miles range: 239 miles
	Kia e-Niro		ZEV – 64 kWh battery Total zero carbon miles range: 283 miles
	Tesla Model 3		ZEV – 60 kWh battery Total zero carbon miles range: 308 miles
	Skoda Enyaq iV		ZEV – 62 kWh battery Total zero carbon miles range: 256 miles

Source (Energy Saving Trust)

[Electric vehicles: costs, charging and infrastructure - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/electric-vehicles-costs-charging-and-infrastructure)

This page is intentionally left blank

Licensing Committee



23 July 2024

Title	Pavement Licence policy
Purpose of the report	To make a decision
Report Author	Lucy Catlyn, Principal Licensing Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Environment
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Approve the draft Pavement Licensing Policy for adoption and consultation with the proposed fee. 2. Give approval for minor amendments to the Policy to be approved by Deputy Chief Executive and the Chairman of the Licensing Committee.
Reason for Recommendation	To have a clear policy and standard local conditions for pavement licensing which has been updated in line with legislation. To also review the fee charged.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • Legislation (Business and Planning Act 2020) has changed on Pavement Licensing. 	<ul style="list-style-type: none"> • Need to update our policy and fees
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> • Need to have a clear pavement licensing policy with standard local conditions and fee. 	<ul style="list-style-type: none"> • Committee to approve draft policy for adoption and consultation and proposed fee. Committee to decide if want to prohibit glass.

1.1 This report seeks to obtain authority from the Licensing Committee to approve the draft Pavement Policy for consultation in accordance with the timetable specified in this report.

2. Key issues

2.1 On 25 June 2020, The Government announced relaxations to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Act 2020 made it easier for premises

serving food and drink to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

- 2.2 Initially, the legislation was temporary, with the pavement licensing aspect expiring 30 September 2021. This was then extended several times with the last extension expiry being 30 September 2024.
- 2.3 With Schedule 22 of the Levelling Up and Regeneration Act 2023, the government have permanently moved pavement licensing to the district/ borough level, away from the highways authority and amended the Business and Planning Act 2020 to introduce some changes to processes and introduce enforcement powers.
- 2.4 It is now necessary to update the existing policy to be in line with these amendments and have it adopted by the Licensing Committee.
- 2.5 The draft policy is attached as **Appendix A**. The changes are fully in line with the new legislation and do not propose anything in addition other than an opportunity to tidy up some of the wording throughout.
- 2.6 The amendments include the following:
 - Removal of sections no longer relevant or needed
 - Updating of references to legislation /consultation periods (in line with legislative amendments)
 - Addition on new section on enforcement (directly lifted from the legislation)
 - Tidying up of terminology
- 2.7 The duration of licences has changed from a minimum of three months and up to 30 September each year, to no minimum duration and a maximum of two years.
- 2.8 In addition, new fees should be considered so that local authorities can better recover their costs for administering pavement licensing. Previously, the statutory cap for applications was £100 for the fee set and charged when the legislation came at very short notice in July 2020. The legislation has amended this introducing higher caps for new and renewal applications. The new fee caps set in legislation are £500 for a new application and £350 for a renewal.
- 2.9 A cost calculation exercise has been undertaken and it is proposed to charge the maximum fees of £500 for a new application and £350 for a renewal. The proposed fees have been calculated based upon timings and estimated costs for processing of applications, site assessments, compliance checking after licence is issued, etc. It should be noted that this will not cover the Council's total costs due to the amount of interaction and advice applicants require.
- 2.10 We have consulted with relevant stakeholders and replies are attached at **Appendix B**. It has been suggested by Surrey Police and Business Improvement District (BID) that we should have a no-glassware policy. None of the other Surrey Licensing Authorities have this as a condition. No evidence has been provided to substantiate a need for no glass. Comments

have been provided in the pre consultation with stakeholders about the effects on the climate in having no glass.

3. Options analysis and proposal

Policy Review

3.1 **Option 1** - Agree the Policy as proposed and allow minor amendments to be made to the Policy be approved by Deputy Chief Executive and the Chairman of the Licensing Committee, or;

3.2 **Option 2** - Agree the Policy as proposed with an amendment added that businesses must not allow glass outside and allow minor amendments to be made to the Policy be approved by Deputy Chief Executive and the Chairman of the Licensing Committee.

3.3 The preferred option is for Licensing Committee to approve the draft policy and proposed fees so that it can go out to consultation with relevant stakeholders in accordance with the timetable set out in this report. In addition allow minor amendments to be made to the Policy be approved by Deputy Chief Executive and the Chairman of the Licensing Committee

Fee setting

3.4 To agree to the proposed fees of £500 for a new application and £350 for a renewal; or;

3.5 To leave fees as they currently are or amend the proposed fees. Both options will mean the Council is not covering the costs of the service.

4. Financial management comments

4.1 Should the fees be agreed then the Council will be recovering the maximum permitted in line with legislation. Costs associated with consultation and publication are minimal and will be met from within existing Licensing budgets. To date the Council has received income of: -

2020/21	£800
2021/22	£1200
2022/23	£1800
2023/24	£1300
2024/25 (to 05.07.2024)	£710

5. Risk management comments

5.1 Fees may be challenged in the High Court (Judicial Review) or by complaint to the Local Auditor. It is therefore important that the process the Council follows is fair, open, and transparent.

6. Procurement comments

6.1 This report refers to a draft policy for which there are no Procurement considerations.

7. Legal comments

- 7.1 Although the Council is not required by law to have a pavement licensing policy in place it is good practice to have such a policy. The policy will assist the Council in making decisions that are transparent and consistent.
- 7.2 When determining pavement licence applications the Council must have regard to Guidance issued by the Secretary of State.
- 7.3 The Guidance states that the expectation is for local authorities to be pragmatic and to grant licences for a maximum period of 2 years unless there are good reasons for granting a licence for a shorter period.
- 7.4 The Council will need to consider several factors when determining whether or not to approve a pavement application, including whether or not conditions are required to approve an application for a licence.
- 7.5 The Council will also need to consider factors including public health and safety including security, public amenity, accessibility, and the needs of other users of the relevant space.
- 7.6 There is no statutory right of appeal in relation to the Council's decision to either approve or reject a pavement licence application. An applicant may apply again for such a licence.
- 7.7 There is a risk that applications are deemed granted if they are not determined within the 28-day period. The Council can minimise this risk by ensuring appropriate resources are in place to handle the volume of applications received within 28 days of receipt.
- 8. Other considerations**
- 8.1 In revising the policy the Council will have a Pavement Policy and cost recovery in the future will be achieved.
- 9. Equality and Diversity**
- 9.1 An Equalities Screening Assessment has been carried out. The revised draft policy does not have any impact on protected characteristics.
- 10. Sustainability/Climate Change Implications**
- 10.1 Should the Committee determine that there should be a no glass policy then this could have a sustainability/climate implication and contradict the Council's commitments to climate change.
- 11. Timetable for implementation.**
- 11.1 The proposed timetable is as follows:
- Report to Licensing Committee on 23 July 2024 to obtain approval to consult on the revised draft policy.
 - Consult with stakeholders between 25 July 2024 and 22 August 2024.
- 11.2 Report to Licensing Committee on 25 September 2024 to seek a recommendation to adopt a final proposed policy.
- 11.3 CPRC to recommend adopting the proposed fees October 2024.
- 12. Contact**

12.1 Lucy Catlyn, Principal Licensing Officer (01784 444295)
l.catlyn@spelthorne.gov.uk or licensing@spelthorne.gov.uk

Background papers:

- Business and Planning Act 2020
- Levelling Up and Regeneration Act 2023

Appendices:

Appendix A: Draft Pavement Licence Policy.

Appendix B: Stakeholder Comments

This page is intentionally left blank



Commented [CL1]: Logo to be changed on adopted policy

Pavement Licensing Policy

2024-2029

Business & Planning Act 2020

Effective: 22 July 2020

Spelthorne Borough Council Pavement Licensing Policy

Page | 1

|
|
Version 1 – First Policy

July 2020 Version 2 Amended - **insert date**

DRAFT

Contents

Section	Title
1	Introduction
2	Scope
3	Application and Determination of Pavement Licences
4	Conditions
5	Enforcement
6	Review Procedures
Appendix 1	Site Notice Template
Appendix 2	Standard Pavement Licence Conditions
Appendix 3	National Conditions
Appendix 4	Inclusive Mobility

1. 1. Introduction

The Council will review this policy every five years, or sooner in light of any significant changes to legislation or guidance and consult on any proposed amendments. If the Council make any changes, then the policy will be re-published.

Minor amendments to the Policy can be approved by Deputy Chief Executive and the Chairman of the Licensing Committee.

Background

~~In 2020~~ The Covid-19 pandemic ~~has~~ affected businesses across the economy causing many to cease trading for several months while others ~~have~~ had to significantly modify their operations.

As the economy ~~started~~ starts to re-open, on 25 June 2020 the Government announced ~~a~~ further ~~and~~ urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown, ~~by removing short-term obstacles that could~~ stifle recovery ~~get in the way.~~

The Business and Planning Act 2020 ('the Act') ~~made~~ makes it easier for premises serving food and drink such as bars, restaurants and pubs to operate, as lockdown restrictions ~~were~~ lifted but social distancing guidelines remain ~~ed~~ in place to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

~~The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021.~~

The Act also introduces ~~ds~~ a ~~temporary~~ fast-track process for these businesses to obtain permission, in the form of a "pavement licence", from Spelthorne Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premises, which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

Previously, tables and chairs permissions were granted as pavement licences by Surrey County Council, the Highways Authority, under Part 7A of the Highways Act 1980. ~~The fee varies between local authorities and there was a 28 day consultation period.~~

~~The new temporary measure places a cap on the application fee for businesses, and introduces a new 14 day determination period, ensuring that businesses can obtain licences in a quick and cost effective manner aiding to their financial recovery.~~

Current Position

The regulations under the Business and Planning Act 2020 in respect of pavement licensing have been amended and made permanent by the Levelling Up and Regeneration Act 2023 which received Royal Assent 26 October 2023. The amendments include:

- Increasing the public consultation period to 14 days (with ~~a~~ further 14 days to determine)

- ~~Increasing the statutory fee cap~~
- ~~Additional enforcement powers for unlicensed activity~~
- ~~Duration of licences – no longer a minimum of three months, and can be granted for up to two years.~~

~~Duration of licences – no longer a minimum of three months, and can be granted for up to two years.~~

2. Scope

2.1 Definition of Pavement Licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which ~~permits allows~~ the licence-holder to place removable furniture ~~over certain on the public~~ highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

2.4 Type of Furniture Permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, ~~and~~ this means it ~~is~~ cannot be a permanent fixed structure, and is able to be moved easily, and stored away ~~of an evening~~.

~~The Council would also expect the type of furniture to be 'in keeping' with the local area.~~

2.5 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An Applications for a new and the renewal of Pavement Licences must be made electronically to the Council, and the following will be required to be submitted with the application:

- ~~• You can apply for a pavement licence by completing the application form available on our website on the licensing webpage and this should be submitted via email, together with the following to licensing@spelthorne.gov.uk~~
- a completed Application Form.
- the required fee of £100, paid by credit or debit card, together with the receipt for the payment
- proof of the applicant's identity and right to work.
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified.
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items ~~to be placed on the highway that they~~ wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- ~~• a risk assessment demonstrating how the applicant will manage social distancing and the conflict between pedestrians using the footway, those using the tables and those queuing to access the premises;~~
- the proposed days of the week and times of day on which, ~~and the times of day between which,~~ it is proposed to put furniture on the highway.
- the proposed duration of the licence. ~~(for e.g. 3 months, 6 months, or a year);~~
- photos or brochures showing the proposed ~~type of~~ furniture and information on potential siting of it within the area, ~~applied;~~
- (if applicable) reference of existing pavement licence currently under consideration by the local authority.
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice ~~outside the premises and of the notice itself~~); displayed
- ~~(upon grant of licence)~~ a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £10 million, and
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

NOTE: a renewal cannot be submitted after expiry of the current licence. A new application would be required.

3.2 Fees

The fee for applying for a licence ~~under the new process~~ are set locally, but are capped at ~~£500 for a new licence and £350 for a renewal. The Council has determined that the fee for applications will be £100.~~

Application fees must be paid by debit/credit card at the time the licence application is submitted to the council and the receipt must accompany the application in order for the application to be considered valid and for the consultation period to commence.

The fee is an 'application' fee for the processing of the application. The fee will not be refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.

3.3 Consultation

Applications are consulted upon for ~~seven (7)~~14 days, ~~starting with the day after which a valid application was received by the Council. with the first day of consultation being the day after a valid application was made to the Council.~~

The Council will publish details of the application on its website.

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects to the application the Council will consult with:

- Spelthorne Borough Council Economic Development
- Spelthorne Borough Council Environmental Health Service
- Spelthorne Borough Council Asset Management
- Spelthorne Borough Council Planning
- Neighbourhood Services
- Spelthorne Borough Council Town Centre Management
- Surrey Fire & Rescue Service
- Surrey Police
- The appropriate Local Ward Councillor(s)
- The Spelthorne Business Improvement District
- ~~From time to time Spelthorne Borough Council's Anti-Social Behaviour Team~~ Spelthorne Borough Council Community Safety Team
- Counter Terrorism Policing South East

Members of the public and others listed above can contact the Council to make representations at licensing@spelthorne.gov.uk

The Council must take into account representations received during the public consultation period and consider these when determining the application. The full names and address of the representee should be submitted.

3.4 Site Notice

On the day an application for a pavement licence is made, the applicant must fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of the site notice requirement must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address and email (licensing@spelthorne.gov.uk) to which representations should be sent during the consultation period; and
- the end date of the consultation (~~6 working days~~14 days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposed application:

- ~~public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;~~
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people ~~as set out in Section 3.1 of Inclusive Mobility, and~~
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are ~~strongly~~ encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

3.6 Determination

Once the application is submitted the Council has ~~28~~44 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of ~~14~~7 days for public consultation, and then ~~14~~7 days to consider and determine the application after the consultation period has ended.

If the local authority determines the application before the end of the determination period, the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application,
- impose conditions ~~on any licence granted~~, or
- refuse the application.

If the local authority does not determine the application within the ~~14-28~~ day period, the application will be deemed to have been granted subject to any published local or national conditions.

3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a pavement licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all pavement licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit pavement licences to apply between 09:00 and 21:00.

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

If the Council determines an application before the end of the determination period ~~(which is 7 days, beginning with the first day after the end of the public consultation period, excluding public holidays) they can specify the duration of the licence, will be specified, subject to a minimum-maximum duration of 3 months of 2 years.~~

~~The expectation from the Government is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period, such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2021.~~

The Council will normally grant applications for two years unless a shorter period has been requested or it is necessary for good reason, such as known upcoming street works, for example.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a period of two yearyears.

~~A licence granted or deemed to be granted will not be valid beyond 30 September 2021.~~

3.9 Refusal of Applications

If the site is deemed unsuitable for a pavement licence to be granted, or if relevant representations are made which cannot be mitigated by conditions then the application may be refused.

There is no statutory appeal process against decision to refuse an application.

3.10 Variation of licences

There is no provision in the legislation to apply for a variation of a pavement licence. Should the licence holder wish to vary the licence, they would need to submit a new application.

As an alternative to revoking the licence, the Licensing Authority may, with the consent of the licence holder, amend the licence if it considers that –

(a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted.

(b) As a result of the licence

I. There is a risk to public health or safety

II. Anti-social behaviour or public nuisance is being caused or risks being caused.

or

III. The highway is being obstructed (other than by anything done by the licence-holder pursuant to the licence).

4. Conditions

The Council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis. ~~If the application is deemed approved the conditions will apply to the approval~~

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

However, this is not the case for the statutory no-obstruction condition which is as applies to all licences. The national statutory 'no obstruction' condition is shown in Appendix 3.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

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

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied, ~~and the authority can take action to cover any costs.~~

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - ~~There are risks to public health or safety — for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;~~
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

Unlicensed activity

Where a person/business puts removable furniture on a relevant highway and is not authorised to do so, the licensing authority may, by issuing a notice, require the person/business to:

- Remove the furniture before the date specified on the notice and
- Refrain from putting furniture on the highway unless authorised to do so.

Contravention of such a notice may lead to the authority removing the furniture and storing it, and require the person/business to pay the authority's reasonable costs in removing and storing the furniture and to refuse to return the furniture until those costs are paid.

If, within the period of three months beginning with the day on which the notice is given served, the person/business does not pay those reasonable costs, or does not recover the furniture, the local authority may-

- Dispose of the furniture by sale or in any other way it thinks fit, and
- Retain any proceeds of sale for any purpose it thinks fit

In this section, 'authorised' means authorised by –

- A pavement licence,
- Permission under Part 7A of the Highways Act 1980, or
- Permission granted under any other enactment

6. Policy Review

This Policy covers the ~~Temporary Permission processes and procedures~~ for Pavement Licences under the Business and Planning Act 2020 (as amended by the Levelling Up and Regeneration Act 2023), ~~which are scheduled to expire on 30 September 2021.~~

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of pavement licences generally, ~~relevant social distancing measures~~ or as a result of local considerations within the Spelthorne Borough.

DRAFT

Site Notice Template for display by an applicant for a Pavement Licence.

NOTICE OF APPLICATION FOR A PAVEMENT LICENCE
Section 2(5) of the Business and Planning Act 2020.

I/We _____

(name of applicant),

do hereby give notice that on _____ *(date of application)*

I / we *(delete as applicable)* have applied to Spelthorne Borough Council for a 'Pavement Licence' at: _____

(postal address of premises)

known as _____

(name premises is known by)

The application is for: _____

(brief description of application)

Any person wishing to make representations to this application may do so by writing, preferably by email, licensing@spelthorne.gov.uk or: Environmental Health Spelthorne Borough Council, Council Offices, Knowle Green, Staines-Upon-Thames TW18 1XB

by: _____ *(5 working days starting the day after the date of application)*

The application and information submitted with it can be viewed on the Council's website: <https://www.spelthorne.gov.uk/article/19292/Licensing-applications-open-to-representations>

Signed _____

Dated *(date of application)* _____

This notice must be displayed from the date of application until the end of the public consultation period, which is 5 working days, starting the day after the application date. The date the notice is signed and the date of application must be the same date.

NOTICE OF APPLICATION FOR A PAVEMENT LICENCE
Section 2(5) of the Business and Planning Act 2020

I/We _____

(name of applicant),

do hereby give notice that on _____ *(date of application)*

I / we *(delete as applicable)* have applied to Spelthorne Borough Council for a 'Pavement Licence' at: _____

(postal address of premises)

known as _____

(name premises is known by)

The application is for: _____

(brief description of application)

Any person wishing to make representations to this application may do so by writing, preferably by email, licensing@spelthorne.gov.uk or: Environmental Health Spelthorne Borough Council, Council Offices, Knowle Green, Staines-Upon-Thames TW18 1XB

by: _____ *(14 days starting the day after the date of the application).*

The application and information submitted with it can be viewed on the Council's website: [Licensing applications open to representations - Spelthorne Borough Council](#)

Signed _____

Dated *(date of application)* _____

This notice must be displayed from the date of application until the end of the public consultation period, which is 14 consecutive days, starting the day after the application date (Christmas Day, Good Friday and a day that is a bank holiday in England cannot be counted). The date the notice is signed and the date of application must be the same date.

1

Appendix 2

Standard Pavement Licence Conditions

- ~~1. The licence holder will undertake a risk assessment (submitted as part of the application) and this must include suitable and sufficient control measures to prevent the transmission of Coronavirus (COVID-19). The licence holder must document this risk assessment, keep it under review and make it available upon the request of Spelthorne Borough Council. The positioning of the furniture must allow for social distancing to take place. The licence holder must comply with the guidance issued by central government for working safely during coronavirus (COVID-19).~~
- 2.1. Permission to operate a pavement licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that Spelthorne Borough Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
- 3.2. Spelthorne Borough Council requires evidence that the licence holder has Public Liability Insurance for the operation of the pavement licence. This must indemnify Spelthorne Borough Council and Surrey County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £10 million in respect of any one incident.
- 4.3. Tables and chairs must not be placed in position outside of permitted times. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
- 5.4. Spelthorne Borough Council and/or Surrey County Council are empowered to remove and store or dispose of furniture from the highway, at the cost to the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.
- 6.5. The licence holder is not to make or cause to be made any claim Spelthorne Borough Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
- 7.6. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions issued by the Secretary of State.
- 8.7. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Licensing Department. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.
- 9.8. Emergency routes to the premises and adjacent buildings must not be obstructed by the furniture set up in connection with this licence, which should not, in normal circumstances, extend beyond the width of the premises frontage.

- 40.9. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Spelthorne Borough Council's Licensing team.
- 44.10. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.
- 42.11. The licence holder shall ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
- 43.12. The operation of the area must not interfere with highway drainage arrangements.
- 44.13. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
- 45.14. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) must be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the Facility, for a distance of up to 10 metres from the boundary of the Facility. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is to be washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.
- 46.15. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by Spelthorne Borough Council or the Highway Authority.
- 47.16. The licence holder of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the pavement licensed area.
- 48.17. The licence holder of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the pavement licensed area outside the hours in force for the premises itself.
- 49.18. The licence must be displayed on the premises with a plan of the agreed layout of the pavement licence.
- 20.19. The licence holder must remove any tables, chairs and other furniture immediately at the expiry of the licence period date or on revocation of the licence.

~~24-20.~~ The licence holder must make sure the licensed area is regularly monitored to ensure that customers are not causing a noise disturbance or other forms of anti-social behaviour.

~~22-21.~~ The licence holder will ask customers causing a disturbance e.g. noise, anti-social behaviour to behave in an orderly manner and if they do not do so after warning then they will be asked to leave.

~~23-22.~~ The licence holder will display a sign/s in a prominent position to remind customers to be considerate towards neighbours

26. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst exercising privileges granted by this permission, that is audible outside the premises.

~~24-23.~~ The licence holder will only take orders/serve customers who are seated and must ensure that customers are not standing in the licensed area with food or drink.

~~25-24.~~ The licence holder will cease taking orders / serving customers 30 minutes prior to the time the licence permits the use of the seating area in order to ensure that the seating area is closed by the closing time specified on the pavement licence.

~~26-25.~~ The licence holder is to encourage customers to leave by the closing time specified on the pavement licence and also to leave quietly.

~~27-26.~~ Where the location of the premises is in a residential area, the licence holder shall provide rubber feet to chairs and tables to reduce noise when furniture is moved

~~28-27.~~ The licence holder is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.

NOTES

These conditions should be read in conjunction with any mandatory national conditions concerning pavement licences, if the premises is licenced under the Licensing Act 2003, any relevant conditions attached to the premises licence, ~~the latest government requirements concerning coronavirus and social distancing~~ and any other relevant requirement of the Business and Planning Act 2020.

The licence holder is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The ~~l~~licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.

Should the licence holder not be on the premises then they must make arrangements for a responsible person to be on site who can ensure compliance with the conditions of the licence.

Spelthorne Borough Council reserves the right to revoke this licence at any time if any of the above conditions are not complied with.

|

DRAFT

National Conditions

Statutory conditions attached to a pavement licence

1. Anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6). These effects are:
 - (a) preventing traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway.
 - (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
2. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

The Secretary of State publishes this condition in exercise of his powers under [Section 5(6)] of the Business and Planning Act 2020:

1. **Condition relating to clear routes of access:**

The no-obstruction condition is a condition that the licence must not have the effects set out in section 3(6) of the 2020 Act. When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the provisions require that local authorities consider the needs of disabled people. In order to do this, authorities should consider the following matters when setting conditions, determining applications (in the absence of local conditions), and when considering whether enforcement action is required:

- Section 3.2 of Inclusive Mobility - gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of

Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other.

- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of furniture within the pavement licensing regime, therefore, should not be used as a barrier;
- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs;
- the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-up furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people;
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

Section 149 of the Equality Act 2010 places duties on local authorities to have due regard to: the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster or encourage good relations between people who share a protected characteristic and those who don't.

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility.

Guidance on the effect of this condition

- To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility, the licence is granted subject to those requirements.

- ~~• To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.~~

2. Condition relating to smoke-free seating

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside, ~~in order to protect public health by reducing risks of COVID transmission.~~

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area.

Ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012 which can be viewed [here](#).
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2M distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

Appendix 4

Inclusive Mobility

You can access more information on Inclusive Mobility and the Government's guide to best practice on improving access to public transport and creating a barrier-free pedestrian environment below:

[Inclusive mobility: making transport accessible for passengers and pedestrians - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/inclusive-mobility)
<https://www.gov.uk/government/publications/inclusive-mobility>

This page is intentionally left blank

- **Counter Terrorism Policing South East**
 - Requested to be added to the consultee list.
- **SBC Assets**
 - Surround of pavement to be well maintained.
 - £5million PLI seems the standard.
- **SBC Economic Development**
 - Do not believe that recycled plastic works everywhere and that we should not ban glass.
 - Can see the need for £10million PLI.
- **Environmental Health**
 - Glass – goes against our efforts to be more sustainable and reduce plastic, potentially contradicts other policies we have in place.
 - Noise – they look at things from this point of view. They look at premises and surrounding environment.
- **Surrey Fire and Rescue**
 - Any risk critical matters (exits/routes blocked) can always be picked up on subsequent audits.
- **Surrey Highways:**
 - “I’ve just had a quick look at Guildford and Waverley and they both ask for £10m. For all our licences we set this as our standard. Ultimately, as you are now officially the licencing authority and will be responsible for any claims, etc. that may arise then you will need to satisfy yourselves on the value of the insurance you request.
 - £10 mill public liability and this is their non-negotiable position
- **SBC Planning**
 - No planning permission is required for this - so no input needed from Planning at this stage
- **SBC Neighbourhood Services**
 - re glass policy is that we don’t want to encourage the use of single use plastic. Also, if a restaurant then people would want to use glass as this is part of the experience. Another point is there a usage point e.g. plastic in pub gardens, glass in restaurants, also need to have arrangements for waste collection, etc.
 - £10m PLI too high for smal businesses.
- **SBC Climate:**
 - Do not want to adopt policy which would encourage use of single use plastic. Would have thought people would want glassware. Seems evening problem – could evening time be brought in. Waste considerations from single use.

- **SBC Insurance:**
 - o If there was a single claim exceeding £5m, the Council would indeed potentially have to fund the remaining claim amount. It's for this reason that we aim to set levels to fully protect the Council's position where possible, whilst accepting that if our requests are too high we won't be able to find a suitable contractor, etc.
 - o My advice remains that £10m is the preferred amount however £5m is the minimum amount if you're seeking to avoid requesting levels that businesses may be unable to meet.

- **Surrey Police & BID:**

From: Walton, Matthew 3180

Hi Lucy,

To get the stats for all 10 other Boroughs will take a lot more work and I cant really justify my officer completing. Each Borough is very different and they can go from very little night time economy to very large so I'm a little confused about what this adds at this time.

My apologies but this data already provided will be as much as I'm willing to allocate my officers time to.

Kind regards,

Inspector Matt Walton 3180
Borough Commander Spelthorne
Staines police station
Surrey Police

From: Catlyn, Lucy

Hello

Apologies to chase. When do you think you will be able to send this?

Thanks
Lucy

From: Catlyn, Lucy

Thank you very much for this

Are you able to advise the other surrey borough statistics as well?

That way I will put this in my licensing report the crime stats for surrey and who has a non glass condition and leave it up to the committee to decide

Thanks
Lucy

From: Watts, Daniel 42085

Good morning,

As requested I have had a look at violent incidents over the last three months In Staines Town which has shown 32 incidents reported to Police. Of these incidents it does not appear that any of them specifically involve glass.

Of the 32 incidents, a number of which have occurred on the high street in and around the turtle bay area. There is always the risk that glass may be used in future incidents however there have been no reports of this as of yet. I echo Inspector Waltons views on this and don't feel that having glass on the high street is wise especially moving into the summer period and the risks that it may pose.

If anyone has any follow up questions then feel free to email me.

Thank you,



PC 42085 Watts

Neighbourhood Specialist Officer for Staines
Spelthorne SNT

22 Kingston Road, Staines TW18 4LQ

Email: 42085@surrey.police.uk

From: Walton, Matthew 3180

Good afternoon,

Staines town like most large centres in Surrey does have a high amount of both violent and acquisitive crime (theft mainly) than other more residential/rural areas. I have tasked PC Watts to update everyone on this with a quantitative amount of violent crime in the past three months in Staines town. Where possible I have asked him to identify if any are any with the use of glass thus providing a more evidential picture for all involved.

It's important to prevent crime before it happens and not to try and "close the stall after the horse has bolted". Therefore in my opinion not allowing glass use outside in the public areas (I exclude pub gardens as they tend to be closed off areas) is a risk, as it can be used as both a weapon and the secondary issue of increased broken glass on the

pavement/highway. There's a reason no outdoor festival/sports event will have glass use given these combined risks. Most now do not use single use plastic instead mandating purchase of a reusable plastic cup that is required to buy more drink and can be returned at the end for a refund. I'm not sure if this reusable cup could be mandated as that's not my area of expertise but it is a suggestion. Given the option between single use plastic causing increased rubbish potentially (again could not mandatory clean up be in their licence conditions) and glass which has a greater risk factor I know which side of the fence I will sit on.

Hopefully Dan's data will help decide the final choice one way or the other but for me there is very clear evidence that glass use in public has a risk that cannot be ignored. If allowed in then we should be careful as the first serious assault/injury that occurs in the town with a glass or bottle in one of these areas will come with some serious questions around the risk assessment I.E. could we have done more to prevent this in the first place.

Thank you,



3180 Inspector Matthew Walton

Borough Commander Spelthorne

Specialist Neighbourhood Team

Staines Police Station

Email: Matthew.Walton@Surrey.Police.uk

Tel: 07967986937

I nominally work Mon-Fri 0800-1600 however this can be subject to respond straightaway.

From: Catlyn, Lucy

Hello

Thank you for your email

As per my email please can we have evidence so we can look at this being a problem in Spelthorne. The links you have sent previously are not for Spelthorne. Our policy is local for Spelthorne only.

I appreciate your viewpoint but we will require evidence. I don't know how our crime stats compare across Surrey and I would be interested in the police's viewpoint and evidence as to why it's a local problem in Spelthorne.

Thanks

Lucy

From: Joana Santos

Hi Lucy,

We have a high level of crime in Staines, as we are one of the hot spots for crime in Surrey. It is not uncommon to have fights on the high street and to remove a potential weapon should be something on the priority list.

Regards,

Joana Santos

From: Catlyn, Lucy

Hi Joanna

Thanks for your email.

I do appreciate the point that you are making, however we need to show that this is a local problem within Spelthorne and why there is a need for it within Spelthorne. I am going to need to justify why we are introducing this if I get asked about this from anyone and if I have to present this to the licensing sub committee. I am not aware of anyone else in Surrey with the same policy of no glass, and we need to ensure that we are not making requests of the trade that are not proportionate and backed up with evidence.

Its good you have sent to the Police, I wait their comments

Many thanks
Lucy

From: Joana Santos

Hi Lucy,

I understand that the waste management side of the situation cannot to be disregarded but in this case, we are talking about physical harm that can be inflicting to members of the public.

I have included in this trail Daniel Watts, the PC that covers Spelthorne and Annabel Nivel, the Counter Terrorism Security Advisor for North Surrey and Jacquie Clark from the licencing department at Surrey Police. Could we please have your inputs in this matter?

We are discussing the fact that Turtle Bay has requested the removal from their licence the mandatory ban on glass being used outside. I have shared my concerns regarding the possibility that broken glass can be used as a weapon and the fact that evening traders that are focused on alcohol sell should not be allowed to serve alcohol outside using glass as these can be used by the people that purchased it or by other people that are passing by and spot this glass.

Below you can see two recent examples where glass was be used to attack other members of the public in the UK this year, unfortunately it is not that uncommon:

- <https://www.oxfordmail.co.uk/news/24082516.oxford-man-guilty-slashing-girlfriend-broken-glass/> - used a smashed alcohol bottle.
- <https://www.hamhigh.co.uk/news/24176876.thug-jailed-attack-restaurant-near-st-pauls/> - left a man permanently blind from one eye

Best regards,

Joana Santos

From: Catlyn, Lucy

Hello

The issue of glass was raised, however it was stated that we do not want to encourage the use of single use plastic

The below points were raised:

- - re glass policy is that we don't want to encourage the use of single use plastic. Also, if a restaurant then people would want to use glass as this is part of the experience. Another point is there a usage point e.g. plastic in pub gardens, glass in restaurants, also need to have arrangements for waste collection, etc.
- don't want to adopt policy which would encourage use of single use plastic. Would have thought people would want glassware. Seems evening problem – could evening time be brought in. Waste considerations from single use.

In respect of your email, in order to look at bringing in a glasswear policy we would need evidence and a case as to why it is necessary. Would you mind if I include the police in this email trail so they can give their viewpoint please?

Thanks
Lucy

From: Joana Santos

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Hi,

Can I please confirm if the permission/prohibition of usage of glass outdoor was discussed in the pavement licencing working group?

I am very concerned about the removal of this condition from the turtle bay pavement licence request, and I believe it should be included in all the businesses that trade in evenings as broken glass can be used as a weapon.

We recently had multiple problems on the High Street on Sunday evening and having this potential hazard to add to the situation could make it worse.

I'm attaching my email regarding where I voiced my concerns so we keep the subject fresh.

Regards,

Joana Santos
BID Manager

This page is intentionally left blank

Licensing Committee



23 July 2024

Title	Gambling Act Policy 2025-2028 Draft for Consultation.
Purpose of the report	To make a decision
Report Author	Lucy Catlyn, Principal Licensing Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not Applicable
Corporate Priority	Community Environment Service delivery
Recommendations	Committee is asked to: Licensing Committee is asked to approve the draft Statement of Gambling Policy 2025-2028 for consultation in accordance with the timetable specified in this report
Reason for Recommendation	Statutory requirement under the Gambling Act 2005

1. Summary of the report

What is the situation	Why we want to do something
The Gambling Policy needs to be consulted on for 2025-2028.	Statutory requirement to have a Gambling Policy.
This is what we want to do about it	These are the next steps
Approve the draft Statement of Gambling Policy 2025-2028 for consultation in accordance with the timetable specified in this report.	After approval from the Licensing Committee consult on the Gambling Policy 2025-2028.

- 1.1 This report seeks to obtain authority from the Licensing Committee to approve the draft Statement of Gambling Policy 2025-2028 for consultation in accordance with the timetable specified in this report.

2. Key issues

- 2.1 The Gambling Act 2005 places a duty on local authorities to licence gambling premises.
- 2.2 The Act requires all local authorities to produce a Statement of Gambling Principles (the Policy) which licensing officers must give consideration to when determining gambling licence applications for their district.
- 2.3 It should be noted that functions in relation to the three-year policy statement cannot be delegated and remain functions of the Council.
- 2.4 The form and content of the draft policy is prescribed by The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.
- 2.5 The Gambling Commission’s latest ‘Guidance to Licensing Authorities’ dated 13 May 2021 has been taken into account in drafting this review.
- 2.6 Policy development must also take into account the ‘Guidance to Licensing Authorities’.
- 2.7 The Gambling Policy must be reviewed at least every three years.
- 2.8 Spelthorne Borough Council’s existing policy was approved by this Committee in December 2023 and remains valid until January 2025.
- 2.9 A summary of the total number of various difference type of licensed gambling premises in Spelthorne are provided in the table below:

Betting Shops		12
Adult Gaming Centre		1
Track Betting		1
Gaming Machine Notification		34
Club Machine Permit		7
Gaming Machine Permit		8
Club Gaming Permit		3
Bingo		0
Casino		0

- 2.10 As the policy was recently amended there are no changes to make apart from format changes.
- 2.11 The Licensing Authority has consulted with the Gambling Commission who have confirmed that changes to the Statement of Licensing policy to reflect changes are not possible currently. They have further stated that:

“Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement.

Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised GLA which you can include

in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.”

2.12 There still has not been any substantial changes to the gambling legislation since the last policy review in 2018 and 2023. Before a revised draft policy can be published Spelthorne must consult with certain stakeholders. There is discretion to consult more widely and the list of organisations and groups that will be consulted are contained in Annex 2 of the draft policy.

2.13 The written consultation will allow 8 weeks for responses. The proposed timescale as outlined in this report will achieve this recommendation.

2.14 A copy of the draft policy is attached at **Appendix 1**.

3. Options analysis and proposal

3.1 The preferred option is for Licensing Committee to approve the draft policy so that it can go out to consultation with relevant stakeholders in accordance with the timetable set out in this report.

3.2 The Licensing Committee may also amend the policy.

3.3 Licensing Committee is asked to approve the draft Statement of Gambling Policy 2025 – 2028 for consultation.

4. Financial management comments

4.1 There are no financial implications resulting from the matters considered in this report. Costs associated with consultation and publication are minimal and will be met from within existing Licensing budgets.

5. Risk management comments

5.1 Audit have advised:

Risk: A lack of governance in relation to the Gambling Act 2005 may result in a failure to fulfil the Council’s statutory requirements.

Mitigation: The Statement of Gambling Policy 2025-2028 is aligned with the licensing objectives as set out in section 1 of the Act. The licensing objectives referenced are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way.
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Risk: Failure to achieve the licensing objectives set out in the Gambling Act 2005 would imply that the Council is not as effective as it could be in achieving its duty and regulatory functions as a licensing authority.

Mitigation: In carrying out its licensing functions the Council will have regard to guidance issued by the Gambling Commission, the Gambling Commissions licence conditions, and codes of practice.

Risk: An approved Gambling Policy and mechanisms for regular policy review is not in place.

Mitigation: The production and approval of the Statement of Gambling Policy 2025-2028 demonstrates that the Council conforms with the requirement of the Gambling Act 2005.

6. Procurement comments

6.1 This report refers to a draft policy for which there are no Procurement considerations.

7. Legal comments

7.1 Under section 349 of the Gambling Act 2005, a Licensing Authority must prepare and publish the policy they propose to apply in exercising their functions under the Act.

7.2 Before determining a statement of policy, the licencing Authority has a statutory duty to consult, and before a statement comes not effect it must be published and advertised.

7.3 Prior to the policy coming into effect, it must be advertised in accordance with the Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

8. Other considerations

8.1 In revising the policy and conducting the required consultation the Council will meet the requirements of the Gambling Act 2005.

9. Equality and Diversity

9.1 The Council's draft Gambling Policy has been drafted with Equalities issues being considered in the context of the licensing objectives and local area plan. Specifically relevant to people with protected characteristics is the Licensing objective to protect children and other vulnerable persons from being harmed or exploited by gambling. This engages the characteristics of age and potentially disability.

9.2 An Equalities Screening Assessment has been carried out. The revised draft policy does not have any impact on protected characteristics.

9.3 Members are referred to section 1.5.1 of the draft Policy which sets out how the authority intends to protect children and to section 2.3 concerning Local Risk Assessments, which take into account factors such as the location of premises and their proximity to schools, nurseries, childcare facilities, centres for the care of vulnerable adults and or children, including facilities for the disabled and residential areas with a high concentration of children or older persons, demonstrating that the Council has had due regard to Equalities issues throughout.

9.4 The Local Area Plan contains key demographic information for the borough with regard to the protected characteristics under the Equality Act 2010.

10. Sustainability/Climate Change Implications

10.1 There are none.

11. Timetable for implementation

11.1 In revising the draft policy and conducting the required consultation the Council will meet the requirements of the Gambling Act 2005.

11.2 The proposed timetable is as follows:

- Report to Licensing Committee on 23 July 2024 to obtain approval to consult on the revised draft policy.
- Consult with stakeholders between 26 July 2024 and 20 August 2024.
- Report to Licensing Committee on 29 October 2024 to seek a recommendation to adopt a final proposed policy.
- Recommendation to Council on 12 December 2024 to adopt the final proposed policy.

12. Contact

12.1 Lucy Catlyn, Principal Licensing Officer (01784 444295)
l.catlyn@spelthorne.gov.uk or licensing@spelthorne.gov.uk

Background papers

The Gambling Act 2005 <http://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006. <https://www.legislation.gov.uk/uksi/2006/636/contents/made>

The Gambling Commission's latest 'Guidance to Licensing dated 13 May 2021
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Gambling Commission - Licence Conditions and Codes of Practice dated 31 October 2020 Licence Conditions and Codes of Practice - Gambling Commission

Appendices: (make sure name of appendices is saved the same as below)

Appendix A – Spelthorne's Gambling Act Policy 2025-2028 (draft for consultation)

This page is intentionally left blank

**Spelthorne Borough Council
Statement of Gambling Policy
2025-2028**

Statement: *TO BE INSERTED**

This Statement of Principles was approved by Spelthorne Borough Council on ****TO BE INSERTED**** and comes into effect on ****TO BE INSERTED****. It replaces Spelthorne Borough Council previous Policy (published on 17 January 2024) and will remain in force for no more than three years, or sooner if required.

All references to the guidance refer to the Gambling Commission's Guidance to Licensing Authorities, dated 1 April 2021 and last updated 11 April 2023.

Index	General Statement of Principles	
1	Introduction	Page No 4-10
1.1	The Gambling Act 2005	4
1.1.1	General Statement of Principles	4
1.1.2	The Functions of Licensing Authorities	4-5
1.1.3	The Licensing Objectives	5
1.2	Spelthorne Borough – Local Area Profile	5-6
1.3	Consultation	6
1.4	Declaration	6
1.5	Responsible authorities	6-7
1.5.1	Protection of children	7
1.6	Interested parties	7-8
1.7	Exchange of information	8
1.8	Enforcement	8-9
1.9	Reviews of Premises Licenses	9-10
2	Premises Licences	Page No 10
2.1	Decision making – general	10
2.2	Premises “ready for gambling”	10-11
2.3	Local Risk Assessments	11-12
2.4	Plan	12
2.5	Multiple licences/ layout of buildings	12-13
2.6	Provisional Statements	13
2.7	Licence Conditions and Codes of Practice	13
2.8	Risk assessments: Betting Premises	13-14
2.9	Conditions	14-15
2.10	Door supervisors	15
2.11	Adult gaming centres	15-16
2.12	Licensed family entertainment centres	16
2.13	Tracks	17-18
2.14	Travelling Fairs	18
2.15	Casinos	18
2.16	Betting premises	18
2.17	Bingo	19
2.18	Temporary use notices	19
2.19	Occasional Use Notices	19
3	Permits	Page No. 20
3.1	Unlicensed Family Entertainment Centre gaming machine permits	20
3.2	Alcohol licensed premises – gaming machine permits	20-21
3.3	Prize gaming permits	21-22
3.4	Club gaming and club machine permits	22-23
3.5	Cancellation of Permits	23
4	Small Society Lotteries	Page No. 23
4.1	Small Society Lottery Registrations	23

5	Exempt Gambling	Page No. 23
5.1	Non-commercial gaming	23-24
5.2	Non-commercial prize gaming	24
5.3	Non-commercial equal chance gaming	24
5.4	Private gaming	24
5.5	Domestic gaming	24
5.6	Residential gaming	24
5.7	Non-commercial and private gaming	24
5.8	Incidental non-commercial lottery	24-25
5.9	Exempt gambling in pubs	25
5.10	Equal chance gaming in pubs	25
5.11	Bingo in pubs	25
5.12	Exempt gambling in clubs	25
5.13	Equal chance gaming in clubs	25-26
5.14	Bingo in clubs	26
5.15	Bridge and whist in clubs	26
	Annex	Page No. 27-31
1	Local Area Profile	Page 27
2	List of Consultees	Page 28-29
3	Schedule of Responsible Authorities	Page 30-31

1. INTRODUCTION

1.1 The Gambling Act 2005

1.1.1 General Statement of Principles

Spelthorne Borough Council ('The Council') has a duty to license a wide variety of premises, these include casinos, betting shops, bingo halls, pubs, clubs, and amusement arcades. The council is the Licensing Authority for the purpose of the Gambling Act 2005 and the relevant guidance and codes of practice.

In carrying out its licensing functions the Licensing Authority will have regard to guidance issued by the Gambling Commission, the Gambling Commissions licence conditions and codes of practice.

The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met, the Licensing Authority will maintain close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Where children and other vulnerable people are allowed access premises where gambling takes place, the Licensing Authority may take whatever steps it considers necessary to either limit access generally or by introducing measures to prevent under-age gambling.

The Licensing Authority will not normally seek to limit the access of children to any premises unless it receives representations to that effect, or it believes it is right to do so for the prevention of their physical, moral, or psychological harm.

Applicants seeking premises licences are encouraged to propose prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle is that each application and the circumstances prevailing at each premise will be considered on their own individual merits.

The Licensing Authority acknowledges that when exercising licensing functions under the 2005 Act, it should have regard to this Policy. However, in rare cases, being reasonably consistent with the licensing objectives may lead it to make exceptions to policies or depart from the Guidance. The Guidance and this Policy cannot anticipate every possible scenario or set of circumstances that may arise and exceptions will be rare.

1.1.2 The Functions of Licensing Authorities

The Gambling Act 2005 ('the Act') places a duty on Licensing Authorities in respect of various regulatory functions in relation to gambling. The main functions of Licensing Authorities are: -

- Licensing premises for gambling activities.
- Considering notices given for the temporary use of premises for gambling.
- Granting permits for gaming and gaming machines in clubs and miners' welfare

institutes¹ (where appropriate).

- Regulating gaming and gaming machines in alcohol licensed premises.
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines.
- Granting permits for prize gaming.
- Considering occasional use notices for betting at tracks
- Registering small societies' lotteries

The Gambling Commission has responsibility for dealing with personal licences and operating licences.

1.1.3 The Licensing Objectives

The Act regulates almost all gambling that takes place in England and Wales, with exception of exempt gambling as specified under the Act and the National Lottery which has its own legislation.

Responsibility for administering and enforcing the legislation is split between the Gambling Commission and Licensing Authorities. For the purposes of the Act Spelthorne Borough Council ('the Council') is the Licensing Authority.

The overriding objective of the Licensing Authority is to regulate gambling in the public interest. Accordingly, in exercising the functions under the Act, the Licensing Authority will have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way.
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

When exercising functions for the licensing of premises for gambling, Licensing Authority will also act in accordance with section 153 of the Act which requires the Licensing Authority to permit the use of premises for gambling as far as they believe: -

- a) is in accordance with any relevant code of practice under section 24.
- b) is in accordance with any relevant guidance issued by the Commission under section 25.
- c) is consistent with the licensing objectives (subject to paragraphs (a) and (b)).
- d) is in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

Section 153(2) of the Act states that when determining an application licensing authorities cannot consider demand for facilities to be provided at gambling premises.

1.2 Spelthorne Borough – Local Area Profile

Spelthorne's local area profile is an assessment of the local environment and identifies the

¹ Definition: - also known as working men's clubs, workingmen's institutes, mine workers' institutes, or miners' welfare halls.

key characteristics of the Borough. It is intended that the local area profile will provide the Council's staff, operators, and public with a better understanding and awareness of the gambling-related risks in the Borough. In this context, risk includes actual and potential risk and considers any future or emerging risks.

Located in Surrey, approximately 16 miles from central London, Spelthorne benefits from good transport links to both London and the southeast via both the road and rail network. In addition, the proximity of Heathrow Airport and easy access to Gatwick via the motorway network further serves to make the Borough accessible and attractive to both individuals and businesses.

Covering an area of approximately 19.75 sq. miles, Spelthorne has a population of approximately 103,000 (2021 Census) compared to 95,598 in 2011. Over that ten-year period there has been a marginal increase in the under 19's (from 22.7% to 22.9%), a decrease in the working age population from 59.8% to 58.8% and an increase in over 65's (from 17.4% up to 18%). It is home to over 7,500 businesses including BP, Pinewood (Shepperton Studios), dnata and Woodgroup Ltd. Kempton Park is a key visitor attraction.

Located where the continuous built-up area of London gives way to a more dispersed pattern of urban areas and villages. The urban area of the Borough occupies about 35% of the total area, while the land outside the urban area covers about 65% of the Borough and is designated as Green Belt. 22% of the Borough is water.

Spelthorne adjoins the River Thames with the river frontage extending for 12 miles (the longest stretch of any council) and demarcates one of the boundaries of the Borough. The Borough is also crossed by two tributaries, the Ash and the Colne. The Borough is flat and low lying and consequently liable to flooding. About 20% of the urban area is liable to flood in a 1 in 100-year flood event or surrounded by flood water and over 49% of the urban area would be flooded in a 1 in 1,000-year event.

The Local Area Profile itself is a separate document from this policy, this enables timely changes to the profile to be made as and when changes occur, or additional information is made available. This can be found here: - [Spelthorne population data - Spelthorne Borough Council](#). A Map of Spelthorne is set out at **Annex 1**.

1.3 Consultation

The full list of consultees consulted in the preparation of this Statement of Policy is attached as **Annex 2**.

1.4 Declaration

This statement of policy has been prepared with due regard to the licensing objectives, the guidance to licensing authorities issued by the Gambling Commission, and with due weight attached to any responses received from those consulted.

1.5 Responsible Authorities

The Responsible Authorities, as defined by section 157 of the Act, must be notified of all gambling licence applications. Details of the Responsible Authorities are provided at **Annex 3**.

Concerns expressed by a Responsible Authority in relation to their own functions can only be considered if they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally consider representations that are deemed to be irrelevant, that is: -

- there are too many gambling premises in the locality.
- the premises are likely to be a fire risk.
- the location of the premises is likely to lead to traffic congestion.
- the premises will cause crowds to congregate in one area causing noise and nuisance.

Each representation will be considered on its own merits.

1.5.1 Protection of children

Section 157(h) of the Act permits the Council's to designate a competent body to advise them on the protection of children from harm. In doing so the Council will ensure that the following principles are applied: -

- the need for the body to be responsible for an area covering the whole of the licensing authority's area.
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group, etc,

Having regard to the above principles and part 6 of the Guidance, the Council designates the **Surrey County Council Children's Service** for this purpose.

1.6 Interested Parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. The Act defines interested parties as persons who in the opinion of the Licensing Authority: -

- a) live sufficiently close to the premises and are likely to be affected by the authorised activities.
- b) have business interests that might be affected by the authorised activities.
- c) represent persons who satisfy paragraph (a) or (b).

Whether or not a person is an interested party is a decision that will be taken by the Licensing Authority on a case-by-case basis. However, the following factors will be considered: -

- the size of the premises.
- the nature of the premises.
- the distance of the premises from the location of the person making the representation.
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment).
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident; (b) a residential school for children with truanting problems; and (c) residential hostel for vulnerable adults.

- the 'catchment' area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area that might be affected.

This list is not exhaustive and other factors may be taken into consideration in an individual case.

The Licensing Authority considers the following bodies/associations to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities: -

- trade associations
- trade unions
- residents' and tenants' associations
- ward/county councillors
- MPs

This list is not exhaustive, and the Licensing Authority may consider other bodies/associations/ persons to fall within the category in the circumstances of an individual case.

The Licensing Authority may require written evidence that the person/association/body represents an interested party.

1.7 Exchange of Information

The Licensing Authority regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Licensing Authority's functions, and to maintaining confidence between the people/bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly.

Information provided to the Licensing Authority in connection with the Gambling Act may not be held confidentially if in fulfilment of its functions the Council is under a duty to share the information, with for example: -

- the Gambling Commission
- other public bodies, or
- legitimate consultees

In handling the information it receives consideration will be given to guidance issued by the Gambling Commission, and to the Council's duties under the General Data Protection Regulation, and the Freedom of Information Act.

Any person wishing to obtain further information about their rights under the Data Protection Act 2018, Freedom of Information Act 2000, or the General Data Protection Regulation may view the Council's policies at www.spelthorne.gov.uk

1.8 Enforcement

The Act requires licensing authorities to state the principles they will apply when exercising their functions under Part 15 of the Act, with regards to inspecting premises, and its powers under section 346 of the Act to institute criminal proceedings in respect of the

offences specified. The Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be: -

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised.
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny.
- Consistent: rules and standards must be joined-up and implemented fairly.
- Transparent: regulators should be open and keep regulations simple and user friendly.
- Targeted: regulation should be focused on the problem and minimise side effects.
-

In accordance with the Gambling Commission's Guidance to Licensing Authorities, The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is reasonably possible.

The Licensing Authority has adopted and implemented a risk-based inspection programme based on: -

- The licensing objectives.
- Relevant codes of practice.
- Guidance issued by the Gambling Commission, particular with reference to Part 36.
- The principles set out in this statement of licensing principles.

The Licensing Authority's main enforcement and compliance role in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. In the application of its duties the Licensing Authority will have regard to the principles of "Better Regulation" as outlined by the Department for Business Innovation and Skills in the regulators code April 2014.

1.9 Reviews of Premises Licences

Requests for a review of a premises licence can be made by interested parties or responsible authorities (it should be noted that there is no mechanism to review any permit or notice). However, it is for the Licensing Authority, to decide whether a request will result in a review. Such a decision will be taken in consideration of, amongst other matters, the following: -

- any relevant code of practice or guidance issued by the Gambling Commission.
- the licensing objectives.
- the Licensing Authority's Statement of Policy.
- whether the request is considered frivolous, vexatious, or whether it will certainly not cause the authority to wish to alter or revoke or suspend the licence.
- whether the request is substantially the same as previous representations or requests for a review.

The Licensing Authority may also initiate a review of a premises licence. The purpose of such a review would be to determine whether it should take any action in relation to the licence. Following a review, the actions open to the Licensing Authority are: -

- add, remove, or amend a licence condition imposed by the Licensing Authority.
- exclude a default condition imposed by the Secretary of State or remove or amend such an exclusion.

- suspend the licence for any period not exceeding three months.
- revoke the licence.

In considering what action, if any, should be taken following a review the Licensing Authority must have regard to the principles set out under section 153 of the Act, as well as any relevant representations.

2. Premises Licences

2.1 Decision making – General

In accordance with Section 153 of the Act, the Council shall aim to permit the use of premises for gambling in so far as it considers it to be: -

- in accordance with relevant codes of practice issued by the Gambling Commission
- in accordance with relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and in accordance with the authority's statement of licensing policy

The Council will not have regard to demand for facilities proposed to provide, or the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Moral objections to gambling will not be considered by the Council as they are not a valid reason for rejecting an application for a premises licence.

Each case will be considered on its individual merits. However, to assist applicants and objectors alike, this section sets out the general factors that will be considered by the Licensing Authority when considering applications for premises licences.

This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome, and collect any winnings.

2.2 Premises “ready for gambling”

The Licensing Authority should not take into consideration matters that are not related to gambling and the licensing objectives. Licensing Authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence). This is why the Act allows a potential operator to apply for a provisional statement if construction of

the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of the Guidance gives more information about provisional statements.

2.3 Local Risk Assessments

The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern:

- Schools
- Vulnerable adult centres
- Residential areas with a high concentration of children

Much will depend upon the type of gambling that it is proposed will be offered on the premises. The Council will, where appropriate, consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant will be invited to show how they propose to overcome such concerns. The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures, and control measures to mitigate those risks. The introduction, during 2016, of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission, and the industry to work in partnership to address local issues and concerns.

Licensees must review (and update as necessary) their local risk assessments: -

- to take account of significant changes in local circumstances, including those identified in a Licensing Authority's statement of licensing policy.
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- when applying for a variation of a premises licence.
- and in any case, undertake a local risk assessment when applying for a new premises licence.

Licensees are expected to share their risk assessment with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

When compiling their risk assessments, it is expected that licensees will refer to Spelthorne's Local Area Profile.

Under the code of practice, the requirement to share risk assessments with the Council is not mandatory; however, the Council will expect licensees to do this unless there are exceptional circumstances that are accepted by the Council, and which would exempt a licensee from the requirement to share their risk assessment.

The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area

- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

Where specific local risks are identified, the risk assessment should set out how the operator proposes to mitigate and monitor these risks. The risk assessment should also show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and any other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

2.4 Plan

The Licensing Authority expects applications for premises licences to be accompanied by a plan of the premises to scale.

2.5 Multiple licences / layouts of buildings

Premises are defined in the Act as including 'any place', but no more than one Premises Licence can apply in relation to any one place. A single building can be subject to more than one Premises Licence, provided they are for different parts of the building and those parts can reasonably be regarded as being different premises.

The Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes.

The Licensing Authority will consider this and other relevant factors when making its decision, depending on all the circumstances of the case.

Paragraph 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which the Licensing Authority will consider in its decision-making.

In accordance with the Gambling Commission guidance, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

2.6 Provisional Statements

Developers may wish to apply for a provisional statement before entering into a contract to buy or lease premises or land so that they can judge whether the development is worthwhile. There is no requirement for an applicant to hold an operating licence before applying for a provisional statement. Applicants must comply with section 204 of the Act.

2.7 Licence Conditions and Codes of Practice

The Licensing Authority will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions about self-exclusion and marketing are included in the social responsibility code. The Licensing Authority will take all conditions and codes into account when considering applications or performing enforcement activities.

2.6 Risk Assessments: Betting Premises

Risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The code requires all operators of Casinos, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops, and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures, and control measures in place to mitigate those risks.

Operators are required by the Social Responsibility code to make the risk assessment available to the Licensing Authority when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Licensing Authority's inspection regime and may be requested when officers are investigating complaints.

While applications will be considered on a case-by-case basis, the matters to be considered by operators when making their risk assessment could include: -

- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall.
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment, and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- Matters relating to children and young persons, including: -
 - Institutions, places, or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, and entertainment venues such as bowling allies, cinemas etc.
 - Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
 - Areas that are prone to issues of youths participating in anti-social behaviour (including such activities as graffiti/tagging, underage drinking, etc.) and therefore more likely to have a higher number of youths loitering in close proximity.
 - Recorded incidents of attempted underage gambling.
- Matters relating to vulnerable adults, including: -
 - Information held by the licensee regarding self-exclusions and incidences of underage gambling.
 - Gaming trends that may mirror days for financial payments, such as pay days or benefit payments.
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
 - Proximity of premises which may be frequented by vulnerable people such as those in hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

This list is not intended to be exhaustive, and operators should include in their assessment any matter that they deem relevant. The Licensing Authority does expect any assessment to include information on the provisions of information on gambling responsibly, as well as self-exclusion measures – and how readily available both are on a premises.

2.9 Conditions

Conditions may be imposed upon a premises licence in several ways. These are: -

- (a) **Mandatory** – set by the Secretary of State (some set out on the face of the Act) and some to be prescribed in regulations, for all, or classes of licence.
- (b) **Default** – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the Licensing Authority.
- (c) **Specific** – conditions that can be attached to an individual licence by the Licensing Authority.

Conditions imposed by the Licensing Authority will be proportionate to the circumstances that they are seeking to address. In particular, the Licensing Authority will ensure that premises licence conditions:

- are relevant to the need to make the proposed building suitable as a gambling facility.
- are directly related to the premises and the type of licence applied for.
- are fairly and reasonably related to the scale and type of premises.
- are reasonable in all other respects.

The Licensing Authority will not apply conditions upon a premises licence in relation to the following matters: -

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition.
- Conditions relating to gaming machine categories, numbers, or method of operation.
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).
- Conditions in relation to stakes, fees, winning or prizes.

Conditions that are additional to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licensing objectives.

2.10 Door Supervisors

If the Licensing Authority do consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors, such persons will be required to hold the appropriate licence from the Security Industry Authority (SIA).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the Private Security Industry Act 2001.

The Licensing Authority will only impose a condition requiring door supervisors where such a condition is considered necessary and proportionate to be compatible with the licensing objectives.

2.11 Adult gaming centres

Adult gaming centre premises provide higher pay-out gaming machines. Persons operating this type of gaming centre must obtain an operating licence from the Commission and a premises licence from the Licensing Authority. This will allow the operator to make category B (B3 and B4), C & D machines available to their customers. No one under the age of 18 is permitted to enter an adult gaming centre.

“Gaming machines” means “a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes).”

When considering licence applications for adult gaming centres, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Licensing Authority will therefore expect applicants to demonstrate that there will be sufficient measures in place about this objective.

Applicants are encouraged to consider the following steps: -

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of and entry to premises (to minimise the opportunities for children to gain access)
- Notices / signage
- Training for staff on challenging persons suspected of being underage.
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Betwatch schemes

This list is not exhaustive and is merely indicative of example measures.

2.12 Licensed family entertainment centres

Operators of licensed family entertainment centres will require an operating licence from the Gambling Commission, and a premises licence from the Licensing Authority. This will allow the operator to make category C & D machines available to their customers.

Children and young persons will be able to enter licensed family entertainment centres and play on category D machines but will not be permitted to play on category C machines. As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the Licensing Authority will normally require that: -

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where the machines are located.
- Access to the area where the machines are located is supervised.
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited for persons under 18.

Applicants are therefore encouraged to consider the steps set out in this policy in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following: -

- Physical separation of areas.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.13 Tracks

Tracks are sites (including racecourses and dog tracks) where a race or other sporting events take place. Operators of tracks will require a premises licence from the Licensing Authority, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

It will be a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided, and any area where a gaming machine, other than a category D machine, is situated. Special dispensation from this rule is provided for dog tracks and horse racecourses, on days when racing takes place, in relation to the areas used for betting. On these days families will be entitled to attend the track or racecourse, and children enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided, and the Licensing Authority will therefore wish to ensure that suitable measures are in place to prevent children from entering such areas.

Applicants should consider the steps set out in this policy to prevent the access of children and young people to machines of category B & C. In addition, applicants should consider the following: -

- Physical separation of areas.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

Gaming machines at Tracks

Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track.

The Licensing Authority will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

Condition on rules being displayed at Tracks

The Licensing Authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

Applications and plans for Tracks

The Licensing Authority will require the following information from applicants for premises licences in respect of tracks: -

- detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”).
- in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.

Plans will need to make it clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

2.14 Travelling Fairs

It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. It has been noted that the 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

2.15 Casinos

No Casinos resolution - The Licensing Authority has not issued a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

2.16 Betting Premises

This paragraph deals with off-course betting, that is betting that takes place other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the Licensing Authority.

The holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.

The Licensing Authority may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Licensing Authority will consider the following: -

- the size of the premises.
- the number of counter positions available for person-to-person transactions.
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

The Licensing Authority will therefore expect applicants to have fully considered these issues in their application and risk assessments and may ask for alterations to plans where it is not satisfied that adequate supervision of the machines can be ensured. The Licensing Authority will only restrict the number of betting machines where there is evidence that breaches of the licensing objectives have occurred or are likely to occur.

2.17 Bingo

Operators of premises offering bingo (cash or prize) will require a bingo operating licence from the Gambling Commission, and a Premises Licence from the Licensing Authority. The holder of a bingo premises licence may, in addition to bingo in all its forms, make available for use up to four category B gaming machines (B3 & B4) and any number of category C & D machines.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will normally require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- only adults are admitted to the area where the machines are located.
- access to the area where the machines are located is supervised.
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

2.18 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operator's licence wishes to use the premises temporarily for providing facilities for gambling.

If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenues & Custom or any other Licensing Authority in whose area the premises are situated, the Council will hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it will issue a counter-notice which may: -

- prevent the temporary use notice from taking effect.
- limit the activities that are permitted.
- limit the time period of the gambling.
- allow the activities to take place subject to a specified condition.

The Council will apply the principles set out in this Statement of Policy to any consideration as to whether to issue a counter-notice.

2.19 Occasional Use Notices (OUNs)

Occasional Use Notices allow licensed bookmakers to provide betting facilities at genuine sporting events for a short period of time, without needing a full betting premises licence. The event must be temporary or infrequent. For example, at point-to point racecourses or major golf tournaments.

3 Permits

3.1 Unlicensed Family Entertainment Centre gaming machine permits

Paragraph 3.1 constitutes a Statement of Principles in accordance with paragraph 7 of Schedule 10 of the Act. Unlicensed family entertainment centres (UFECs) require a permit from the local Licensing Authority. Permits have effect for 10-years unless they are surrendered or lapse.

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Licensing Authority. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence (thereby becoming a licensed family entertainment centre) from the Gambling Commission and a premises licence from the Licensing Authority.

The Council can grant or refuse an application for a permit but cannot attach conditions. The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Council will also expect applicants to include/demonstrate: -

- what staff should do if they suspect that truant children are on the premises.
- how staff should deal with unsupervised young children on the premises.
- how staff should deal with children causing perceived problems on or around the premises.
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act);
- that staff are trained to have a full understanding of the maximum stakes and prizes.

3.2 (Alcohol) Licensed premises gaming machine permits

Premises licensed to sell alcohol for consumption on the premises, can automatically have two gaming machines, of categories C and/or D. The holder of the premises licence under the Licensing Act 2003, authorising the sale of alcohol will simply need to notify the Licensing Authority, and pay the prescribed fee.

The Licensing Authority may remove the automatic authorisation of any particular premises if: -

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- gaming has taken place on the premises that breaches a condition of section 282 of the Act.
- the premises are mainly used for gaming.
- an offence under the Act has been committed on the premises.

If a premises wishes to have more than two machines, then the holder of the premises licence will need to apply for a permit. The Licensing Authority shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Licensing Authority shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Licensing Authority will expect applicants to demonstrate: -

- That there will be sufficient measures in place to ensure that under 18-year-olds do not have access to the adult only gaming machines.
- Measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- Notices and signage.

With respect to the protection of vulnerable persons, the Licensing Authority will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. An application for an Adult Gaming Centre premises licence would be necessary in these circumstances. The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Licensing Authority will not attach any other conditions in granting such an application.

The holder of such a permit will be required to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

3.3 Prize gaming permits

Applicants for prize gaming permits should set out the types of gaming that he or she is intending to offer. The applicant will be required to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this type of permit the Licensing Authority does not need to have regard to the licensing objectives but will have regard to any Gambling Commission guidance. Weight will be given to child protection issues. Relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Licensing Authority.

The Licensing Authority may grant or refuse an application for a permit but will not attach any conditions. However, there are four conditions in the Act that permit holders must comply with. These are: -

- the limits on participation fees, as set out in regulations.
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played.
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize).
- participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club gaming and club machine permits

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D).

Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.

The Licensing Authority will only refuse such an application on one or more of the following grounds: -

- the applicant does not fulfil the requirements for a members' or commercial club or and therefore is not entitled to receive the type of permit for which it has applied.
- the applicant's premises are used wholly or mainly by children and/or young persons.
- an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities.
- a permit held by the applicant has been cancelled in the previous ten years.
- an objection has been lodged by the Gambling Commission or the Police.

There is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced.

The grounds on which an application under the fast-track procedure may be refused are;

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12.
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming.

- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Licensing Authority may grant or refuse an application for a club gaming or club machine permit, but will not attach any conditions. However, there are several conditions in the Act that the holder must comply with.

3.5 Cancellation of Permits Gaming /Machine Permits

The authority may cancel a permit in specified circumstances, which includes if the premises are used wholly or mainly by children or young persons, or if an offence under the Act has been committed. Before it cancels a permit an authority must notify the holder giving 21-days' notice of intention to cancel, it must consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

4. Small Local Society Lotteries

4.1 Small Society Lottery Registrations

A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up.

Small Society Lotteries do not require a licence but must be registered with the Licensing Authority in the area where the society's principle premises is situated. An application to register a Small Society Lottery should be on the relevant application form, available from the website given below, and accompanied by any necessary documents and the appropriate fee. The maximum prize per ticket in either money or monies worth is £25,000.

In determining whether to grant or renew a small society lottery registration, the Licensing Authority will have regard to the Guidance to Local Authorities issued by the Commission. Societies may wish to refer to the relevant section of the Licensing Authority's website www.spelthorne.gov.uk for full details on how to register and maintain small society lottery registrations. It also details the steps that promoters have to take to comply with the legislation.

The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

5. Exempt Gambling

The Licensing Authority has no control over Gambling in these circumstances, provided the specific requirements are complied **with** and any limits on stakes and prizes are observed.

5.1 Non-commercial gaming

There are two types of non-commercial gaming allowed: non-commercial prize gaming and non-commercial equal chance gaming. Neither of these require any authorisation provided the maximum stakes and prizes are not exceeded. In each case the gaming can be

incidental to another activity, or the activity itself. It must be non-commercial which means there must be no private profit or gain. However, the proceeds of such events may benefit an organisation, group or one or more individuals if the activity is organised: -

- by, or on behalf of, a charity or for charitable purposes.
- to enable participation in, or support of, sporting, athletic or cultural activities.

5.2 Non-commercial prize gaming

In this case, the prize should be determined in advance and not be dependent on the number of players or monies staked. The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

5.3 Non-commercial equal chance gaming

In this case, the stakes per player cannot exceed £8. In addition, the aggregate value of prizes in all games played at a single event cannot exceed £600 (but if the event is the final one of a series in which all the players have previously taken part, a higher prize fund of up to £900 is allowed). The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track). This can include casino nights and race nights.

5.4 Private Gaming

This covers situations where the public are not admitted to the gaming. This includes residential and domestic premises and workplaces.

This can include casino nights and race nights.

5.5 Domestic gaming

Non-equal chance gaming can be played in private dwellings on domestic occasions provided no participation charge is made.

5.6 Residential gaming

Non-equal chance gaming can be played in hostels or halls of residence provided at least 50% of the participants are residents.

5.7 Non-commercial and private betting

This is betting in domestic premises or workplaces. In domestic premises the participants must habitually reside there, and for workers betting the participants must be employed by the same employer.

5.8 Incidental non-commercial lottery

These can take place as an incidental activity at another non-commercial event, e.g. a raffle at a dinner or a tombola at a garden party. No registration or permission is required provided the following requirements are met.

- Tickets can only be sold on the premises where the event takes place to people present and while the event is taking place.
- The draw must take place at the event and the results must be announced while the event is taking place.
- No rollovers are allowed.
- The maximum deduction allowed for prizes from the proceeds is £500.

- The maximum deduction allowed for organising costs from the proceeds is £100.

5.9 Exempt gambling in pubs

Various types of gambling can take place in premises that are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises and which have a bar at which alcohol is served to customers, but this does not apply where the sale of alcohol can only take place as being ancillary to the sale of food.

5.10 Equal chance gaming in pubs

Equal chance gaming up to specified limits on stakes and prizes can take place, and this includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo, and poker. The following requirements must be met:

- The maximum stakes and prizes for each type of game must not be exceeded (£5 maximum stake for any game of chance except poker, dominoes and cribbage. For poker the maximum stake is £5, a daily maximum of £100 in aggregate stakes cannot be exceeded and the maximum prize limit is £100. There are no limits on stakes and prizes for dominoes or cribbage).
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice.
- No participation fees can be charged and no levy taken from stakes or prizes.
- The games cannot be linked to any other games in other premises.
- Nobody under 18 years old can take part.

5.11 Bingo in pubs

Low-turnover bingo where the aggregate of stakes and prizes in a seven-day period does not exceed £2000 can take place.

5.12 Exempt gambling in Clubs

There are two types of club for the purposes of the Act: members' clubs (including miners' welfare institutes- sometimes known as workingmen's institutes/working men's club) and commercial clubs. The club must be established for purposes other than gaming, but there is an exception for bridge or whist clubs. The exempt gaming that can take place differs according to the type of club. If a club has a club gaming permit, additional games and higher stakes and participation fees apply (see paragraph 3.4 above)

5.13 Equal chance gaming in clubs

Equal chance gaming with no specified limits on stakes and prizes (except for poker) can take place. The following requirements must be met: -

- Only club members (who have been members for at least 48 hours) or a bona fide guest of a member can participate.
- Except for poker, there is no maximum stake or prize.
- For poker there is a £10 maximum stake, a daily maximum of £250 in aggregate stakes and a seven-day maximum of £1000 in aggregate stakes cannot be exceeded, and the maximum prize limit is £250.
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice.
- A maximum participation fee of £1 can be charged but no levy taken from stakes or prizes (however if the games are bridge or whist, on a day when no other gaming is permitted, participation fees of up to £18 per person can be

- charged).
- The games cannot be linked to any other games in other premises.
 - Nobody under 18 years old can take part.

5.14 Bingo in clubs

Low-turnover bingo where the aggregate of stakes and prizes in a 7-day period does not exceed £2000 can take place in all types of club.

5.14 Bridge and Whist clubs

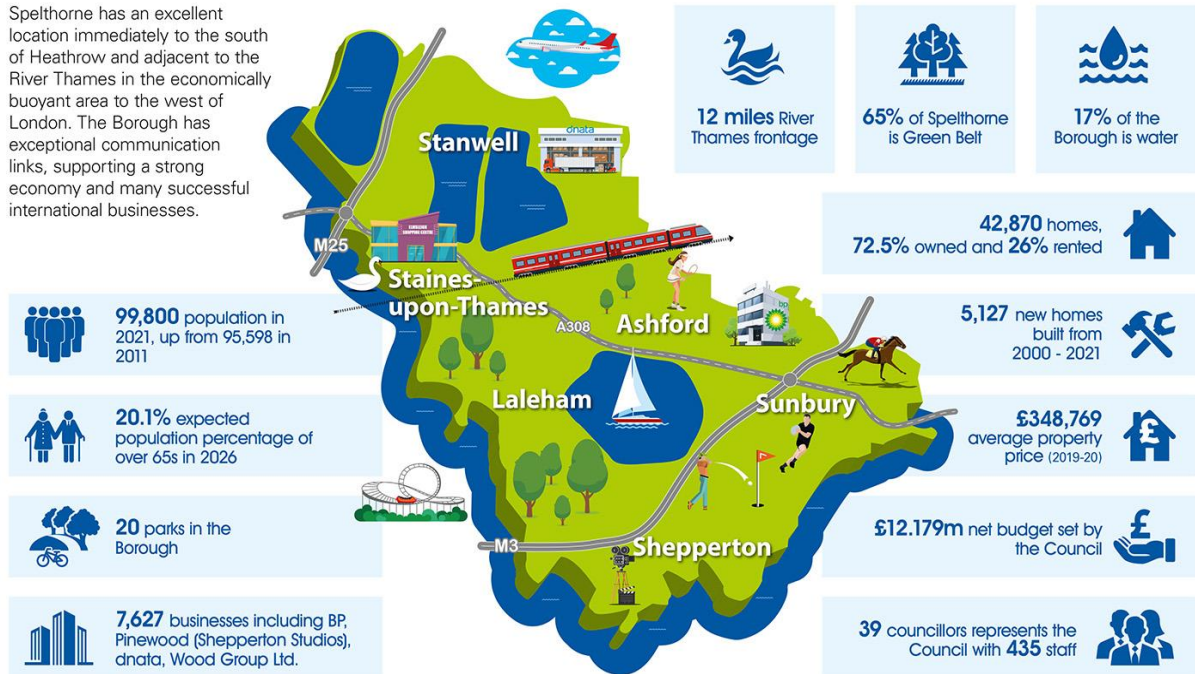
Unlimited stakes bridge or whist can be played. In addition participation fees (up to £18) can be charged.

APPENDICES

Annex 1 – Local area profile

Spelthorne in numbers

Spelthorne has an excellent location immediately to the south of Heathrow and adjacent to the River Thames in the economically buoyant area to the west of London. The Borough has exceptional communication links, supporting a strong economy and many successful international businesses.



Annex 2 - List of Consultees

Persons or bodies representing the interests of those carrying on a gambling business in the borough:	Persons or bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions:	Current holders of licenses, permits etc. in Spelthorne:
Association of British Bookmakers mail@abb.uk.com	All Elected (Ward) Councillors, Spelthorne Borough Council	Representatives of Premises Licence holders with section 34 gaming permits (including Breweries that hold Premises Licences for premises that sell alcohol)
Association of Licensed Multiple Retailers info@almr.org.uk	All "Responsible Authorities" as defined under the Gambling Act, see Annex 3.	Representatives of Qualifying Clubs with Club Premises Certificates
British Amusement Catering Trade Association info@bacta.org.uk	All departments within Spelthorne Borough Council	
British Amusement Catering Trade Association info@bacta.org.uk	Citizen Advice Bureau Sunbury Library admin@randscab.org.uk	Neighbouring London, County and District Councils: <ul style="list-style-type: none"> • London Boroughs of: Hounslow, Hillingdon & Richmond; (licensing@hounslow.gov.uk) (licensing@hillington.gov.uk) (licensing@richmond.gov.uk) • Elmbridge Borough Council (licensing@elmbridge.gov.uk) • Royal Borough Of Windsor & Maidenhead (licensing@rbwm.gov.uk) • Runnymede Borough Council (licensing@runnymede.gov.uk) • Woking Borough Council

		(licensing@woking.gov.uk)
British Beer & Pub Association contact@beerandpub.com	The Lotteries Council frank@lotteriescouncil.org.uk	
British Institute of Innkeeping BII and BIIAB Customersupport@biab.co.uk	Society for the Study of Gambling support@gamblingtherapy.org	
British Horseracing Authority info@britishhorseracing.com	Gamblers Anonymous sr.pro@gamblersanonymous.org.uk	
Federation of Licensed Victuallers admin@flva.co.uk	Gamcare info@gamcare.org.uk	
Ladbrokes Betting and Gaming Ltd richard.royal@ladbrokes.co.uk	The Samaritans admin@samaritans.org	
William Hill Plc jnorris@williamhill.co.uk	Responsibility in Gambling Trust support@gamblingtherapy.org	
Gala Coral group help@coral.co.uk	Catalyst Alcohol & Drug Advisory Service info@catalystsupport.org.uk	
The Bingo Association info@bingo-association.co.uk	Surrey Chamber of Commerce louise.punter@surrey-chambers.co.uk	
Working Men's Club & Institute Union info@wmciu.org	Surrey Trading Standards business.advice@surreycc.gov.uk	
Racecourse Association Ltd info@racecourseassociation.co.uk	Surrey Youth Offending Team Head of Service: jamie.cottington@surreycc.gov.uk	
	The Salvation Army info@salvationarmy.org.uk	

Note: This list is not intended to be exhaustive. Comments and Observations Were welcomed from anyone interested in this policy. Should you have any comments about this policy statement please send them via e-mail or letter using the details in Annex 3.

Annex 3 - Schedule of Responsible Authorities

For the purposes of the Act, Responsible Authorities are public bodies that must be notified of all applications and who are entitled to make representation in relation to Premises.

Spelthorne Licensing Department

Spelthorne Borough Council
Council Offices
Knowle Green
Staines
TW18 1XB
licensing@spelthorne.gov.uk

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP
licensing@gamblingcommission.gov.uk

Licensing Northern Surrey Police

Spelthorne Neighbourhood Team
PO Box 101
Guildford
GU1 9PE
licensingnorthern@surrey.police.uk

Surrey Fire & Rescue Service

Headquarters
Croydon Road
Reigate
Surrey
RH2 0EJ
sfrs.firesafety@surreycc.gov.uk

Head of Planning

Spelthorne Planning Department

Spelthorne Borough Council
Council Offices
Knowle Green
Staines
TW18 1XB
Planning.DevelopmentControl@spelthorne.gov.uk

Surrey County Council's Children's Services

Quadrant Court
35 Guildford Road

Woking
GU22 7QQ
childemployment@surreycc.gov.uk

HM Revenue & Customs

National Registration Unit
Portcullis House
21 India Street
Glasgow
Scotland
G2 4PZ
nrubetting&gaming@hmrc.gsi.gov.uk

Surrey Trading Standards

Consort House
5-7 Queensway
Redhill
RH1 1YB
trading.standards@surreycc.gov.uk

Spelthorne Environmental Health Department

Spelthorne Borough Council
Council Offices Knowle
Green Staines
TW18 1XB
Environmental.Health.Commercial@spelthorne.gov.uk

Head of Planning

Spelthorne Borough Council
Council Offices
Knowle Green
Staines-upon-Thames
TW18 1XB
planning.development.control@spelthorne.gov.uk

This page is intentionally left blank

Forward Plan

The following reports will come before the Licencing Committee for consideration in due course:

1. Taxi Licencing Policy
2. Gambling Policy
3. Pavement Policy
4. Taxi Tariff Review
5. Licencing Fees & Charges – Taxi Licencing
6. Street Trading Policy

This page is intentionally left blank