



TO THE CHAIRMAN AND MEMBERS OF THE **LICENSING COMMITTEE**

You are hereby summoned to attend a meeting of the Licensing Committee to be held on Tuesday, 6 October 2020 at 7.00 pm. The meeting will be held virtually and webcast live through the Council's website in accordance with the Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (S.I.2020 No. 392).

The agenda for the meeting is set out below.

RAY MORGAN
Chief Executive

NOTE: Filming Council Meetings

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website (www.woking.gov.uk). The images and sound recording will also be used for training purposes within the Council. By joining the meeting remotely you are consenting to being filmed.

AGENDA

PART I - PRESS AND PUBLIC PRESENT

1. Minutes
To approve the minutes of the meeting of the Licensing Committee held on 10 March 2020 as published.
2. Apologies for Absence
To receive any apologies for absence.
3. Declarations of Interest
To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.
4. Urgent Business
To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

Matters for Recommendation

5. Vehicle Specification Policy LIC20-008 (Pages 3 - 38)
Reporting Persons – Joanne McIntosh and Matthew Cobb

Matters for Determination

6. Feedback from Members on the Licensing Training Videos
Reporting Person – Joanne McIntosh
7. Proposed Points System LIC20-006 (Pages 39 - 68)
Reporting Persons – Joanne McIntosh and Matthew Cobb
8. Delegated Authority in Respect of Taxi and Private Hire Licensing LIC20-007 (Pages 69 - 82)
Reporting Persons – Joanne McIntosh and Matthew Cobb
9. Overview of Licensing 2019-20 LIC20-005 (Pages 83 - 96)
Reporting Persons – Joanne McIntosh and Matthew Cobb

AGENDA ENDS

Date Published - 28 September 2020

For further information regarding this agenda and arrangements for the meeting, please contact Doug Davern on 01483 743018 or email doug.davern@woking.gov.uk



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LICENSING COMMITTEE – 6 OCTOBER 2020

VEHICLE SPECIFICATION POLICY

Executive Summary

At the Full Council meeting of 17 October 2019 it was resolved that Council defers the implementation of the Taxi Licensing Policy from the end of March 2020 to the end of December 2020 to enable a review of the existing policy to be undertaken. A review and consultation exercise has been undertaken and the Licensing Committee is requested to consider the matters outlined with the report and vote on a recommendation to Full Council.

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL That

(i) Option 1

Woking Borough Council's Hackney Carriage Vehicle Specification for DDA/Wheelchair Accessible Vehicles continues to have effect as drafted.

The Council confirms that it is committed to take steps to ensure that all wheelchair accessible vehicles are ULEV by 2031.

(ii) Option 2

The Council adopts Woking Borough Council's Ultra Low Emissions Vehicle Specification policy.

The item(s) above will need to be dealt with by way of a Recommendation to Council.

Background Papers: Petition to Full Council October 2019

<https://moderngov.woking.gov.uk/mgConvert2PDF.aspx?ID=9169>

Woking Borough Council's Hackney Carriage Vehicle Specification for DDA/Wheelchair Accessible Vehicles

<https://www.woking.gov.uk/sites/default/files/documents/licencing/wcavs.pdf>

Vehicle Specification Policy

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Date Published: 28 September 2020

1.0 Introduction

- 1.1 Woking Borough Council adopted a Policy on 29 November 2007 requiring all Hackney Carriages to be wheelchair accessible by the March 2020.
- 1.2 It was resolved that all new taxi licences issued after April 2008 must be suitable for wheelchair accessible vehicles, but that those drivers whose existing vehicles were not wheelchair accessible, would be permitted to continue using their saloon cars (and replacing them like for like) up until 31 March 2020. Between 2008 and 2012 the exact details of the wheelchair requirements were amended. As a result of this the current policy on wheelchair accessible vehicles was finalised and agreed in 2012. The drivers have been aware since November 2007 that they have until 31 March 2020 in which to bring their vehicles in line with the policy. In adopting the policy in 2007, the Council noted the potential financial impact on drivers of the introduction of the Policy and therefore allowed for a transition period of 13 years.
- 1.3 Woking Borough Council received a petition seeking to retain a mixed fleet of taxi vehicles, allowing drivers to operate in both saloon and DDA compliant vehicles. In accordance with Woking Borough Council's arrangements for petitions, the matter has been referred for consideration by the Council on 17 October 2019.
- 1.4 At the Full Council meeting of 17 October 2019 it was resolved that:

That Council defers the implementation of the Taxi Licensing Policy from the end of March 2020 to the end of December 2020 to enable a review of the existing policy to be undertaken.
- 1.5 It was agreed that the outcome of the review would be brought back to the Council. This report outlines the options available to the Licensing Committee to determine which option they should recommend to Full Council.

2.0 Consultation

- 2.1 The Council has undertaken a consultation exercise seeking views from people who live or work in Woking as part of a consultation on wheelchair accessible taxis and how the council can reduce taxi vehicle emissions.
- 2.2 The consultation was open to all residents, licensed drivers and those who work in Woking borough. The survey took five minutes to complete and aims to gather views on features that are important to people when selecting a licensed taxi. Woking accessibility groups were also consulted.
- 2.3 A copy of the consultation response can be found at Appendix 1 to this report.

3.0 Climate Emergency

- 3.2 In the UK, road transport is now the largest source of carbon dioxide (CO₂) pollution. In July 2018, the government set-out its 'Our road to Zero' strategy to meet both short and longer term reductions in CO₂ and air quality emissions including ending the sale of conventional petrol and diesel vehicles by 2040.
- 3.3 Significant further reduction in carbon emissions can be achieved by converting to ULEV. An ULEV as defined by the Vehicle Certification Agency is currently a vehicle that emits less than 75 g/km of CO₂ from the tailpipe. The definition of ULEV will be reduced to 50g/km of CO₂ from the tailpipe from 2021. These vehicles will be either 100% electric or a hybrid model which uses electric in conjunction with either a diesel

or petrol engine.

- 3.3 In light of the above strategy and the Council's declaration of a climate emergency consideration has been given to how the Council can work towards a cleaner taxi fleet.

4.0 Options before the Licensing Committee

- 4.1 The Licensing Committee has before it two options for consideration, Option 1 – A wheelchair accessible fleet and Option 2 – Market Forces. The Licensing Committee is asked to recommend one of the options outlined below in this report to Full Council.

5.0 Option 1 – A Wheelchair Accessible Fleet

- 5.1 One of the main reasons for the introduction of the policy was to ensure compliance with section 32 of the Disability Discrimination Act 1995 which states that all Hackney Carriages must be wheelchair accessible. It should be noted that although this section was contained within the legislation it has not been enacted. Instead, the Government advised Local Authorities to be proactive on the matter. Section 160 of the Equality Act 2010 now replicates section 32 of the Disability Discrimination Act 1995. To date, this section remains inactive. However, it should be noted that in April 2017, section 167 of the Equality Act 2010 (pertaining to a list of wheelchair accessible vehicles) went live (having sat in limbo for years, much like this section), thus giving the Local Authorities evidence that the relevant sections of the act relating to taxis and wheelchairs have not totally fallen by the wayside, and they are still in the peripheral vision of the Government to be switched on at some point in the future.
- 5.2 Taxis and private hire vehicles are one of the most popular modes of transport for disabled people after the private motor car. Disabled people use taxis more than non-disabled people despite more of them living in relative poverty. Taxis provide a door-to-door service, with scope for individual assistance with the particular needs of a disabled passenger. As such it is important that these services are fully accessible to disabled travellers. For those disabled passengers who require a wheelchair accessible vehicle, they are a crucially important part of local transport provision. They will be unable to use a conventional car, and their only way of getting about will be to buy a specially adapted car or rely on the provision of charitable community transport.
- 5.3 The Council adopted a policy in November 2007 requiring all Hackney Carriages to be wheelchair accessible by March 2020. The trade has been working toward compliance since then, to date 85 vehicles are wheelchair accessible and 46 saloon vehicles.
- 5.4 Wheelchair accessible ULEV are available on the market, prices vary however they are currently notably more expensive than diesel or petrol models alternatives. It is proposed that the Council introduces a policy that all wheelchair accessible vehicles are ULEV by 2031. This should be kept under review and amended in line with technological advances and availability of models on market with the hope that all wheelchair accessible vehicles are ULEV before that date. Should Councillor's wish to pursue Option 1, further work shall be undertaken and brought back to the Licensing Committee to fulfil the commitment to have ULEV's by 2031.
- 5.5 It is important also to understand that the aim of the Equality Act 2010 and Woking Councils aims as a whole is to ensure a fairness and access to all. It is a fact that wheelchair users are a minority within the community and so when it comes to surveys and petitions, their voice is less likely to be heard. This must be taken into consideration when reviewing the petitions and surveys.

6.0 Option 2 – Market Forces

- 6.1 The Council adopts a policy which predominately focuses on Ultra Low Emissions rather than wheelchair accessible vehicles or saloon cars. The choice would be left to the drivers as to which type of vehicle, saloon or wheelchair accessible, the drivers decide to purchase and their choice would ultimately be driven by market forces and which vehicles the travelling public choose to use.
- 6.2 The Council would require that all hackney saloon vehicles are Ultra Low Emission Vehicles by 31 March 2021. All drivers whose existing vehicles are wheelchair accessible, would be permitted to continue to use wheelchair accessible vehicles until 31 March 2026. At this date, or upon earlier replacement of the vehicle, it must be replaced with an ULEV.
- 6.3 The Council acknowledges that drivers may have recently purchased a wheelchair accessible vehicle and that there would be a cost implications to replace the vehicle with a lower emission vehicle hence the period for compliance. It should be noted that there are a range of financial incentives connected to the purchase of an ULEV including a UK government plug-in car grant, an ULEV home charge point grant and reduced rates of Vehicle Excise Duty.
- 6.4 The Council will incentivise the purchase of Wheelchair Accessible Vehicles by waiving the vehicle licence fee. It is anticipated that further incentives shall need to be explored. Should the Council decide to adopt Option 2 further incentives shall be explored once the effect on the fleet is known.
- 5.6 It should be noted that should the s160 of the Equality Act 2010 be activated, a policy which allowed non wheelchair accessible vehicles, such as Option 2, would be in breach of the Act and all Hackney Vehicles that are not wheelchair accessible would need to be replaced. Should the Council proceed with Option 2 it does so on the basis that should the s160 of the Equality Act be implemented then the Council shall revert back to a wheelchair accessible policy with immediate effect.
- 5.7 A copy of the proposed Ultra Low Emissions Vehicle Specification policy is attached at Appendix 2.

7.0 Implications

Financial

- 7.1 There shall be financial implications to the Licensing Department should Option 2 be pursued and vehicle licence fees are waived in respect of wheelchair accessible ULEV.

Human Resource/Training and Development

- 7.2 None directly attributed to this report.

Community Safety

- 7.3 None directly attributed to this report.

Risk Management

- 7.4 Should s160 of the Equality Act 2010 be activated, a policy which allowed non wheelchair accessible vehicles, such as Option 2, would be in breach of the Act and all Hackney Vehicles that are not wheelchair accessible would need to be replaced.

Sustainability

7.5 None directly attributed to this report.

Equalities

7.6 The recommendation to adopt Option 2 will have a negative impact of wheelchair users seeking to use taxi's with the Borough.

Safeguarding

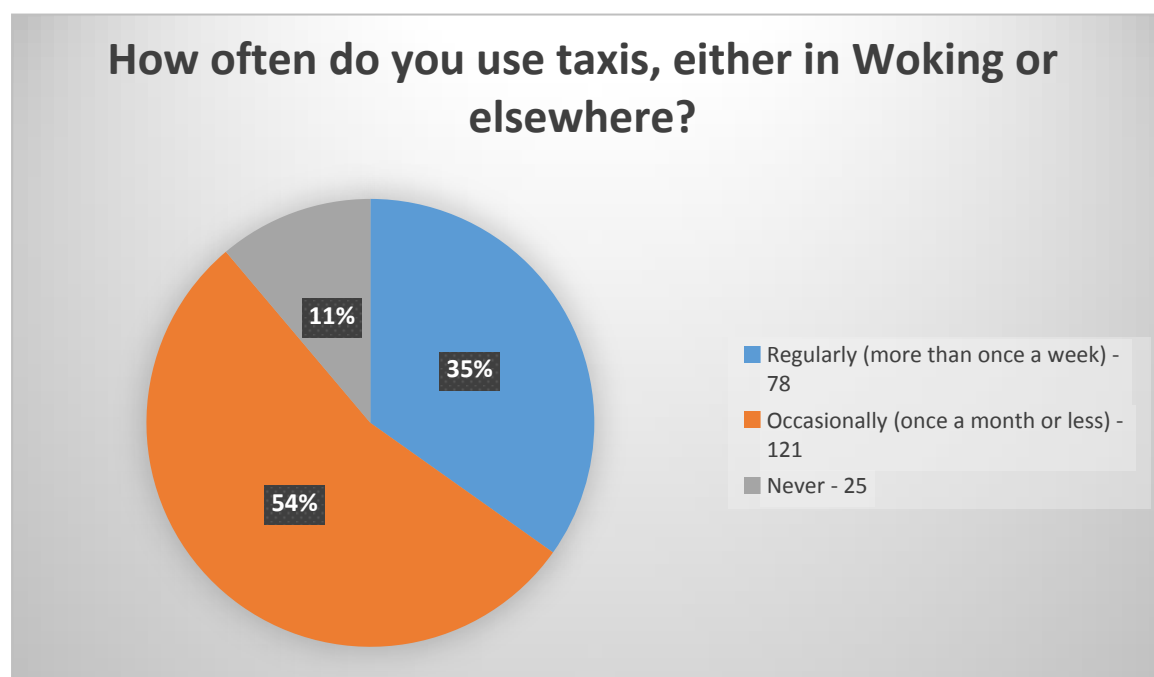
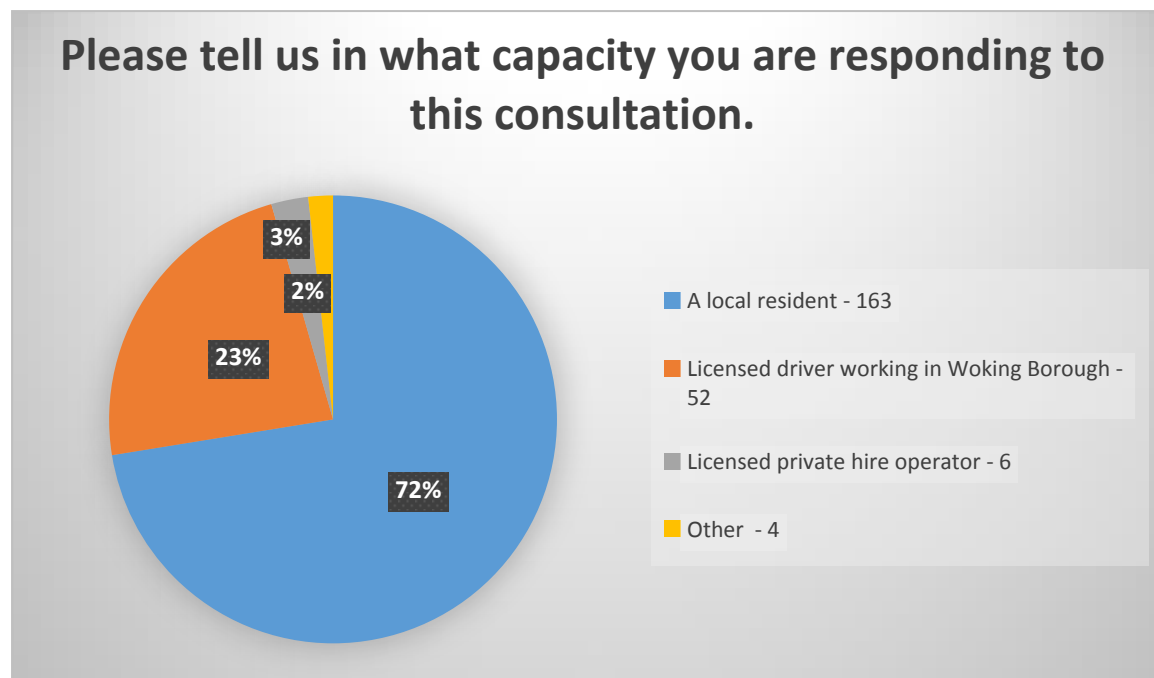
7.7 None directly attributed to this report.

8.0 Conclusions

8.1 The Options available to the Licensing Committee are outlined in the report. The Licensing Committee is requested to consider the above options and make a one of the proposed recommendations to Full Council.

REPORT ENDS

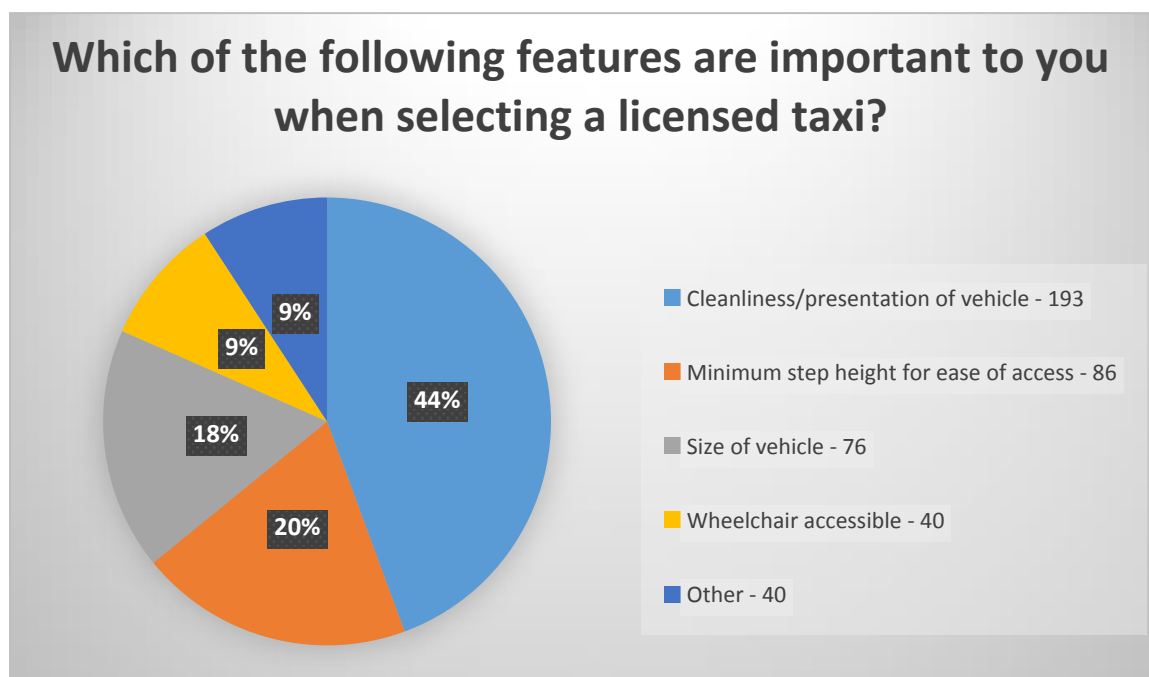
Section 1 – Overall results



Those who put “Never” were given the option of providing a reason why not.

- “I do not feel that it is safe to get into a car with a stranger where they have the ability to lock you in. You tell your kids not to get into a car with a strange man yet you would be doing exactly that. Too many stories in the local newspapers in recent years about taxi drivers charged with offences.
- “Use Uber because they take card”
- “No guarantee I’ll be able to get an accessible taxi. Fear of not being treated well”
- “I don’t trust them. I have it a try but had too many bad experiences”

- “Cars look old and unsafe, drivers appear tired and don’t drive well. Last time I took one from Woking station about 6 months ago he drove so fast and on getting out the vehicle I noticed the tyre was so bald it had metal showing !”
- “I hadn’t realised they were wheelchair accessible.”
- “Rather use private hire”
- Two respondents stated they had their own car so no need to be getting a taxi.
- Fourteen respondents were taxi or private hire drivers (or their partners were taxi drivers) themselves and therefore had no need to be getting a taxi)

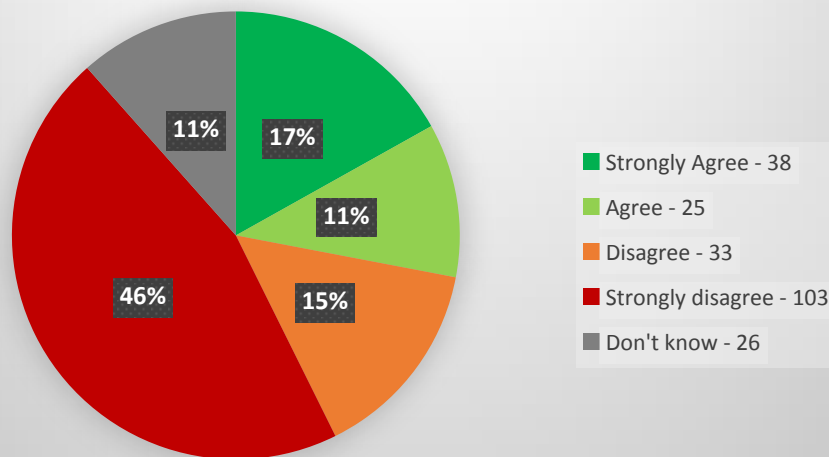


Those who opted for “other” were given a chance to specify what else was important when selecting a licensed taxi.

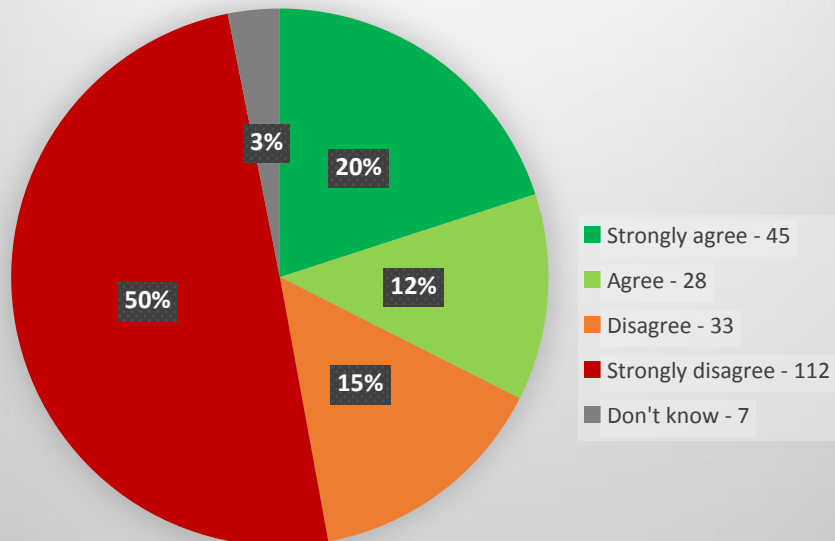
- Car Sizes, access and step height:
 - “Big cars are not suitable for all passengers. You are taking away the comfort for business customers. Many time customers have waited around till a suitable vehicle which is not too big as they bounce around in the back.”
 - “Cannot access high threshold or a seat that is not next to car door. Arthritic knees and artificial hips means i need a saloon as cannot get out of high door threshold types of Mpv unaided”.
 - “Ease of access. A high step necessitated for wheelchair access makes it harder for non-wheelchair but mobility impaired passengers to get onboard”
 - “Ease of access. Some London style taxis are difficult for me to access, I am not registered disabled but do have mobility issues. A saloon car is my current preference”
 - “hand holds to help me climb in.”
 - “Have an autistic son who has meltdowns in the larger black wheelchair taxis, prefer the saloon cars which are easier to get into and more comfortable.”
 - “I dislike the big cars”
 - “I think these big trucks should not be on the rank, there must be small cars.”

- "I want to travel in a car in comfort not a van or people carrier."
 - "If I were to use a taxi I would need to get a wheelchair in as my wife is disabled"
 - "Insisting on wheelchair accessibility for all taxis is excessive. There just need to be enough. I struggle to get onboard wheelchair accessible taxis because of the high step which makes it difficult for mobility impaired people who don't use a wheelchair. You need to make sure the steps are not too high for people with bad knees or hips."
 - "Maximum step height or seat height also, for example I cannot get into mpvs unless there is a step or steps."
 - "Prefer saloon cars rather than big MPV's with high steps !"
 - "Small cars with normal doors, sliding doors on black cabs give me anxiety"
 - "Sterilised and understanding as I am immune suppressed and struggle with mobility"
 - "The current wheelchair taxis are awful, the step doesn't work which means the height is too high for even able bodied people to get into. Sometimes the drivers refuse to use the step as well."
 - "Two big taxi is uncomfortable for %90 of customers, I had never got the wheelchair job since I started on Taxi Renk."
- Drivers in general
 - "Careful driver Punctual"
 - "drivers attitude"
 - "Good taxi company"
 - "personal safety"
 - "polite driver"
 - "Also drivers who are dressed smartly"
 - "Professional service"
 - "Reliability of the taxi company"
 - "Reputation"
 - "Safe driving"
- Car comfort and style
 - "Comfort"
 - "Comfort and overall safety of vehicle."
 - "Ride comfort and quietness"
 - "All woking taxis are the same colour like most other major town's and cities"
- Financial reasons
 - "COST"
 - "Card Payments"
 - "Price"
- Emissions related
 - "Emissions"
 - "Emissions and energy efficiency"

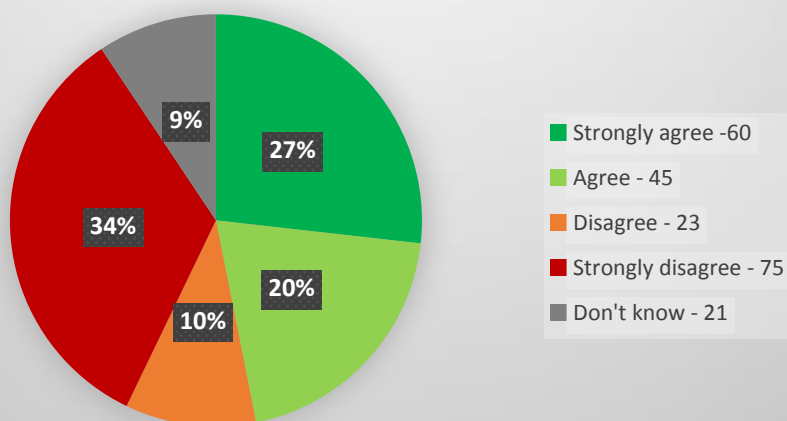
Do you agree or disagree that Woking has an unmet demand for wheelchair accessible taxis?



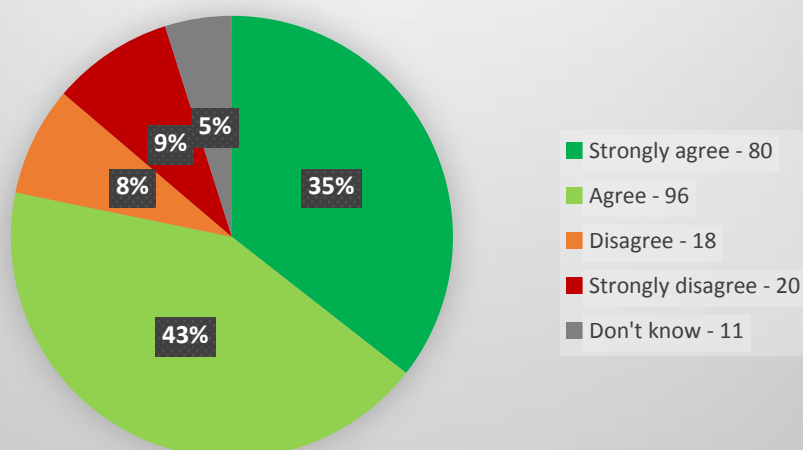
Do you agree or disagree that when taxi vehicles are replaced with new vehicles they should all be replaced with wheelchair accessible vehicles?



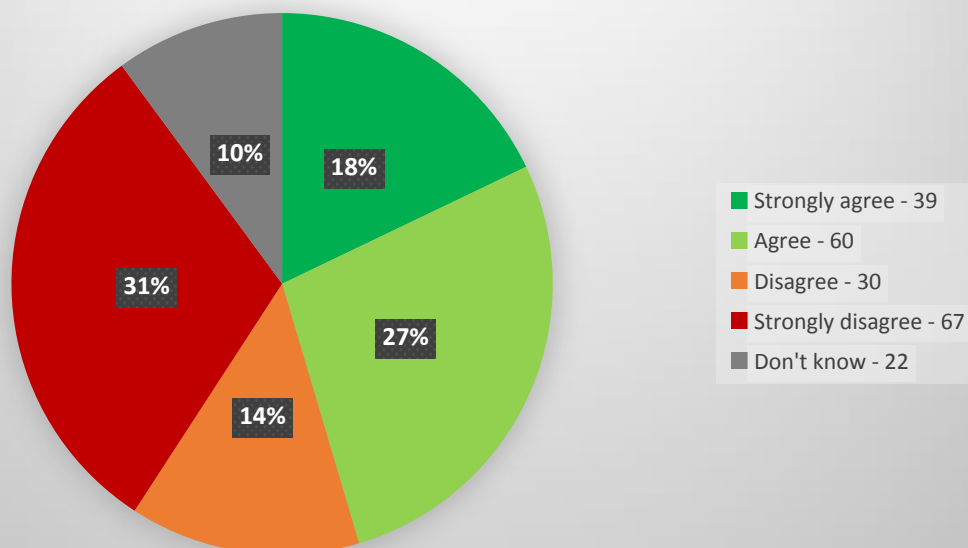
Currently the cost of licensing a wheelchair accessible taxi is the same as a non-accessible taxi. To encourage participation, should Woking Borough Council subsidise the cost of purchasing a wheelchair accessible taxis?



The Council has declared a climate emergency and is considering what can be done to reduce emissions. Do you agree or disagree that it is important that we should reduce taxi vehicle emissions to improve air quality?



To help support the reduction in vehicle emissions, do you agree or disagree that all taxi vehicles should be electric or hybrid powered vehicles?



Do you have any further comments about wheelchair accessible taxis?

- Rules for drivers
 - “1 rule for all taxi drivers “
 - “I think there should be the same rules for all taxi drivers.”

- Unmet Demand
 - “After 12 years as a DDA Compliant Driver and Vehicle operator I have never picked up a Wheelchair Passenger from either rank or ever been hailed by one. However i carry out many wheelchair journeys. wheelchair users always pre-book their taxi's so as to guarantee a suitable wheelchair accesable vehicle”
 - “Do we know how many wheelchair necessary residents we have ?”
 - “I don't think all new taxis should be wheelchair accessible, should be based on percentage of wheelchair users, 100% of people are not wheelchair users so therefore 100% of taxis do not need to be. It's another cost burden on drivers.”
 - “I don't think there is a demand or need for more wheelchair accessible taxis. Post pandemic it makes even less sense. A waste of time and money. Private hire vehicles should be enough to provide the resource for disabled people. Afterall they are already providing this function with send school runs and getting paid well for this service. I don't think the council should be wasting my money on this issue when there are more pressing issues.”
 - “I never had single job in my career They need wheelchair access”

- “I prefer travelling in a Saloon and when ever I took a taxi from Woking station I have never seen a disable person getting in a wheel chair cab.”
- “I strongly disapprove of WBC insisting that all taxis be wheelchair accessible. That has resulted in these huge mini bus-type ta is which must be costly for the drivers. Guildford seems to manage fine with saloon cars which I much prefer. I don’t think I’ve ever seen someone in a wheelchair using a taxi here. Fine, have some of them accessible but not every taxi. I think you’re penalising the drivers.”
- “Wouldn't know how many wheelchair vehicles are on station rank”
- Vehicle styles and accessibility
 - “With the rising population Woking should be seen to make progressive choices ie. Being inclusive and sustainable “
 - “All taxis should be colour branded like Guildford and Brighton”
 - “In most taxis there is a lack of headroom height. A complete lack of handrails inside, but! There is also a complete lack of supports to access for getting in and out of a taxi safely. Entry points into and out of taxis are too high (the step height from curb to the floor of the vehicle is way to high).”
 - “I walk with a stick or trolley and find it incredibly difficult to access and egress the large taxis. I cannot climb up into the cab without good handholds which often don't exist.”
 - “It's essential this service is open to everyone, regardless of mobility issues and without alternative arrangements having to be made. I.e. people with mobility issues should not have to specify their requirements or wait for a replacement taxi. They should be able to board the first taxi they come across. That's equality and we should expect nothing less.”
 - “More rear load taxi should be available”
 - “My disabled friend had to use the Bustler service which was not always available when she needed it.”
 - “Please make sure that the wheelchair cars are a much better design so that able bodied people can get into them with ease as well as people in wheelchairs. The current ones are awful and everyone complains about them, including the taxi drivers.”
 - “Stiff hip and knee joints make it impossible for me to get on board taxis adapted for wheelchair access because of their high step height. Making all taxis wheelchair accessible will prevent me from using them, which would defeat the Equality Act's purpose. There are more elderly passengers than wheelchair passengers; you should not disadvantage one group for the benefit of a smaller one.”
 - “The taxis at Woking Station are very difficult to get in and out of - the step up is so high and they are uncomfortable. I feel like I'm going to break my ankle getting in and out of them”
 - “there are many hidden disabilities where a ramped taxi would be of help to people other than wheelchair users”
 - “There are some serious issues with Woking Taxis and the service that they offer to disabled passengers. I've had taxis refuse to take me even though I can transfer out of my wheelchair. Taxi drivers won't listen and will grab my wheelchair or act in other ways that make me feel uncomfortable such as asking me questions about my disability or medical history. I don't particularly feel confident using a taxi by myself but did use to use Taxis prior to Covid”

- “They are a must for those of us that rely on their availability, and through census records, those less able to get around need to be identified by the council and informed of those taxi companies equipped to meet their needs”
- Number of vehicles
 - “Far too many in Woking when a smaller, comfortable car would be a far better option for many”
 - “Already more than enough
 - “Currently here are not enough taxis or space”
 - “Currently there are not enough taxis or space”
 - “Currently there are not enough taxis or space “
 - “Currently there are not enough taxis or space “
 - “Currently there are not enough taxis or space.”
 - “Currently there are not enough taxis or space. “
 - “Far too many taxis in woking, need to license the mini cabs better”
 - “From observation there seems to be plenty of taxis with wheelchair access. I see no need to impose costs on all taxis to have this facility when the taxi trade is already suffering from an overhang of supply, COVID 19 and the impending economic crisis.”
 - “I also work with people with disabilities and it's always a struggle to get a wheelchair accessible taxi in Woking”
 - “I believe all taxis should have equal access and be the same. We shouldn't treat or charge them differently. The demand for wheelchair taxis is very low in Woking. There is sufficient wheelchairs accessible taxis already.”
 - “I believe we do not require any additional disability access vehicles as there are many available already should they be required.”
 - “I do not know how many wheelchair accessible taxis are there in Woking but I do see many of them around. Personally I feel that the council should focus on the busses as they have far more emissions than taxis. A large number of taxis are hybrid already like Prius.”
 - “I think it would be more beneficial to reduce the number of waiting taxis at the station with engine running and blocking the surrounding roads”
 - “Limited number of taxis”
 - “lots of taxis “
 - “Lots of taxis not enough spaces”
 - “Never enough taxis”
 - “No more needed, already too many”
 - “Not enough space available at station.”
 - “Not enough space available on the station “
 - “Not enough taxis and space at station”
 - “Not enough taxis and space at the station”
 - “taxi are insufficient”
 - “There are more than enough”
 - “There are not enough spaces allocated at the stations for taxis”
 - “There aren't enough spaces or taxis”
 - “There is far too many taxis and there is not enough space on the station for taxis.”
- Saloon Cars or Wheelchair Accessible vehicles?
 - “There must be a one rule for all vehicles.”

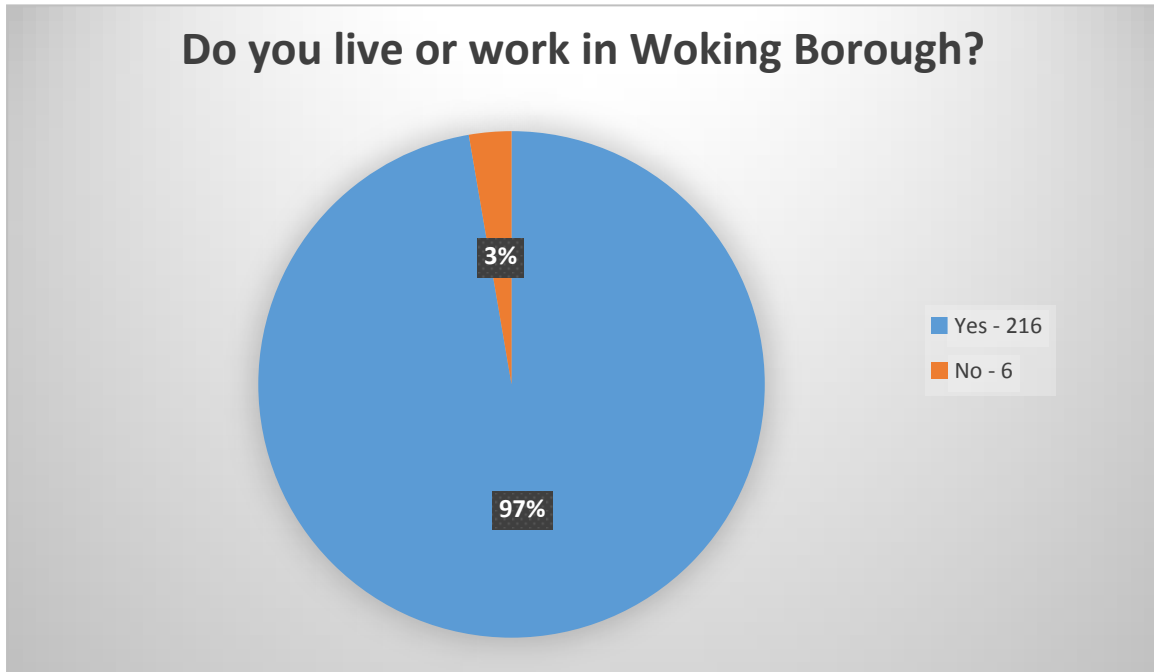
- “As a non wheelchair person I would prefer to have the option of a regular taxi in the form of a regular car. I think you should have a certain% of wheelchair accessible cars, more so than current but don’t forget the majority of users want a car which resembles a normal car
- “From environmental impact, cost and practicality, a reasonable portion of the Taxis should be wheelchair accessible. The proportion I do not know but should be possible to work out for the council. To make it fair between drivers and customers the cost difference should be covered by the tax payers.”
- “I believe customer do prefer saloon car rather than all wheelchairs accessible all of them”
- “I believe that drivers should be allowed to choose which type of car they drive and this shouldn’t be dictated by the council. There is still need for smaller vehicles, like saloons, in the borough.
- “When using a taxi I prefer to wait for a saloon for comfort reasons and dislike the disability access vehicles.”
- “I dislike large cars so strongly believe there should be a mixture of both wheel Chair accessible cars As well as small cars.”
- “I suffer backache and have knee pains and find very uncomfortable the wheelchair acciessible taxis. I only small cars now”
- “I think we have enough of those wheel chair vehicles it should be a mixed fleet as it is now”
- “I think Woking BC already has an abundance of big disabled taxis more than the smaller cars we prefer. I think the council is focusing its resources in the wrong area, most wheelchair users like my friend who has a wheelchair bound child arrange transport to come into town and use that same transport choice to go home, parents with disabled kids have to plan everything we never leave anything unplanned or to chance, people who use station taxis are people like me and my son who walk into town via the canal and then take a taxi home as we are tired and my son is having a tantrum. I think you should also consult Surrey Council who due to my sons difficulties transferred his school transport from a big car to a smaller car, happened for other kids with disabilities too.”
- “If council do wheelchair taxi every body should have them or should be driver choice which car to drive wheelchair taxi or car”
- “It should be mixed, some taxis need to have wheel chair access and some don’t and as long as it’s split so that both types of customers are focused on.”
- “Should be all wheelchair accessible taxis Should be one policy far all”
- “Most passengers hate the large wheelchair accessible taxis, as there are difficult to access and uncomfortable. In 2 years working on the rank at Woking station I picked up 2 wheelchair passengers. The irony is almost all disabled passengers can not get into wheelchair accessible taxis. They a big they are big polluters, difficult to access, and uncomfortable, no body likes travelling in them.”
- “My mum is elderly and finds it really hard to get in the big wheelchair taxis. I think a few is good but now all cars. You have to cater for ALL people.”
- “need to be avoided as they are not suitable for Woking town center big vans in a small over crowded Woking town”
- “no wheelchair vehicles required standard saloon vehicles needed”
- “Not a national UK government European law requirement for any borough council for wheelchair taxis”

- “Not everyone wants to travel in a big van”
- “not necessary as people with disabilities usually have pre-arranged wheelchair accessible transport”
- “Not required in many forms of other vehicles on road currently”
- “One Type of vehicle doesn’t fulfil all disabled needs”
- “Only wheelchair accessible or driver choice same role for everyone thanks”
- “People should have choice of type of vehicles to travel in rather than one size fits all. Hybrid type of Taxis should be considered before the electric Taxis are introduced and are affordable.”
- “Should be a variety for all needs”
- “Should be all wheelchair accessible taxis and should be one policy all of them”
- “There are currently a lot of wheelchair accessible taxis available in Woking and if more were bought in the trade will take even more of a dive. Those Vehicals charge an arm and a leg and no one will be willing to pay those extortionate prices to use. People who use taxis use them regularly and are people on low incomes who can’t afford a car, we need normal size cars to allow the poor to be able to use the transportation when needed. Also the disabled can not afford to pay the prices of a disabled taxi trip. There needs to be a subsidy available for the general publicwhonare disables and have a need for these vehicles. Those who use them get charged an arm and a leg to use the facility. Also as I wife of a taxi driver there is no way we would be able to afford to purchase a wheelchair adapted Vehical. With the COVID the trade has taken a massive hit and many drivers have been out of work and lost thousands of pounds since lockdown. Bringing in yet another rule change for drivers will be another blow to earn a honest living and will be the last straw for most drivers and will lead to mass unemployment in the self employment sector”
 - *Note: the above is incorrect. It is illegal for a driver to charge a disabled user more – all hackney carriages should have a fare chart which shows the maximum that can be charged for a fare. The fact that this person thinks her taxi driving husband charges more is concerning to say the least.*
- “There are far too many WAVs. There needs to be a balance of varying vehicles including saloons for us to compete in today’s taxi trade. Also why would you do this survey when the majority of the general public is not travelling.”
- “There are plenty on wheelchair accessible taxis in Woking, as a person with a disability but doesn't use a wheelchair I find it hard getting in and out of these very high vehicles. And if you want to reduce emissions shouldn't you encourage smaller cars instead of great big van types.”
- “There is a lack of balance between the numbers of 'ordinary' and WA taxis. The latter are usually: heavy, diesel-powered, poorly converted from vans, uncomfortable and likely unsafe. “
- “There is a lot of them we need more saloon cars to cater for luxury demand as I like to be driven in luxury cars not just black cabs or wheelchair taxis “
- “There is already many wheelchair taxis, don't think there is need for anymore.”
- “There should be some wheelchair accessible Taxis day 80%”
- “We have wheelchair access vehicles. We need some saloon. We cannot make everything tailored to the disabled as this is showing negligence towards other consumers. A recent scenario where I was watching and a customer waited 15 minutes as she did not want to go in the big cars.”

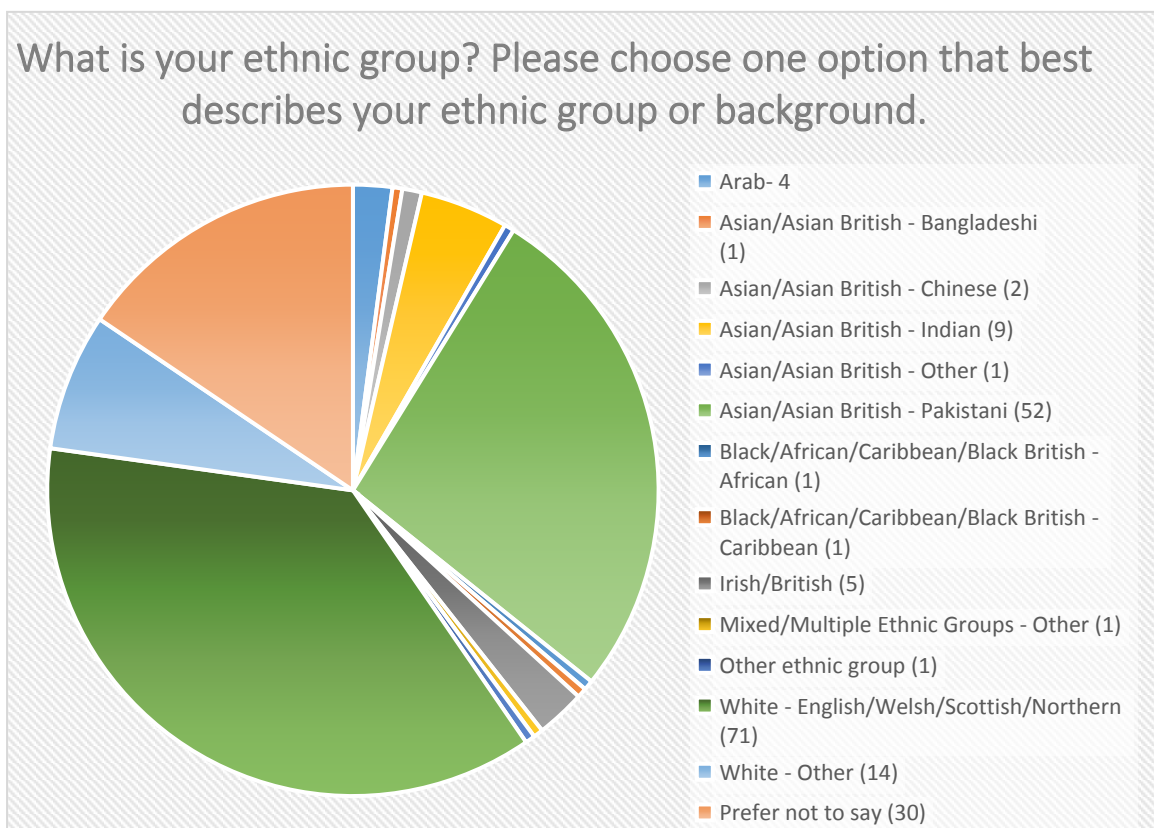
- “We need more wheelchair accessible taxis & drivers need a lot more training how to use their equipment as well as disability awareness training & Good customer service.”
 - “Wheel Chair Accessible taxi is big in size and in terms of fuel , it will use more and expensive for drivers. “
 - “Wheelchair accessibility is important but requiring it for all taxis is unnecessary. A proportion, calculated by surveying relative demand, would suffice, without making it harder for mobility impaired non-wheelchair passengers. My wife and I much prefer saloon taxis as we struggle to get onboard the wheelchair accessible taxis due to their high step entry. A maximum (not minimum) step height, set as low as possible, should be a requirement for wheelchair taxis. Also requiring all taxi license-holders to buy only wheelchair accessible vehicles is expensive and unfair when only a small proportion of passengers use wheelchairs. The Equality Act does not require this.”
 - “Wheelchair accessible are to big plus customers don’t like them even disbled person”
 - “Wheelchair accessible taxis may be accessible for people in wheelchairs but they are less accessible for other people with mobility issues in backs, hips and knees. These people find it more difficult to step up into higher vehicles and need sturdy support to step down from them when exiting. For many people, it is easier to lower themselves into a lower seated vehicle and to be helped up with support when exiting. I therefore support a mixed fleet with a majority of wheelchair accessible vehicles supplemented by a minority of regular vehicles suitable for people with other mobility issues that do not necessarily require a wheelchair.”
 - “Wheelchair accessible taxis usually expensive to buy if woking borough council wish to subsidise i have no problem using it for work”
 - “Wheelchair accessible vehicles are not always easy to access for other people e.g. elderly having to step up into a higher vehicle. Larger vehicles are also less fuel efficient so less environmentally friendly, take up more space on the roads, parking etc.”
 - “Wheelchair chair accessible vehicles aren’t comfortable for person like, who has bad back. Most of the times I’ve to wait for lower car because there are too many big taxi.”
 - “Woking being small town, I feel there are more than enough wheelchair accessible taxis. There are not many customers who require wheelchair access taxis. Current or new drivers should have the option to get either wheelchair accessible vehicle or non wheelchair accessible vehicle.”
- Environmental Issues
 - “Bad for environment
 - “Big and bad for the environment
 - “Emissions must not be used as an excuse not to invest in wheelchair accessibility and therefore to discriminate. The council must be creative in finding eco friendly accessible vehicles.”
 - I believe that there are also environmental concerns with larger cars that offer wheelchair accessibility. I think that both concerns are valid, however drivers should be encouraged rather than forced into choosing a certain type of vehicle.”

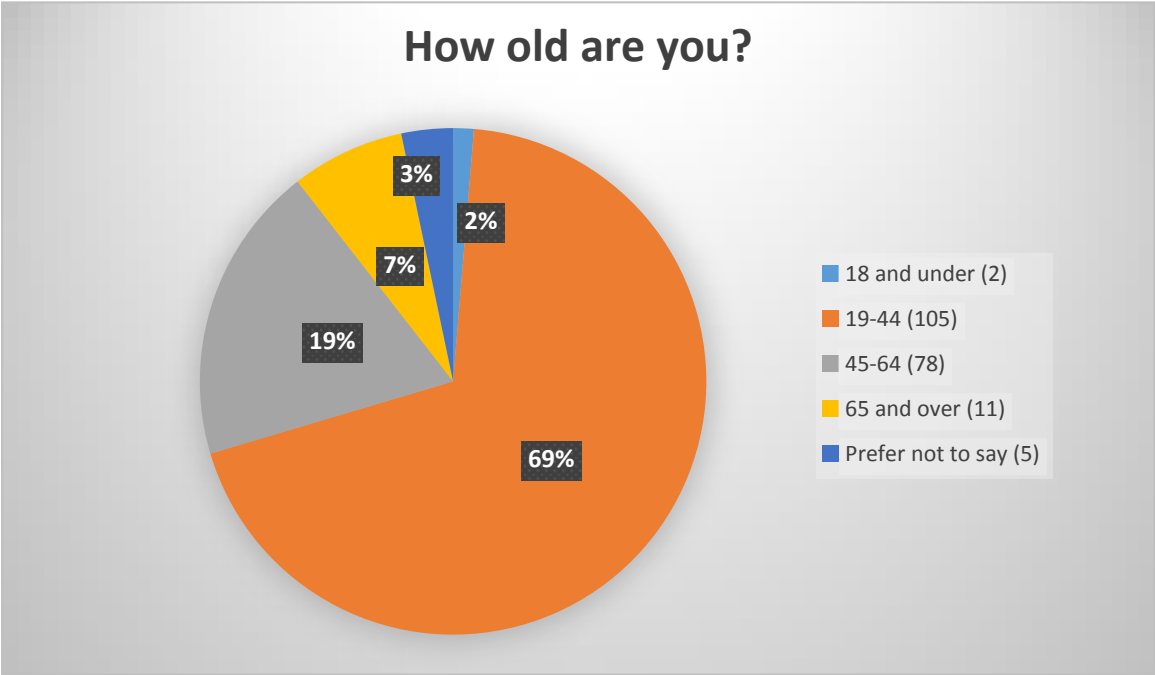
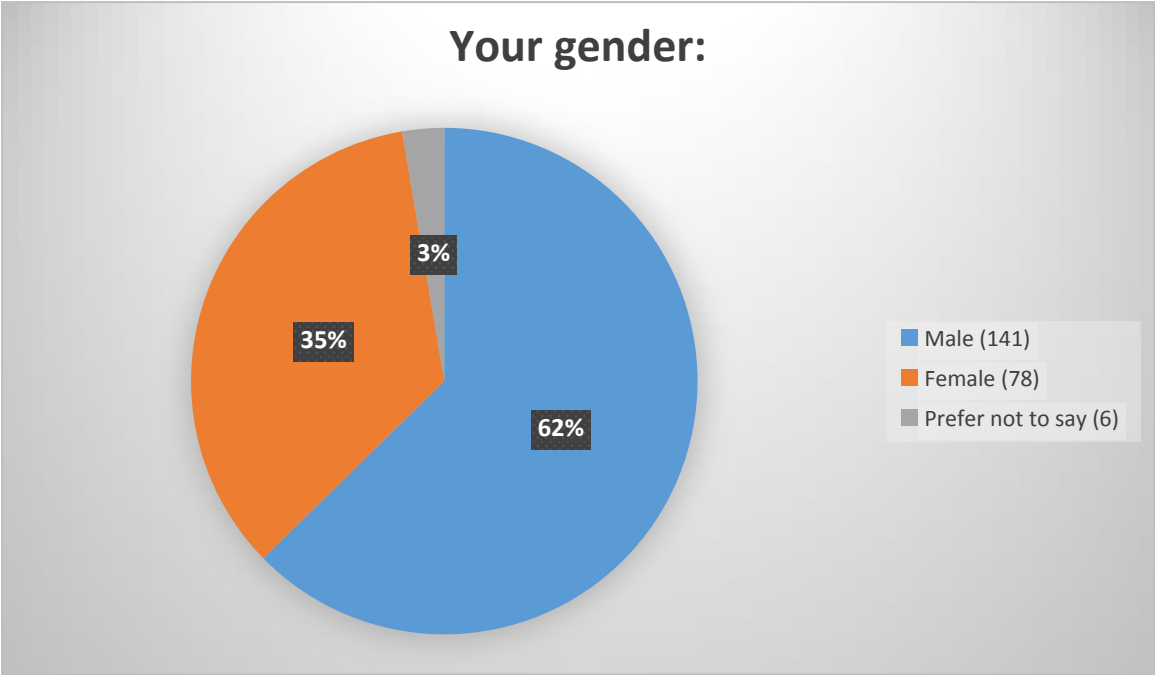
- “More people should walk / cycle more. Any vehicle electric hybrid etc is still polluting but in other ways. Walking / cycling. Best fit the environment and best for individual health”
- “No but taxis should be hybrid”
- “there should be a comment box for emissions too so I will write it here , cars with low emission / electric are highly expensive and I believe most taxi drivers (looking at their occupation and background) will be unable to afford cars like these. Therefore could put self employed out of work”
- “There should be a mixed fleet. Not one vehicle fits all”
- “There’s plenty of those big truck looking things there but never any normal cars. Should be promoting normal sized vehicles”
- “these are very uncomfortable, no need of them at all. Difficult to get into these tractors”
- “These make partially disabled people (like me) feel pretty pathetic”
- “They are uncomfortable and should only be available per needs as currently. I am a business customer and would like a normal car and does not look good coming in a big vehicle like in some school child being dropped off.”
- “They are very often not accessible for short people”
- “They are way too expensive!!!”
- “Too large cars. Not comfortable. Problematic for elderly people. Cars are comfortable. Easy accessible”
- “Too many of them already we need to maintain a status quo by giving people a choice of vehicle always wait for the saloon vehicles myself .”
- “Too many of them I hate travelling in them by myself , they are uncomfortable and my grandfather finds it difficult to get into them so prefers a saloon car.”
- “We have a sufficient amount of these vehicles. Introducing a greater amount would not be conducive to a green agenda or traffic conditions.”
- “Wheelchair accessible taxis are normally diesel powered 7 seater vehicles - the worst polluters. They are also uncomfortable and difficult for less mobile people to enter and exit. Most taxis normally have 1 passenger for the majority of journeys. This means that should all taxis become wheelchair taxis there will be significant additional CO2 and particulate emissions generated for no benefit. 7 seater diesel vehicles are more expensive to buy, maintain and insure than equivalent Toyota Prius cars, as used by Uber. If Woking forces all taxi drivers to use 7 seaters then they will be adversely financially affected, and Uber will triumph.”
- Other comments
 - “I think it is far more important to DEVELOP A PARK AND RIDE SYSTEM USING ELECTRIC BUSESSES - WISLEY AIRFIELD WOULD BE IDEAL- which are wheelchair accessible”
 - “Wheelchair accessible taxis should be able to go through the High St to pick up as it is currently restricted I believe. If you work in and around Commercial Way it is a fair walk to pick up a taxi if you suffer from Chronic pain & fatigue (not everyone has a wheelchair but that doesn't mean they are not disabled)?”
 - “Mostly people don't like it”
 - “The taxi drivers should be given more time to change vehicles because nobody has been working because of Covid and they need to have time to save to buy a new vehicle putting that amount of pressure on the industry is not fair”

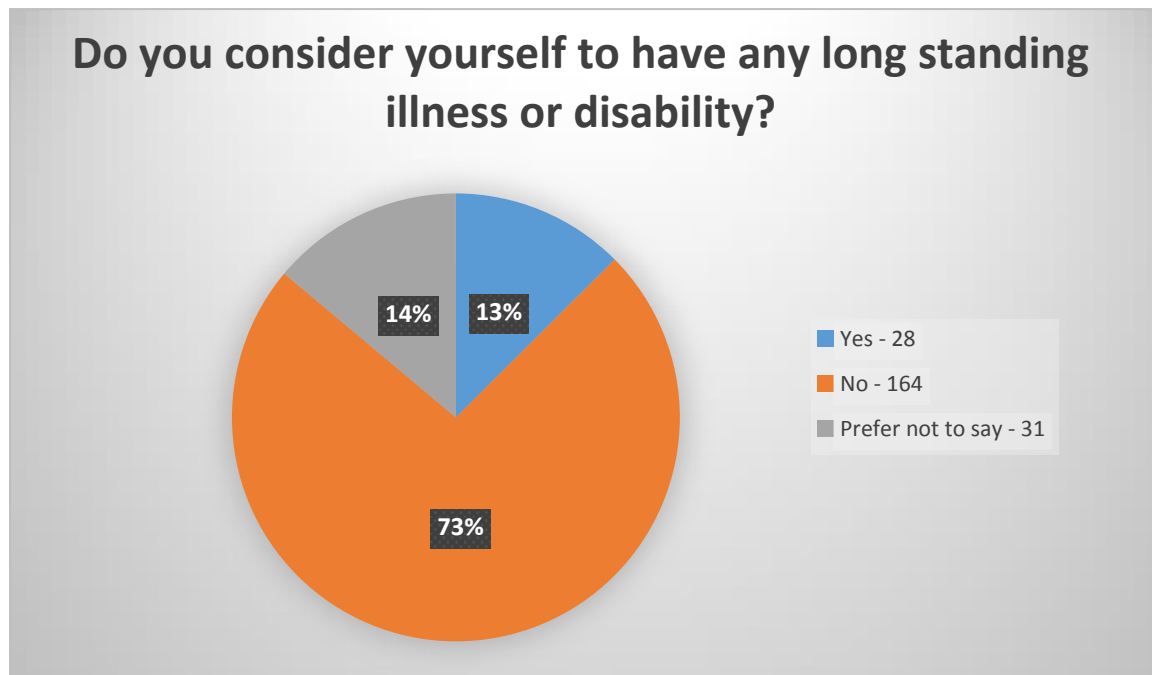
- “The taxi rank is awfully small and congested they need more space especially when it's raining so we don't have to wait ages for a cab after getting off a train”
- “Totally completely support the council in this”



What is your ethnic group?







Section 2 –

How often do you use taxis, either in Woking or elsewhere?

Of those who identified as disabled, 53% use Taxis occasionally, 32% regularly and 14% never – citing the lack of accessibility and bad experiences as being reasons for not using them.

Of those who stated they were a licence holder, 52% use Taxis occasionally, 26% regularly and 21% never – citing the fact that they were a taxi driver so had no need to get a taxi themselves.

Of those who were neither a licence holder nor identified as disabled, 56% use Taxis occasionally, 36% regularly and 8% never – citing the lack of trust and personal safety issues as being reasons for not using them.

Which of the following features are important to you when selecting a licensed taxi?

Of those who identified as disabled, 71% thought cleanliness and presentation to be important, 39% thought a minimum step height important, 32% the size of the vehicle and 35% that they should be wheelchair accessible.

Of those who stated they were a licence holder, 86% thought cleanliness and presentation to be important, 37% thought a minimum step height to be important, 38% the size of the vehicle and 19% that they should be wheelchair accessible.

Of those who were neither a licence holder nor identified as disabled, 91% thought cleanliness and presentation to be important, 39% thought a minimum step height to be important, 32% the size of the vehicle and 12% that they should be wheelchair accessible.

Do you agree or disagree that Woking has an unmet demand for wheelchair accessible taxis?

Of those who identified as disabled, 46% agreed or strongly agreed that there was a demand for more wheelchair accessible vehicles that was not being met, whilst 46% also disagreed or strongly disagreed that there was not an unmet demand. 7% said they did not know.

Of those who stated they were a licence holder, 28% agreed or strongly agreed that there was a demand for more wheelchair accessible vehicles that was not being met, whilst 65% disagreed or strongly disagreed that there was not an unmet demand. 8% said they did not know.

Of those who were neither a licence holder nor identified as disabled, 24% agreed or strongly agreed that there was a demand for more wheelchair accessible vehicles that was not being met, whilst 62% disagreed or strongly disagreed that there was not an unmet demand. 15% said they did not know.

Do you agree or disagree that when taxi vehicles are replaced with new vehicles they should all be replaced with wheelchair accessible vehicles?

Of those who identified as disabled, 50% felt that they agreed or strongly agreed with this, whilst 46% disagreed or strongly disagreed – whilst 4% stated they didn't know.

Of those who stated they were a licence holder, 32% felt that they agreed or strongly agreed with this, whilst 67% disagreed or strongly disagreed – whilst 3% stated they didn't know.

Of those who were neither a licence holder nor identified as disabled 29% felt that they agreed or strongly agreed with this, whilst 68% disagreed or strongly disagreed – whilst 2% stated they didn't know.

Currently the cost of licensing a wheelchair accessible taxi is the same as a non-accessible taxi. To encourage participation, should Woking Borough Council subsidise the cost of purchasing a wheelchair accessible taxis?

Of those who identified as disabled, 46% agreed or strongly agreed, 46% disagreed or strongly disagreed and 8% said they didn't know.

Of those who stated they were a licence holder, 32% felt that they agreed or strongly agreed with this, whilst 33% disagreed or strongly disagreed – whilst 12% stated they didn't know.

Of those who were neither a licence holder nor identified as disabled, 45% felt that they agreed or strongly agreed with this, whilst 46% disagreed or strongly disagreed – whilst 7% stated they didn't know.

The Council has declared a climate emergency and is considering what can be done to reduce emissions. Do you agree or disagree that it is important that we should reduce taxi vehicle emissions to improve air quality?

Of those who identified as disabled, 89% agreed or strongly agreed that this was important, 3% strongly disagreed and 7% didn't know.

Of those who stated they were a licence holder, 67% felt that they agreed or strongly agreed with this, whilst 28% disagreed or strongly disagreed – whilst 7% stated they didn't know.

Of those who were neither a licence holder nor identified as disabled, 84% felt that they agreed or strongly agreed with this, whilst 12% disagreed or strongly disagreed – whilst 4% stated they didn't know.

To help support the reduction in vehicle emissions, do you agree or disagree that all taxi vehicles should be electric or hybrid powered vehicles?

Of those who identified as disabled, 46% agreed or strongly agreed, 28% disagreed or strongly disagreed and 25% didn't know.

Of those who stated they were a licence holder, 49% felt that they agreed or strongly agreed with this, whilst 44% disagreed or strongly disagreed – whilst 8% stated they didn't know.

Of those who were neither a licence holder nor identified as disabled, 71% felt that they agreed or strongly agreed with this, whilst 25% disagreed or strongly disagreed – whilst 4% stated they didn't know.

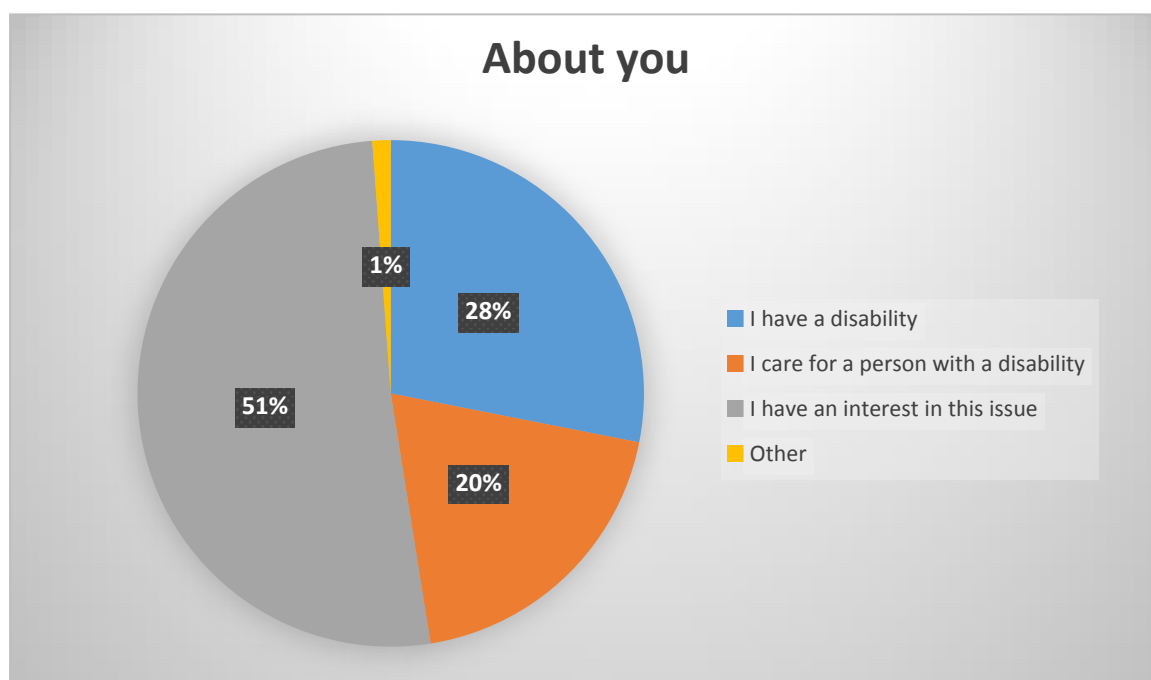
Section 3 – Data Discrepancies

As part of the consultation the system highlighted discrepancies which suggests that single applicants may have filled out the form more than once.

- Respondent 11931971429, and respondent 11932620919, both completed their survey at 12.23 the same day, from the same IP address and shared the same views (against wheelchair accessible taxis)
- Respondents 11947001259, 11932537438 and 11915817273 completed their surveys from the same IP address and shared the same views (against wheelchair accessible taxis)
- Respondents 11967150009 and 11969728221 completed their surveys from the same IP address and shared the same views (against wheelchair accessible taxis)
- Respondents 11968875482, 11968895526, 11977328245 and 11982522055 all completed their surveys from the same IP address and their 'additional comments' were almost identical ("Not enough taxis and space at the station," "Currently there are not enough taxis or space," "Never enough taxis," and "Limited number of taxis")
- Respondents 11935195446 and 11932554577 completed their surveys from the same IP address and their answers were identical (also against wheelchair accessible taxis).
- Respondents 11918310793 and 11919695631 completed their surveys from the same IP address and their answers were very similar (against wheelchair accessible taxis).
- Respondents 11982342568, 11940682967 and 11982561601 completed their surveys from the same IP address and their answers were very similar (against wheelchair accessible taxis).
- Respondents 11927615886, 11965992783, 11995942474, 11947446883, 11928468525, 11919260331, 11934347960 and 11973330035 all completed their surveys from the same IP address and their answers were very similar (against wheelchair accessible taxis).
- Respondents 11930907729, 11930899543, 11927322383, 11985175328 and 11953577807 all completed their surveys from the same IP address and their answers were very similar (in favour of wheelchair accessible taxis).
- Respondents 11988790034 and 11979053069 both completed their surveys from the same IP address and their answers were very similar (against wheelchair accessible taxis) but also had identical medical conditions.

- Respondents 11945292052 and 11945298601 completed their surveys from the same IP address and their answers were very similar (against wheelchair accessible taxis).
- Respondents 11971276773, 11970858085, 11970625316, 11970228367, 11969546387 and 11968895526 all completed their surveys on the 8th of September between 4.54am and 14.06pm – and they all had a similar view (against wheelchair accessible taxis) and even had identical comments (all six stated in the additional comments that “Currently there are not enough taxis or space”)
- Respondents 11968913825 and 11968875482 both completed their surveys within minutes of each other with identical answers (against wheelchair accessible taxis) and identical comments (both put “Not enough taxis and space at the station” in the additional comments section.)
- Respondents 11957961635 and 11955540911 both completed their survey on the same day with identical answers (against wheelchair accessible taxis) and identical comments (both put “Not enough space available at station” in the additional comments section.)
- Respondents 11970122040 and 11970233572 both completed their survey on the same day (within an hour of each other) and had identical answers (against wheelchair accessible taxis) and almost identical comments (“Should be all wheelchair accessible taxis and should be one policy all of them” and “Should be all wheelchair accessible taxis Should be one policy far all”)

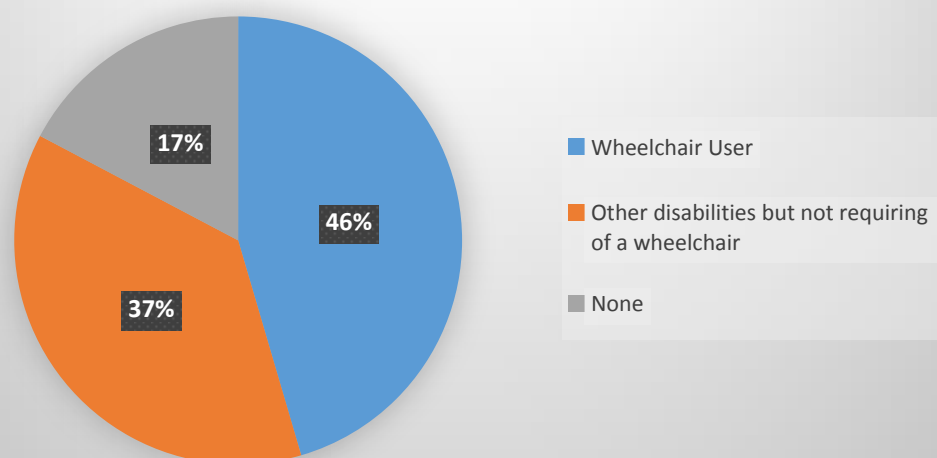
In February 2020 a less formal survey was sent out to disability groups and associated organisations to try and assess what was required by those who will be most affected by the potential reduction in Wheelchair Accessible vehicles. The outcome of this survey are as follows.



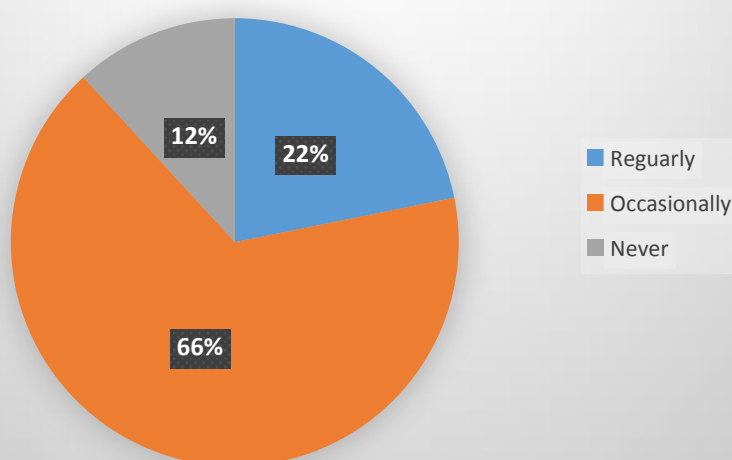
Those who selected "other" were able to give further info.

- "I work at The Junction (MRC) & we have disabled users"
- "Relative with disability"
- "I have back problems and arthritic knees, so stepping up can be difficult"
- "Horsell care volunteer"
- "As all taxis in Woking appear to be now wheelchair accessible we're all users of them."
- "Registered Manager"
- "work for woking shophmobility"

Please tell us about your disability or the disability of the person you care for.



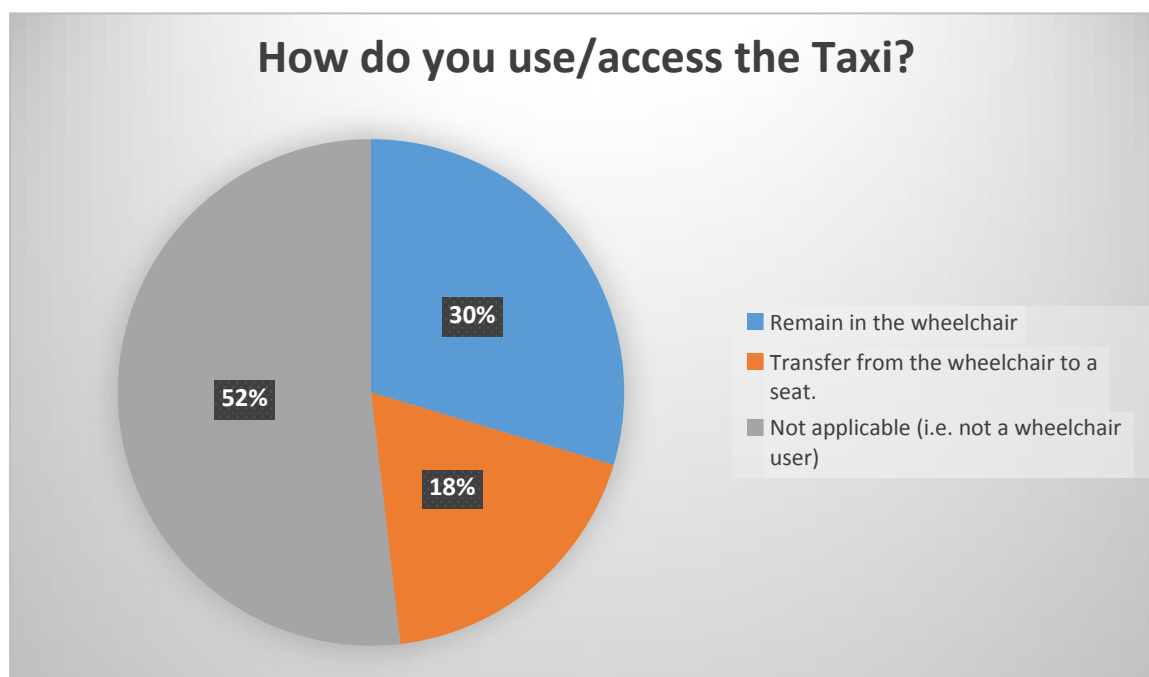
How often do you use Taxis, either in Woking or elsewhere



If "never" – please specify why not

- "Never sure if they would take my wheelchair and provide adequate safety"
- "Adapted car"
- "the clients of my shop sometimes like to use taxis but cant get dropped off or picked up from here"
- "I'm not disabled"
- "She is a regular user of the service as it gives her greater independence and freedom"
- "Too expensive"
- "Too expensive and difficult to book"

- “Responding on behalf of friends with disabilities”
- “Own mobility vehicle”
- “Can not guarantee to be able to get a taxi with wheelchair access”

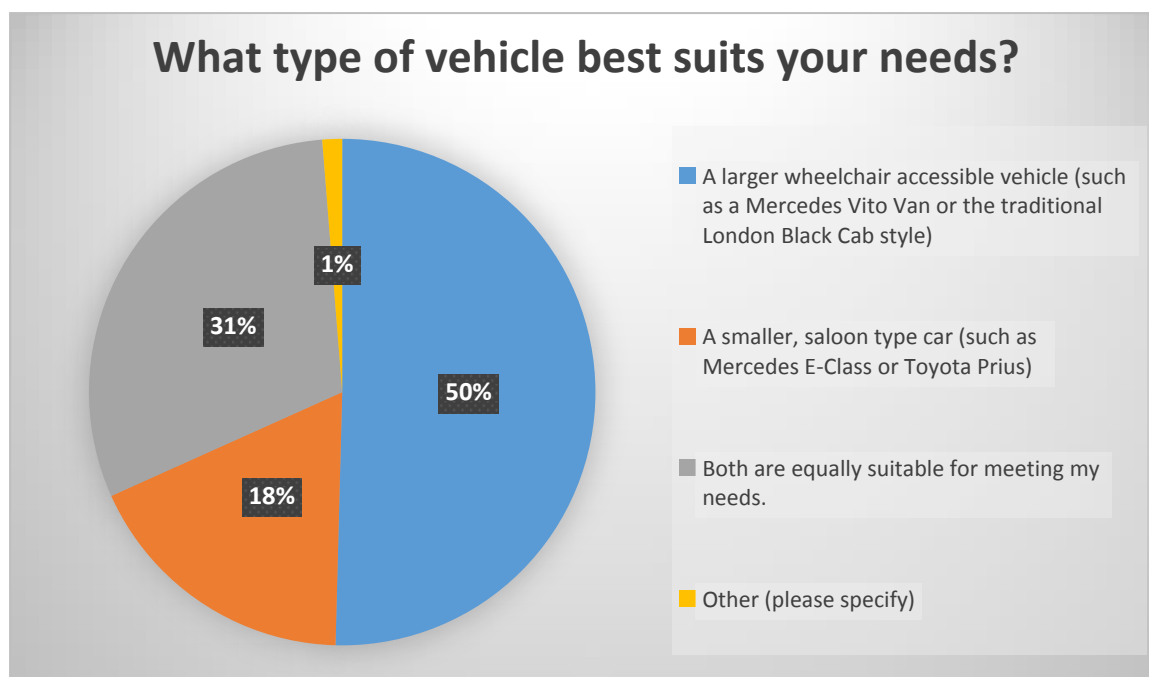


Please give an example of your experience with the above. (optional)

- “Use ramp to enter vehicle, clamps secure wheelchair to floor and seatbelt”
- “I dont always use a wheelchair but when I do I have to transfer. Sometimes it is easy if the taxi is on flat ground or not too high.”
- “Estate type vehicle needed for the scooter to be put in. Modern SUV's tend to be high to get into.”
- “A taxi was arranged by the train company from Woking station, due to my nearest station not being accessible. However the driver kept saying I wouldn't manage to get in and when I tried he didn't give me the help I needed, so I had to give up on that taxi and then get in another identical taxi where the driver was quite happy to give my chair a slight push to get it in.”
- “I remain in my electric wheelchair as I can not walk/stand. Some taxis don't have or know how to use their ramps & most times the taxi drivers do not strap me in because they say they haven't got the right equipment!”
- “It can be very difficult physically to do.”
- “Because of spinal problems it is very hard to get into a car/taxi”
- “Wheelchair users can also have a Hearing Impairment, if I ever find myself having to use a wheelchair, my hearing problems won't go away. Difficulty hearing drivers if they don't face me so I can use lipreading. Extra difficulty at night if face is unlit. Impossible to understand driver's questions about destination once the vehicle is in motion.”
- “I can walk but my knees no longer bend as they once did so getting into your "black maria" type taxis makes the taxi unuseable for people like me. I usually take the next car in the taxi queue which is easier to get into if front seat is pushed back.”

- “this would apply to both as we have customers that can and cannot come out of their wheelchairs.”
- “All of the above for our patients”
- “i am unable to get into or out of the so- called accessibility vehicles without assistance without great difficulty and undignified stance and embarrassment as the step up / and down and the seating configurations are not easy yo negotiate with decorum or without discomfort these so-called accessible Mini vans ate not easy to access without assistance or risk: two hip Replacements and arthritic knees these vehicles are already 3 to 4x more plentiful at the station. (so significantly outnumbering car taxis at Woking Station). I have yet to find any women over 55 having an easy time with physical Access to these vehicles let alone persons with joint problems. I am dismayed that more of these vehicles will create longer waits and more distress arguing with other passengers and drivers as my disability is not self evident it is about Time to consider the risks that entry and exit poses to the demographic of partially disabled who are trying to maintain an active life but are regularly distressed /challenged by the negotiation that has to be undertaken directly with other passengers and “ both drivers or a very long wait.”
- “We regularly give lifts to people who either cannot afford a taxi or who cannot get in or out of their wheelchair into a vehicle. They also need accompanying in many cases.”
- “Last few occasions I found it very difficult to step up into the people carrier taxis. The step was too narrow and if my husband had not been there to give me a push I would not have been able to access the taxi. Stepping out also difficult because of the narrow step”
- “Very difficult to find a taxi available.”
- “Quite difficult as my brother has dementia and doesn't understand how to do things anymore.”
- “A large motorised (not manual!) wheelchair with extra height that is not possible for a quadriplegic to get out of, and yet is too tall for most standard disabled access wheelchairs.”
- “My wife and I are not wheelchair users but we are both in our sixties and have arthritis in hips, knees and ankles, so accessibility is very important to us.”
- “some of our clients prefer a normal car they find it easy to transfer, than some cars which are higher.”
- “It is easier to get into a car than an accessible high taxi”
- “Our organisation have service users who are in fixed wheel chairs,also those who can transfer into a taxi from a wheelchair”
- Electric wheelchair users cannot transfer, some manual wheelchair users prefer to transfer but most remain in their wheelchairs.”
- “Many of our young people access taxis in their wheelchairs”
- “It is unfair that disabled people should have to pay a higher fare than able bodied people because they require a larger vehicle.”

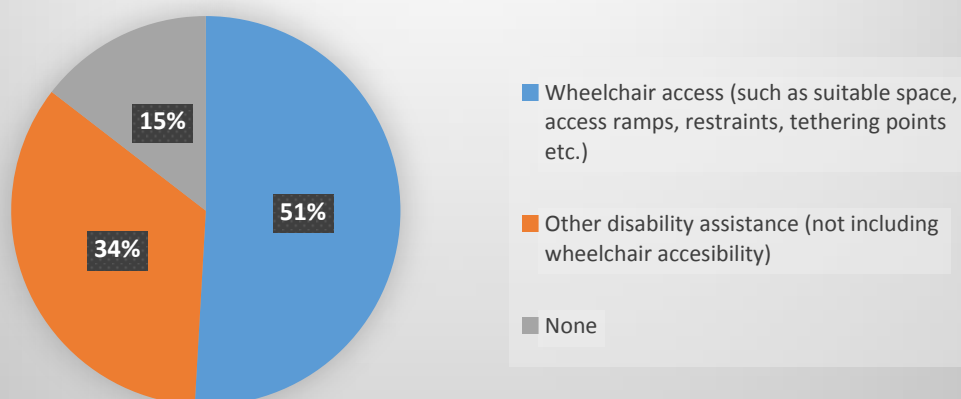
What type of vehicle best suits your needs?



Those who chose “other” were able to specify what vehicle best suited their needs:

- “Estate”
- “Can not get out on the curb side because of hight difference”
- “Any vehicle with a high bedroom. I have osteo arthritis and cannot bend my head low enough to get into the vehicle”
- “Struggle with low saloon car due to a lot of arthritis and I'm 4-10”
- “Need decent accessibility for my friend’s wheelchair”
- “Larger than the standard large wheelchair accessible is needed for some motorised wheelchairs with extra height”
- “Got to be a van / people carrier with raised roof or lowered floor”
- “Surely the idea would be for all vehicles to be suitable for everybody regardless of their disability”
- “No 2 wheelchairs are the same, a lot of electric chairs are much wider and longer than average, so access into a vehicle is important.”
- “I normally travel by taxi with my family and need a larger vehicle (5 seats)”

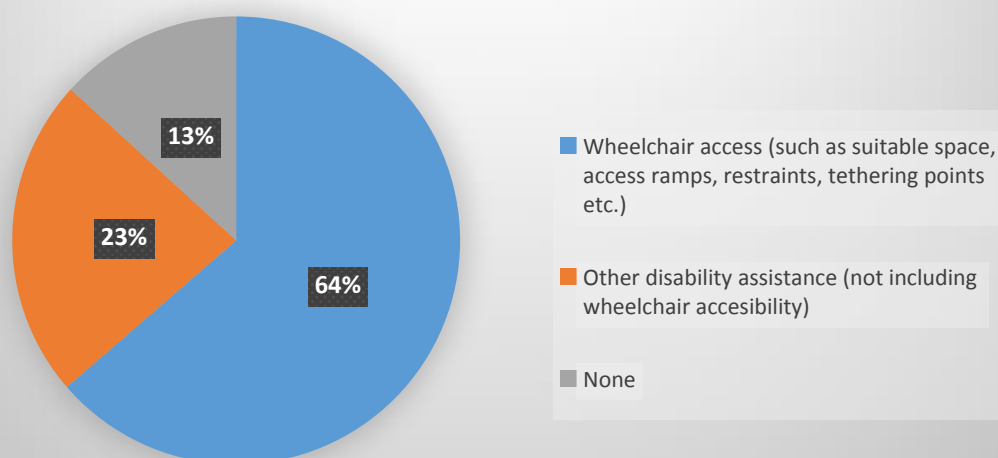
Which of the following do you, or the person you're travelling with, require in order to ensure a safe and comfortable journey?



Other comments on what is required for a safe and comfortable journey:

- "Passenger door wide, seat not low."
- "Including freedom from worry: SMS contact for operator and Council for use in case of lost property, compliment or complaint."
- "Rear access vehicles are easier to use in an electric wheelchair due to the gradient of the ramp"
- "as above, it depends on disability"
- "I think my wheelchair user friends would tick the first option (Wheelchair Access)"
- "Extra head clearance"
- "assistance from a care worker"
- "In order not to discriminate all vehicles should have the above so someone can travel in the first vehicle that pulls up"
- "Time and patience of driver when getting in and out. patience with speech and communication problems "

Which of the following do you think should be a mandatory requirement for all accessible taxis?



Other comments on what you feel should be mandatory on all taxis:

- “Any other feature that ensures that every taxi is Access-for-ALL.”
- “The taxis need to be flexibility set up to support those with physical and mental disabilities in the borough”
- “Cannot comment because I am not aware of the issues affecting others. It would be unfair of me to state which should be mandatory and I don't think saying all of them is appropriate”
- “Extra height taxis”
- “Extra head room”
- “Wheelchair Access (such as suitable space, access ramps, restraints, tethering points etc), hearing Loops, visual aids such as suitable lighting, high visibility seat edges etc, grab Handles and a low step height into the vehicle.”

We appreciate any other feedback you may have on your experience, or any other thoughts you may have on how we can improve the Taxi trade to yourself or to the general public.

- “I do not understand why fares for wheelchair users are flat rate (and more expensive) than metered fares for the able bodied - a hint of disability discrimination?”
- “We need this outside of Woking”
- “Many more accessible taxis are needed, and there should be a specific boarding area so able bodied people dont jump in front and grab it. Also it can be de difficult to queue with many people.”
- “Please see comments on the availability of normal vehicles which are suitable for persons with arthritic or similar, but hidden conditions”
- “Monitor rates charged as often much higher? It would be useful to have a directory of acc taxi companies which is kept up to date with info regarding fares/assistance offered if any”

- “I accept that not all taxis will be accessible - they are not needed to be - but if they say the taxi is accessible then it should fully be so.”
- “The cost of taxis is possibly the greatest hindrance to people on disability allowances.”
- “It is very embarrassing not to be able to get into these people carrier taxis on my own and if my husband had not been with me to help I'm unsure what would have happened. I would not expect, nor would I want, the taxi drivers to give me a push up. Accessibility is very important and I would expect taxis to be used more by elderly and people with mobility problems than by youngsters so it is important that their needs are considered and catered for. I can access London black cabs without any problems, perhaps we ought to consider using this type of vehicle instead of the saloon cars and people carriers that make up the Woking taxi fleet.”
- “Local, Woking taxi for the disable should be available as soon as possible as many people are stuck at home.....”
- “Enforce double yellow lines at Woking station .Taxis park on the lines all the time and getaway with it. Members of the public get fined, very unfair.”
- “Taxis at Woking station, forecourt side. When returning to Woking, especially in the evening, we find that the taxi queuing system is not respected. People exit the station and jump in the closest taxi, ignoring the taxi queuing sign. The drivers should be told to respect the queue and refuse to take those who try and jump it.”
- “Where a passenger has limited mobility and uses a taxi to collect such a person a nice touch would be to help them load the taxi with their shopping and not sit in the vehicle and watch them struggle.”
- “Often forced to use private hire from the home”
- “Although paralysed from chest down I am able to lift myself from wheelchair into a car seat. Most wheelchair users cannot do this and would require more accessible vehicles”
- “Would be good for them to slow down as whizzibg around corners after going fast doesn't help my spinal arthritis.”
- “Goldsworth Care voluntary drivers scheme does not take wheelchair user: it is important that wheelchair users have an alternative way of getting to hospital, gp, shopping etc”
- “I often get a taxi from Woking Station. I cannot access any of the large vehicles, where the step is incredibly high. I am told by the driver I must use the first car in the queue. I usually cannot.”
- “I think it very important that those with disabilities are able to access a service that will meet their right, need and wishes to fully participate in society”
- “I find getting a wheelchair accessible taxi extremely difficult . I call & nobody answers, or I call & they pass me on to someone else, or I call & leave a message & no one calls me back, etc. When I do get a taxi, often they don't know how to use their equipment (ramp) & they say I don't need stopping down or they haven't got the correct restraints. Getting a wheelchair taxi in Woking is hard & very stressful!”
- “Wheelchair accessible taxis seem to charge a lot more than normal taxi Isn't that discrimination?”
- “I do not use the people cartier style taxis which seem to be preferred now in Woking. They are too high to get into and are on the whole very uncomfortable.”
- “Almost all taxis based at Woking station are large accessible taxis. They appear to be converted vans. As such they are wasteful environmentally and uncomfortable for non-disabled users. Anecdotally, drivers don't like them either but are under pressure from the

Council to use them. In short, the balance between saloons and the vans is wrong and should be corrected in favour of there being more of the former.”

- “AFAIK, WBC made it a requirement some time ago that all taxis must be wheelchair accessible, resulting in the large, cumbersome vans we now have, which I think are a considerable financial burden on the drivers. I agree we need wheelchair accessible taxis but do they ALL have to be so? I can honestly say I've never seen a wheelchair user in Woking using a taxi.”
- “In the past for many years I had to use crutches for months on end and used the Woking taxi service morning and night. When the taxis switched to the larger van ones, they may be fine for wheelchairs but terribly difficult to climb into for the elderly or those on crutches, even with a small step. For this reason there really needs to be a mixture of taxi types and not just the great big vans.”
- “I find taxi's very expensive and use the Bustler when I can. Only you do need to book 2 weeks in advance.”
- “Wheelchair users can also have a Hearing Impairment. These conditions should also apply to Private Hire. In particular contact by SMS to book a vehicle, not just telephone or App should be mandatory immediately. This should have been automatically applied after the DDA1995, or from 1st October 2010 following the Equality Act 2010. Finding a neighbour to make the call in an urgent situation, because I can't lipread on the phone, is no fun. See JSNA figures for numbers affected. Businesses would also benefit from more Purple Pound spending.”
- “We are concerned that nearly all taxis are now large people carriers with high steps and that traditional saloon cars are being phased out, which we strongly oppose. We dislike people carriers with high steps as they are too difficult to get in and out of with arthritic joints. We understand there should be some taxis with wheelchair access, but why should they all be? Could not the number required be in proportion to the percentage of wheelchair and non-wheelchair users (which you must know or could find out)? We are aggrieved at having to wait for one of the small minority of saloons to become available as drivers follow a strict first-come first-served basis, which means we have to wait much longer than necessary, as sometimes the first 10 or more vehicles are people carriers with steps that are simply too high. By insisting on a "one size fits all" policy of mandatory wheelchair capability for all vehicles you are discriminating against a much larger number of simply elderly or stiff people that don't use wheelchairs but need easy and low access into a realistic (ie much larger) proportion of taxis. I would be happy to explain my views more fully in person in any follow-up exercise.”
- “Being a user of taxis in Woking borough and being a carer for a disable person, having a all access vehicle throughout Woking makes my person feel segregated from normalities of life as they wish to feel 'normal' and carry on journeys in nice saloon vehicles rather than disable vehicles.”
- “Rear access vehicles are essential as the gradient of the ramp is safer to use in an electric wheelchair. Rear access vehicles have more exits than side access vehicles and they would be easier to be lifted out of if necessary.”
- “It needs to have seats that you can get down from (i.e. SUV height) rather than sit in (like a saloon car).”
- “Different disabilities require different needs, it's difficult to find a one fits all”
- “I avoid the special wheelchair Black Maria type taxi at all costs even though all taxis at Woking station are soon supposed to be of that sort. They may be fine for wheelchair users

but not for other disabled persons. They are far too difficult for us to get into. Too high and without a low step, and if there are grab rails, they aren't in the right place. Horrid!"

- "Generally a lot more expensive than an able body cab"
- "Some of the drivers need to be more helpful with disabled clients who may need extra help especially with carry shopping to the taxi."
- "We are supposed to have 135 something Accessible Taxis when do I see that station they always seem to have an extra seat even though the show in that wheelchair accessible it's not the seats that can be Folded down He should not be signed as accessible"
- "Why is this still going on. Taxi drivers were given 13 years to comply"
- "The seating of these larger vito van type taxis and getting in and out of them are completely unsuitable for people who have and suffer with spinal injuries. Plus! The suspension of these taxis are also a very serious problem and nightmare for spinal injuries users."
- "For older people with no obvious disability, but some agility difficulties, the wheelchair accessible taxis are a major challenge. There always should be a choice of saloon cars"
- "Working with a lot of people with different disabilities and running a transport service for a Disability Charity, all vehicles should be adapted to cater for any disability when being used by individuals whether disabled or not."
- "We ahve had problems booking them in the past as there haven't been enough accessible taxis. We have tried booking one and were told that it might be available if they didn't have to do an airport run. Another accessible taxi had their boot full of stuff so the driver couldn't put the wheelchair in until he had cleared it. On another occasion a colleague was given abuse by the first taxi driver in the rank at the station because they used the second taxi which was wheelchair friendly - something the first taxi was not."
- "Taxi drivers need to know about brain injury, the hidden disability and the Nationally recognised Brain Injury ID Card. Survivors look to all intense and purposes to be normal, however they may have balance issues and slurred speech, similar to intoxicated people."
- "Disabled people should be prioritised on taxi waiting lists. My mother was waiting for over an hour for a taxi before Christmas because there weren't any available vehicles and not one company would prioritise her because of her disabilities"
- "The cost of hiring an accessible taxi is much more than an ordinary cab - this needs to be addressed urgently as these costs are disproportionately affecting people with disabilities"



Woking Borough Council's Ultra Low Emissions Vehicle Specification policy
Adopted by Full Council on [date]

Licences to which the Specification shall apply

All vehicles presented and applying for **new** Woking Borough Council hackney carriage vehicle licences after the stated date.

All vehicles presented as replacements for currently (or future) licensed, Woking Borough Council hackney carriage vehicle licenses (including replacements for vehicles involved in accidents or deemed un-roadworthy for any reason).

All new and replacement vehicles as stated above, superseding any circumstance or reason under which or when, the new/original renewal/replacement licence was issued; for example, but not exclusive to, licenses issued pre and post derestriction, via ballot, appeal, demonstrating a need, area/event restricted or other.

Any hackney carriage saloon vehicle licence which was due to be replaced with a wheelchair accessible vehicle under Woking Borough Council's Hackney Carriage Vehicle Specification for DDA/Wheelchair Accessible Vehicles.

Any hackney carriage saloon vehicle licence which was due to be replaced with a wheelchair accessible vehicle under licence originally issued to a DDA/wheelchair accessibility vehicle on 31 March 2021.

Specification

The Vehicle must be an Ultra-Low Emission Vehicle (ULEV¹) or Electric Vehicle.

If the vehicle is a saloon/estate type it has four side opening doors. If the vehicle is a minibus, transit or people carrier type it has at least three doors, not including any tailgate or rear door

The vehicle must be capable of carrying not less than 4 passengers but no more than 8.

The vehicle must have sufficient boot/luggage space to carry a folded standard size wheelchair.

The vehicle must have a calibrated Taxi Meter that complies with the Licensing Authority Guidance on Taximeters.

¹ At the time of writing, the Vehicle Certification Agency defines a ULEV vehicle as having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe, however the VCA anticipates that in 2021 the definition of a ULEV will be a car or van that emits less than 50g/km CO₂

The vehicle must have a minimum engine capacity of 1400cc (Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal power output to a 1400cc engine)

The vehicle's windscreen and front side windows comply with national legal tint specifications. All other windows let enough light through for a person 20 meters away to be able to see the number of passengers in the vehicle in daylight.

All hackney carriages must be equipped with a card payment terminal which can accept payment by credit/debit card, including contactless and issue a receipt. The device must be connected, maintained and working at all times to ensure customers are able to pay by card.

Age limits of vehicles

When a vehicle is first presented for licensing, the vehicle shall be not more than five (5) years old. A saloon type vehicle (saloon/estate/MPV) will remain available for licensing, subject to passing the inspection process, until it is ten (10) years old. A purpose built hackney carriage will remain available for licensing, subject to passing the inspection process, until it is fifteen (15) years old.

LICENSING COMMITTEE – 6 OCTOBER 2020

PROPOSED POINTS SYSTEM

Executive Summary

Woking Borough Council's Criminal Convictions Policy covers enforcement action to be taken when there are serious or major offences committed, however there is nothing to scale and gauge the smaller minor offences (such as breaches of legislation relating to Taxi and Private Hire Licensing).

It is therefore proposed to introduce a Penalty Points system which will enable the Licensing Authority to clearly and openly identify repeat offenders and set a threshold to which, once crossed, will result in the offending driver being taken to a Licensing Sub-Committee.

Recommendations

The Committee is requested to:

RESOLVE That the Proposed Policy and Points Scheme be adopted with immediate effect.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

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LIC20-006

1.0 Introduction – Taxi and Private Hire Licensing as a Civil Matter

- 1.1 Matters relating to Taxi and Private hire Licensing are held to the civil standard which is on 'the balance of probabilities'.
- 1.2 It is a lower standard than the criminal standard which is 'beyond reasonable doubt'; where a tribunal has to be sure that something is the case rather than that it probably is the case.
- 1.3 As the primary function of the Licensing Authority is to ensure the safety of the travelling public, we are required to give necessary weight to complaints and statements received from the travelling public, and can therefore take necessary action upon them without there being the requirement for the higher levels of proof that may be required in a criminal matter.

2.0 Summary

- 2.1 Whilst Woking Borough Council's Criminal Convictions Policy covers action to be taken by the Licensing Authority for more serious offences, the Taxi and Private Hire Licensing Guidebook contains details of the requirements and conditions that drivers and operators are meant to follow.
- 2.2 Should licence holders commit offences, then depending on the circumstances, the licence holder may be prosecuted. In certain circumstances, it may be decided that the offence is too minor to prosecute, or the Council may decide to deal with the matter in another way.
- 2.3 For instance, in relation to driving an unroadworthy vehicle, the Council may prohibit the use of the vehicle until it is repaired. In other cases, unsatisfactory behaviour, which does not constitute an offence, for example persistently parking in inappropriate areas such as bus lanes or disabled bays, often result in little or no action being taken.
- 2.4 There have been concerns from drivers or operators committing these minor offences, such as breaching conditions, that any enforcement taken is disproportionate and inconsistent. The matters have been investigated and whilst they have not been substantiated, it is proposed, a system should be put in place that can be seen to be open and transparent.
- 2.5 At the present time there is no systematic mechanism for dealing with minor misconduct by taxi drivers. Officers decide on a case by case basis whether drivers conduct constitutes unsatisfactory behaviour.
- 2.6 A penalty points scheme for taxi drivers would be designed as a means of addressing this.

3.0 Proposal

- 3.1 It is proposed that there is alternative system which has been used successfully by other authorities, a penalty points system, which if adopted could be more effective against those licensed parties who ignore their responsibilities in relation to the conditions attached to their licences and provide a consistent approach to dealing with unsatisfactory conduct, thereby improving driving standards.
- 3.2 The scheme would act as a record of driver's behaviour and conduct so as to ascertain whether they were a fit and proper person to hold a licence.
- 3.3 Its introduction would not prejudice the Council's ability to take other action, such as prosecution where this was considered appropriate. In addition, penalty points could be taken into account when deciding the duration of a licence issued to the driver on renewal.

Proposed Points System

- 3.4 It is proposed that the current system of enforcement would remain. At present any contravention of statutes, rules, regulations and conditions are dealt with in a number of ways. These include written notices, written warnings, suspension notices, or prosecution.
- 3.5 The proposed scheme would run separately from the current scheme of guidelines on convictions, which would continue to run in its present form.
- 3.6 Under the proposed scheme, unsatisfactory conduct would attract penalty points. These would be issued according to the agreed and published tariff.
- 3.7 Decisions would take into account all of the circumstances and be based on documentary evidence, evidence provided by enforcement staff who were present when the infringement took place or written statements from members of the public.
- 3.8 Drivers would be notified as soon as possible after the conduct being considered and would be given an opportunity to give an explanation of the circumstances of the allegations being made.
- 3.9 If a driver exceeds 12 penalty points in any three year period, they will be referred to the Licensing Sub-Committee which would consider whether the driver was a fit and proper person to retain their licence.
- 3.10 The Sub-Committee would be provided with the information which lead to the imposition of the penalty points and the driver would be given an opportunity to explain why they should still be considered a fit and proper person to hold a licence. Options available to the Committee would include revocation or suspension of the licence, imposition of additional conditions, such as further training, or to take no action.
- 3.11 The introduction of a penalty points scheme shall result in matters being referred to a Sub-Committee for determination. This shall provide a transparent decision making method. It shall allow a driver the opportunity to explain his/her actions and the circumstances which have led to a Sub-Committee being called can be considered. It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the licensing functions. It shall avoid the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

4.0 The aim of the scheme

- 4.1 The aim of the penalty point scheme is to work alongside other enforcement options.
- 4.2 It provides a formalised stepped enforcement plan that can be easily followed and monitored.
- 4.3 The purpose of the scheme is to record misdemeanours which would not normally be recorded or processed and to act as a record of drivers and operators behaviour and conduct to ascertain whether they are a fit and proper person. It does not prejudice the council's ability to take other actions. As previously stated, it is designed as an evidence gathering tool rather than a punishment scheme.
- 4.4 The primary objective of the 'penalty points' scheme is to increase the levels of compliant and help improve the standards, which will improve the safety and protection of the travelling public.
- 4.5 The penalty points scheme would be reviewed after three years to assess whether it was achieving its objectives, whether it was working fairly, whether the points tariff for each type

of offence was reasonable and whether other categories of infringement needed to be added.

5.0 Issuing of Penalty Points – the Legislative Grounds

5.1 For the Authority to agree and carry out this scheme it would fall within s.61 of the Local Government (Miscellaneous Provisions) Act 1976. This states that:

S.61 (1) Notwithstanding anything in the Act of 1847 or in this part of the Act, a District Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire on any of the following grounds:

a) That he has since the grant of the licence

(i) Been convicted of an offence involving dishonesty, indecency or violence; or

(ii) Been convicted of an offence under, or has failed to comply with, the provisions of the Act of 1847 or of this part of the Act; or

b) Any other reasonable cause

5.2 Under s.61(1)(b) above, Woking Council may suspend, revoke or refuse to renew a driver's taxi licence if they have a reasonable cause to believe so, a reason of which could be if they do not believe a licence holder is a fit and proper person.

5.3 Receiving 12 penalty points, or more, within a 36 month period may indicate that a licence holder is not a fit and proper person.

5.4 The licensing of a private hire operator is similarly controlled under s.62 of the Local Government (Miscellaneous Provisions) Act 1976 which states:

S.62 (1) Notwithstanding anything in this Part of this Act a district council may suspend or revoke or refuse To renew an operators licence on any of the following grounds:

a) any offence under, or non-compliance with, the provisions of this Part of the Act;

b) any conduct on the on the part of the operator which appears to the District Council to render him unfit to hold an operator's licence;

c) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;

d) any other reasonable cause

6.0 Applicable Case Law

6.1 A judicial review, R (app Singh) v Cardiff City Council (2012) EWHC 1852 (admin), challenged the use of a similar penalty points scheme in relation to a taxi driver. This was based on a number of arguments but the principal ones were that there was no lawful power to run such a scheme, that when the maximum points were reached there was automatic revocation and therefore no application of discretion, there was a fetter on the discretion of

the Authority, the scheme was irrational and the process conflicted with Article 6 of the European Court of Human Rights.

- 6.2 The Woking Borough Council Penalty Points Scheme is different to the Cardiff City Council case referred to here, as there is no 'fetter on the discretion.'
- 6.3 The Penalty Points Scheme is merely a method, amongst others, that may indicate that a driver is not a fit and proper person, or that an operator is unfit. The decision on any action, if any, to suspend, revoke or refuse to renew a hackney licence or operator's licence is the decision of the Licensing Sub Committee of elected councillors.
- 6.4 The judge found that it was lawful to have a penalty points scheme as a means of dealing with misdemeanours. Mr Justice Singh said (at para 65)

"In my view, there is nothing wrong in principle with the defendant authority such as the present, adopting the policy, which seeks, both in fairness to the driver potentially affected and also to protect the public interest, to have, as it were, a staged process by which the cumulative effect of incidents of misconduct may well lead ultimately to the conclusion that in the judgement of the local authority, a person is not a proper person to continue to enjoy the relevant licence."

- 6.5 However, there was a problem with the way in which Cardiff City implemented the policy. Its approach was that when a driver reached the maximum allocated number of points under their scheme the licence would be revoked and it appeared that on occasions, reduced numbers of points were awarded to a driver to avoid revocation of the licence. It was these elements which led to the challenges of a lack of application of discretion and fetter of the discretion.
- 6.6 As explained in the proposed Policy, The Woking Council Penalty Points Scheme has no 'fetter on the discretion' as there is no automatic revocation of a licence when the upper limit of 12 points is reached. This merely indicates that the driver may not be a fit and proper person or the operator is unfit, and it is to the Licensing Sub Committee to make any decisions on any action to be taken, if any.
- 6.7 The judge agreed with the claimants but in doing so explained how the process of deciding on whether action should be taken against a drivers licence should be undertaken.
- 6.8 In relation to action being taken under S.61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 'any other reasonable cause', the question is whether a person remains a fit and proper person to continue to hold a taxi drivers licence. The judge said that this was not purely discretion; it required a judgement to be performed on whether the statutory question has been answered in favour of or against the relevant driver. (para 70)
- 6.9 If the answer to that judgement is against the driver (i.e. he is not fit and proper) there still exists discretion as to what action to take against the licensee.
- 6.10 The judge also questioned:

"How many penalty points does the driver have?"

As opposed to

"Whether there is any reasonable cause, in other words, whether in all circumstances of the case a driver is a fit and proper person to continue to enjoy the licence." (para 77)

It can therefore be seen by the above that Council penalty points schemes are lawful provided there is a mechanism to enable an offending licence holder to be brought before a delegated decision maker (the Licensing Sub Committee) which will then consider the question of fitness and propriety in the light of the evidence and then determine what sanction, suspension or revocation, if any, should be applied.

- 6.11 Taxi licensing penalty points schemes are widely used throughout England including some in Surrey. Once embedded they work well and are popular with taxi drivers and operators as it does not affect lawful and well run businesses and appropriately behaved drivers, but tends to weed out the ones that continue to offend and ignore the rules.

7.0 Authority Points Analysis

- 7.1 As stated, Penalty Point Schemes are popular in many Authorities in the UK.
- 7.2 There are roughly 314 Local Authorities in the UK, of which we have been able to identify and analyse the Points Systems of 36 of them – which gives us just over 11% of the total number of Authorities and therefore has been deemed a reasonable cross section of which to get an overview.
- 7.3 In analysing the Penalty Points Scheme we have analysed how many points each Authority give to a specific offence, as these can vary from Authority to Authority, and presented an average / mean / modal amount of points to try and be as close to the “norm” as possible.
- 7.4 A copy of this spreadsheet is attached as Appendix 1
- 7.5 This spreadsheet also shows how many Authorities have that specific offence, thus showing how popular the specific offence is. The spreadsheet has been ranked in accordance of most-to-least popular. You will notice that some authorities have area specific issues or have added offences to their points schemes that are odd (for example, sleeping on the rank). Whilst it can be argued that some of these are not relevant, the Licensing Authority feels that there is no harm in having too many items on the list of offences– as long as the offence is an actual problem, then it is worth including.

8.0 Mean, Median and Mode

- 8.1 In order to establish what the fair or average amount of points should be we carried out calculations to show the mean, median and mode of each offences allocated points from the various other authorities. However each some of these methods are not suitable for what we are trying to achieve.
- 8.2 The use of mode average is interesting to know, for example, what is the most frequent iris colour in a population, the use of mean average is interesting to know, for example, what is the average grain weight of your sample, and the median average will be probably more interesting, for example, to describe the "central" wages in the research institute you work for, or even at the world scale. Indeed, the median will identify the wage which divides the workers as follow: i) 50% of the workers earn less than the median, ii) 50% of the workers earn more than the median. The arithmetic mean is strongly influenced by extreme situations.
- 8.3 With “mode average” this can cause discrepancies that can result in an incorrect outcome. Firstly – where there are only two numbers present – the Mode System is unable to provide a mode as neither number is more plentiful than the other. Secondly - Mode Average is worked out from a set of numbers which is the most common number. So in a theoretical situation where you had a set of numbers such as 3, 3, 6, 7, 9, 10, 11, 12 – a mode average system would identify “3” as being the most common recurring number despite the potential number

of points on average being higher. It is therefore suggested that the 'mode' average should not be a fair system to base the points on.

- 8.4 In each case the Licensing Authority has based their number of points per offence on not just the mean, median and mode of the spreadsheet but also applied their knowledge and understanding of the Taxi and Private Hire Licensing Laws and allocated the maximum number of points they feel is suitable.

9.0 Future Review Timescales

- 9.1 It is suggested that Points systems are reviewed in line with their points time frames. As such the policy and the system would be due for review in three years' time from the implementation. However it is suggested that for the first three years, the policy be reviewed on an annual basis in order to prevent any long term issues.
- 9.2 Ultimately the points system will merely result in the driver being brought in front of a Licensing Sub-Committee, so the Licensing Committee will be able to assist in analysing and helping adapt and modify (where required) at future reviews.

10.0 Consultation

- 10.1 Following the presentation of the Points System to the Licensing Committee previously, a decision was made to run a consultation to seek the views of the public and of the drivers themselves, as well as local councillors, other Licensing Authorities, relevant public authorities such as Surrey Police Licensing and the Roads Policing Unit Officers etc.
- 10.2 On the 11th of September a consultation on the Policy and the suggested points scheme was started, giving members of the public notification of the details and giving them until the 24th of September 2020 to air their views or raise any queries.
- 10.3 The details of the consultation was sent out to a total of six hundred and seventy-one Taxi, Private Hire and Operators Licence Holders, five representatives of Surrey Police, fifty-five Local Authorities Licensing representatives and thirty-one Woking Borough Council Councillors.
- 10.4 The Licensing Authority received a total of thirteen responses.
- 10.5 Twelve of these responses were from Drivers and one response was from an Operator that specialises in Executive transport.
- 10.6 The only positive comment came from the Operator – with all the other comments received being strongly against the points system.
- 10.7 Comments received from the consultation are attached as Appendix 2.
- 10.8 The main accusation received was that this system was “unfair” and “harsh” and potentially persecuting the drivers.
- 10.9 It is anticipated that this system will not actually affect the vast majority of the drivers out there as the majority do not commit any offences and are good, honest and hard working professionals.
- 10.10 However there are unfortunately always a few who will cut corners or act in a way that is unacceptable. If a driver is worried that this system will affect them – then perhaps it could be suggested that they should be considering about any behaviours that might warrant them receiving points instead of criticising the system itself. If they do not want to gather points, then they should ensure that they are as professional as they say they are.

11.0 The Policy

11.1 The Policy and the points table are attached as Appendix 3.

12.0 Implications

Financial

12.1 There are no quantifiable financial implications arising as a result of this report, although the impact upon staffing requirements of administering the new scheme would need to be monitored.

Community Safety

12.2 It is believed that the introduction of a Points System will assist in improving the safety of the travelling public by removing those who choose not to comply with the national and local legislation.

REPORT ENDS

# Authorities	Offence - and Maximum number of points can be issued	Mean	Median	Mode	Arun	Broadlands	Cheshire east	Corby	Crawley	Derbyshire	Dover	East Hampshire	East Northamptonshire	Elmbridge	Epsom & Ewell	Gloucester	Gosport	Herefordshire	Leicester	Leicestershire	Manchester	Medway	Merton	Newcastle	Staffordshire	Plymouth	Preston	Reading	Rother	Sevensoaks	South Cambridgeshire	South Gloucestershire	South Somerset	Spelthorne	Swale	Tunbridge Wells	Waverley	Wealden & Rother	Wiltshire	Windsor & Maidenhead	Gravesham		
35	Failure to display the vehicle licence plate in the appropriate position on the vehicle or defacing/concealing the plate	4	4	4	5	4	4	4	4	4	4	4	4	2	3	6	4	2	3	6	4	3	6	4	3	6	3	6	6	4	6	6	4	6	4	4	4	4	6	3	3	6	
35	Failure to wear or produce driver ID badge	4	4	4	4	3	3	4	4	12	4	6	2	6	4	4	4	4	4	3	3	3	3	3	3	4	6	3	4	6	6	4	6	4	9	4	4	4	4	4	3	6	
34	Failure to notify a change of name or address within 7/14 calendar days	3	3	3	3	3	3	3	4	6	3	2	6	4	3	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	5	2	3	3	3	3	3	2	
34	Failure to notify an accident to the authority with 72 hours or damage to a licenced vehicle	5	4	4	6	6	4	3	4	12	4	6	4	4	4	4	4	4	4	4	4	3	6	3	4	6	3	4	3	4	8	6	6	4	9	6	4	4	4	4	3	6	
34	Failure to notify the Council in writing of any motoring or criminal convictions within 7/21 days of cautions or convictions or endorsements during period of current licence.	7	6	6	6	6	6	6	6	12	8	7	6	6	4	4	4	4	4	4	4	3	8	6	6	3	12	3	6	3	12	12	4	12	6	12	12	4	6	3	6		
32	Failure of a private hire operator to keep proper records / logs of all bookings, or failure to produce them upon request of an authorised officer of the Council or a police officer	6	6	6	4	3	4	6	6	12	6	8	5	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	4	9	6	6	6	6	6	6	3	
31	Carrying more passengers that the vehicle is licenced to carry	8	6	6	12	12	6	12	9	6	4	6	12	6	4	12	6	4	4	4	4	12	6	12	6	6	6	6	3	6	12	6	12	6	12	6	6	6	6	6	10	6	12
30	Unreasonable prolongation of journeys or any misconduct relating to charging of fares	8	6	6	6	3	6	4	6	4	12	12	6	7	6	6	6	4	4	4	4	12	12	6	8	6	6	6	6	12	8	8	6	12	8	6	12	12	6	6	5	12	
29	Providing false or misleading information on a licence application form / failing to provide relevant information or pay the relevant fee (including dishonoured cheques)	9	6	6	6	9	6	6	6	12	12	12	12	12	12	12	6	6	4	6	6	6	6	6	6	6	6	6	6	6	12	12	12	6	12	12	6	6	6	6	12		
29	Unsatisfactory / Unclean/ unfit interior / exterior of vehicle (including mechanical condition, unsatisfactory or unacceptable)	4	4	4	3	6	4	4	4	4	4	3	1	6	4	4	2	2	2	2	2	3	3	3	4	4	4	4	6	3	6	2	4	3	4	5	3	4	4	6	6		
28	Plying for hire by Private Hire Driver (including accepting a fare that is not pre-booked)	10	9	4	9	9	9	9	6	12	8	4	12	12	9	4	12	9	4	4	4	12	9	9	9	9	12	9	12	12	12	12	9	12	12	9	5	12	12	12	12		
27	Inappropriate conversation, gestures, dress or attire, unsatisfactory appearance or turnout / hygiene of driver	4	3	3	6	6	4	3	2	12	4	6	4	3	2	3	2	3	2	2	2	3	2	3	4	3	3	3	4	3	2	4	2	5	2	3	4	3	4	3	3		
27	Failure to provide the vehicle or insurance when requested	5	5	6	5	3	6	4	4	6	6	7	4	2	3	3	4	4	4	4	4	3	3	4	3	3	3	4	3	6	6	6	12	4	6	12	4	6	12	4	6		
27	Failure to afford reasonable assistance with luggage or passengers (including disabled) into or out of the vehicle without good cause or exemptions certificate	5	3	3	3	3	3	3	2	12	7	6	12	2	3	3	6	12	2	2	2	3	3	6	12	4	3	12	3	3	3	2	3	4	5	3	3	12	2	4	4		
27	Refusal to drive any person without reasonable cause / refusal to accept hiring without reasonable cause	7	6	6	6	6	6	4	6	4	12	6	7	6	12	4	5	3	8	12	6	3	12	6	6	6	6	6	3	12	12	8	4	12	8	6	6	5	12	12	12		
26	Unapproved advertising or inappropriate advertising, Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle, Displaying unauthorised written or other material on any window.	4	3	3	3	3	3	3	2	6	3	2	6	3	2	6	4	3	2	2	2	3	4	3	3	3	3	3	6	3	4	4	3	5	4	6	3	3	3	3	3		

26	Using an unlicensed vehicle or using a licenced vehicle without valid insurance or valid garage test, or using a vehicle with inadequate (i.e. not Private hire or public hire) insurance	12	12	12	12	12	12	7	12	12	12	12	12	12	12	12	12	12	6	12	12	12	12	12	12	12	12	12	12	6	12	12	12	12	12	12	12	12	12	12	12	12	12	12									
26	Failure to notify where the vehicle is kept or notify a transfer	4	4	4	4	4	4	4	6	4	4	4	4	4	4	4	4	4	4	3	3	3	3	3	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4						
26	Failure to immediately notify, in writing, the Licensing Section of a change in medical circumstances that may affect your ability to drive or the safe transportation of passengers (including eyesight).	8	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	8	6	8	6	8	6	8	6	8	6	8	6	8	6	8	6	8	6	8	6	8	6	8	6	8	6	8	6	8	6	8			
26	Failure to attend punctually at appointed time and place without a sufficient cause (i.e. at a booked appointment)	4	4	4	3	4	4	4	2	4	6	4	2	6	4	2	6	4	2	3	3	3	3	3	3	4	2	3	3	3	3	3	4	2	3	3	4	2	3	3	4	2	3	3	4	2	3	3	4	2			
26	Failure to carry a working fire extinguisher	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4					
25	Obstruction of officers / failure to provide information and assistance to authorised Officer / Police Officer	9	12	6	12	3	6	6	12	12	7	12	6	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12		
25	Failure to return any licence on suspension or revocation or upon request	7	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6			
24	Failure to produce HC/PH drivers' licence when requested	4	4	4	5	3	4	6	6	7	6	4	4	3	4	4	3	4	4	3	3	4	3	4	3	4	3	4	3	4	3	4	3	4	3	4	3	4	3	4	3	4	3	4	3	4	3	4	3	4			
24	Failure / refusing to carry an assistance dog without the required exemption certificate (HCV and PHV)	10	12	12	12	12	12	6	7	12	12	2	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12		
24	Using a non hands-free mobile phone or PDA whilst driving (whether convicted or received FPN or penalty points or not)	8	12	6	9	6	6	6	5	6	6	2	2	3	12	9	9	2	3	12	9	9	2	3	12	9	9	2	3	12	9	9	2	3	12	9	9	2	3	12	9	9	2	3	12	9	9	2	3	12	9	9	
23	Driving/Causing/Permitting a Private Hire vehicle or Company with an appearance that might suggest it is a hackney carriage / displaying any feature on a private hire vehicle or Operators signage that may suggest that it is a taxi (i.e. using the word "taxi" or "cab")	6	6	6	3	6	3	12	6	7	6	6	2	4	6	6	2	4	6	6	6	3	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	
23	Failure to return a vehicle/driver' licence upon expiry or upon revocation / suspension / request / refusal to renew	6	6	6	4	6	4	6	6	6	4	2	6	3	4	3	4	2	6	3	4	3	3	4	3	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12	6	12
23	Evidence of smoking in a vehicle (including e-cigarettes) or allowing a passenger to smoke in a licenced vehicle	5	4	3	3	6	6	6	3	6	6	4	4	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
21	Failure to display table of fares or other approved notices	3	3	4	6	4	2	3	3	2	4	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
21	Failure to provide proof of insurance cover when requested	5	4	4	6	4	3	7	6	4	4	3	4	6	6	3	6	3	4	6	3	6	3	4	6	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	
21	Failure to issue a receipt on request	5	4	3	6	3	12	12	2	3	4	12	6	3	6	3	2	2	4	3	4	5	2	6	6	2	6	2	6	2	6	2	6	2	6	2	6	2	6	2	6	2	6	2	6	2	6	2	6	2	6	2	
21	Failure to undergo 6 monthly MOT/Vehicle inspection on time	6	6	6	9	4	4	6	6	7	6	6	4	6	4	6	3	6	4	6	4	6	3	6	4	6	3	6	4	6	3	6	4	6	3	6	4	6	3	6	4	6	3	6	4	6	3	6	4	6	3	6	
20	Failure to present vehicle when requested for inspection by an officer or when required to do so	6	6	10	6	4	6	6	4	4	6	4	4	8	3	4	3	12	6	6	6	6	12	8	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	
20	Leaving a Hackney Carriage unattended on the rank	4	3	4	3	2	3	4	2	6	6	2	2	4	4	6	4	2	2	4	6	4	2	2	4	4	2	4	4	2	4	4	2	4	4	2	4	4	2	4	4	2	4	4	2	4	4	2	4	4			
19	Overcharging (including turning off the meter, adding on unauthorised extras, refusing to refund or attempting to charge more than the fare agreed with the customer by the operator)	9	9	12	7	9	4	4	12	6	7	6	6	2	12	6	6	6	12	12	8	12	12	12	8	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12

Proposed Points System

19	Private hire Vehicle parking or waiting on a rank	7	6	9	6	7	12	4	6	9	6	6	9	6	12	6	9	6	9	9	6
19	Failure to carry a first aid kit	4	3	3	4	4	6	4	2	3	3	3	3	3	3	3	4	3	3	3	2
18	Failure to provide DVLA licence when requested	5	4	4	6	7	6	4	4	3	4	4	4	3	6	4	4	4	4	4	4
18	Failure to observe rank discipline or etiquette e.g. failure to move up, driving on the pavement or grass	5	3	3	4	2	12	4	6	3	3	3	3	3	3	6	5	3	3	3	6
18	Private Hire operator failing to enter in the register of details of all private hire vehicles operated by the operator. Records logs	5	6	6	3	7	6	3	3	6	3	3	6	6	8	6	4	9	6	3	6
17	Improper / Unauthorised signage including failure to use authorised roof light	4	4	4	6	6	6	3	2	3	4	3	4	4	4	4	4	5	4	3	4
17	Failure to behave in a civil and orderly manner, or bringing the trade into disrepute	8	6	12	6	4	6	3	3	12	8	3	12	6	3	6	6	12	12	5	12
17	Parking / Stopping / Waiting / Leaving your vehicle unattended on a double yellow area, waiting or stopping on a bus stop, double yellow area, or private land (without the owners permission) unless requested by a paying customer present in the vehicle. Failure to comply with the conditions/use of bus lanes.	4	3	3	3	3	6	3	3	3	3	3	3	3	3	3	9	3	3	3	6
16	Allowing others to be carried without the consent of the hirer	7	7	6	12	4	7	2	9	6	3	9	8	6	6	9	4	9	4	8	8
14	Failure to produce a fitness to drive group 2 medical certificate or medical assessment	5	4	5	4	4	2	6	4	3	3	4	12	4	12	4	4	5	4	4	4
14	Failure to use approved and calibrated meter	6	6	8	12	6	4	6	2	6	6	6	6	6	6	9	6	4	6	6	6
14	Carrying any article which would reasonably be considered an offensive weapon in the vehicle (including imitation firearms)	12	12	12	12	6	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
14	Use of rude or offensive language or behaviour	8	8	12	5	9	4	6	6	12	12	9	6	12	12	6	12	5	12	12	12
13	Driver not holding a current or valid DVLA licence	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
13	Using a vehicle with any defect (brakes, seat belts, steering, suspension, doors, windscreen, bodywork, lights, wipers, washers, exhaust, horn, battery or other relevant defect)	8	9	12	12	5	12	4	6	3	9	6	12	12	12	12	3	9	12	3	9
13	Driver not holding a current HCD or PHD licence	11	12	12	12	8	7	12	12	8	12	12	12	12	12	12	12	12	12	12	12
13	A licenced vehicle with bald, dangerous, or defective tyre. Points will be awarded for each tyre.	5	4	4	4	6	2	3	4	4	4	4	12	5	4	12	5	4	12	12	12
13	Interfering with a meter (tampering)	10	12	12	12	12	4	6	12	6	12	12	12	12	12	12	12	12	12	12	12
13	Obstruction of officer / Police officer wishing to examine a licenced vehicle	11	12	12	12	12	7	12	12	6	12	12	12	12	12	12	6	12	12	6	12
12	Unlicenced driver driving a licenced vehicle (including allowing of an unlicenced driver to drive a licenced vehicle)	11	12	12	12	12	7	12	12	12	12	12	12	12	12	12	12	12	12	6	12
12	Using a non approved taximeter	6	6	6	6	2	6	6	6	6	6	6	6	6	6	6	9	6	4	6	6
12	Failure to deal with lost property in the correct manner	4	3	3	3	3	2	3	3	3	3	3	3	3	3	3	3	3	3	2	8
12	Food or drink waste in vehicle, or drinkin / eating / drinking in a licenced vehicle with passengers on board	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	2
11	Using a vehicle for which the licence has been suspended or revoked	12	12	12	12	7	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12

11	Driving a licensed vehicle without a valid PH/HC drivers licence	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
11	Failure to give information or assistance to an authorised officer of the council or a police officer	9	12	12	4	12	6	12	12	12	12	12	12	12	12	12	12	12
11	Using insulting or threatening words or behaviour towards any Officer of the Council, failure to behave in a civil and orderly manner towards a licensing officer	8	6	12	12	6	12	6	12	6	12	5	12	12	5	5	5	12
10	Failure to display or use a "Taxi Top box" or "roof light" on the roof of a Hackney Carriage	4	4	4	4	4	3	4	3	4	3	4	3	4	3	4	3	4
10	Inappropriate behaviour at a taxi rank	9	12	12	4	6	12	4	9	12	12	6	12	12				12
10	Using a vehicle subject to a suspension order issued by an authorised officer or police officer	12	12	12	12	7	12	12	12	12	12	12	12	12	12	12	12	12
10	Failure to carry legal spare wheel or authorised suitable alternative (i.e. foam / run flat tyre) and tools	4	4	4	4	2	4	4	4	4	3	4	4	4	4	4	3	4
10	Failure to comply with any other condition or by-law	7	6	6	12	3	12	6	6	6	3	3	12	3	3	6	3	6
10	Using a vehicle as private hire without a licence for that vehicle	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
10	Failure to take precautions to ensure safety of passengers entering / exiting or travelling in the vehicle	8	7	12	5	6	4	12	4	12	4	12	12	12	4	4	12	12
10	Driver of private hire vehicle failing to hand his original private hire vehicle driver's licence to his employer (Private Hire Vehicle Operator) before commencing employment.	4	2	2	4	7	2	3	2	2	2	2	2	2	2	2	9	2
10	Sounding the vehicle horn to announce arrival, or cause distress or alarm (i.e. in any way not permitted by 112 of the Highway Code)	3	3	3	3	6	3	3	3	2	2	2	2	2	2	5	3	2
9	Operating a vehicle as private hire vehicle without a private hire operator's licence	11	12	12	12	7	12	12	12	12	12	12	12	12	12	12	12	12
9	Allowing another person to drive without consent of the operator/Proprietor	8	7	12	7	4	7	8	8	6	12	12	12	12	4	4	12	12
9	Any other offence/breach/misdeemeanor not specifically covered in this scheme (Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein)	9	12	12	12	7	3	12	12	12	12	12	12	3	3	12	6	12
9	Failure to comply with a requirement of an authorised officer or a police officer.	10	12	12	12	4	12	6	12	12	12	12	12	12	12	12	12	12
9	Travelling less than the lawful distance for an agreed fare.	8	8	12	12	4	7	12	12	6	6	9	12	12	6	9	12	8
9	Failing to wait after a deposit to wait has been paid.	10	12	12	12	6	7	12	12	12	12	9	12	12	12	12	12	12
9	Operating an unlicensed vehicle as a licensed vehicle	11	12	12	12	3	3	3	4	3	3	3	3	3	3	3	3	6
8	Parking in contravention of public highway parking restrictions including occupying/parking in a pay and display space, loading bay.	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
8	Touting (i.e. calling out)	8	8	12	9	3	7	12	9	3	12	6	12	6	6	6	6	6
8	Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured and unloaded/a designated wheelchair accessible vehicle refusing or failing to comply with S165 of The Equality Act 2010	8	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	12

8	Minor abusive behaviour to a member of the public or a licensed driver	6	6	6	4	9	2	6	6	6	5	12
7	Using an untaxed vehicle (failure to have current vehicle excise licence)	5	4	4	7	4	4	3	3	6	6	
7	Charging for the carrying of a wheelchair or assistance dog	8	7	12	6	7	2	12	6	12	12	
7	Failure to provide Operators Licence on request	4	4	4	4	4	4			3	4	4
6	Failure to disclose previous convictions or cautions when renewing a licence	6	5	6	12	6	4	4	3	6	5	4
6	Parking/stopping or picking up or dropping off passengers on zigzags of a pedestrian crossing or school entrance	3	3	3	4	2	4	3	3	3	3	
6	Conveying animals belonging to the proprietor or driver of the vehicle	3	3	2	3	4				2	6	2
6	Failure of a Private Hire Operator to ensure that all vehicles operated by him are adequately insured	9	9	12	6					6	12	12
6	Failure of a Private Hire Operator to keep and display public liability insurance for the operating premises if the public are allowed access	9	5	4	4	4				4	6	23
5	Failure to comply with any other legislation	11	12	12	12	7				12	12	12
5	Operating a vehicle as a private hire vehicle when the driver is not licensed as a private hire driver.	11	12	12	12	7				12	12	12
5	Permitting the vehicle to be used for any illegal or immoral purposes	12	12	12								
5	Failure of a Private Hire Operator to ensure that office staff act in a civil and courteous manner at all times	3	3	3						2	3	5
5	Misleading use of the words "Taxi" or "Cab" on advertising materials (such as Driving a vehicle with the word Taxi/Cab on it, causing or permitting a vehicle to have taxi/cab on it and advertising Taxi/Cab on it)	6	3	3	3	3	3	10	3	3	10	3
4	Failing to cause the seats to be properly cushioned or covered.	4	4	3		3	7	3		4		
4	Private hire operator failing to keep register of vehicles up to date.	5	5	3		3	7	6	3			
4	Driver failing or refusing to undertake medical on reaching ages 60 years.	11	12	12		12				12	12	6
4	Parking, waiting or stopping in a disabled bay longer than the permitted time, unless assisting with the loading or unloading of a passenger.	4	3	3						3	3	3
4	Failure to submit a licence renewal application until after the expiry date of an existing one (SSO LGMPA) / Failure to submit renewal application at least 10 days before expiry	5	5	6						6	4	6
4	Driving a Licensed vehicle without the proprietors consent	9	9	12						12	12	4
3	Failure to comply with a 14 day notice or advisory notice for the repair of a vehicle	6	6	6		6	7					
3	Poor or dangerous driving	7	6	N/A	12	6	3					

3	4	2	2	2	2	9			
3	2	2	2	3	2				
3	4	4	4	4	4				
3	9	12	12	12	12	4			
3	8	9	9	6	9	9			
3	11	12	12	9	12				12
3	7	6	N/A	6	3				12
3	9	12	12	2	12				12
3	12	12	12	12	12				12
3	4	4	N/A	4	5	3			4
3	4	4	N/A	4	5	3			4
2	6	6	6	6	6				
2	6	6	N/A	5	7				
2	12	12	12	12	12				12
2	10	10	N/A	10	9				
2	12	12	12	12	12				12
2	2	2	2	2	2				
2	10	10	N/A	12	7				
2	3	3	3	3	3				
2	3	3	3	3	3				
2	5	5	5	5	5				5
2	3	3	3	3	3				3

2	Failure to provide a prompt, efficient or reliable service	3	3	N/A	2	3	6
2	Failure to use taxi meter for journeys within prescribed distance	6	6	N/A	5		
3	Lending or parting with a hackney carriage drivers licence	7	4	4		4	4
2	Cause excessive noise from any radio or sound-reproducing equipment	2	2	2		2	2
1	Collusion or interfering with evidence, victims or witnesses, when Officers of the Council are carrying out an investigation	9	9	9	9		
1	Physical Abuse towards any person	12	12	12	12		
1	Driver seeking to renew driver's licence having failed to declare that Road Traffic Act Driver's licence has been endorsed.	6	6	6	6		
1	Officer observing a licensed driver sleeping on a taxi rank	6	6	6	6		
1	Failure to provide to the authority a DBS renewal certificate within 7 days of receipt.	6	6	6	6		
1	Installation of a taximeter in a private hire vehicle.	6	6	6	6		
1	Failure to notify proprietor of complaints made by the passengers	2	2	2	2		
1	Failure to notify passengers of their right to refer their complaint to the council	2	2	2	2		
1	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	2	2	2	2		
1	Failure to report the loss of a licence/plate/badge as soon as the loss becomes known	3	3	3	3		
1	Behaving in a sexually offensive manner towards passengers	12	12	12	12		
1	Having sexual intercourse with passengers whilst on duty or in a licensed vehicle	36	36	36	36		
1	Having sexual contact, including intimate kissing, touching of private parts, or similar activity, with passengers whilst on duty or in a licensed vehicle	12	12	12	12		
1	Engaging in any discussion of a sexual nature or about a sexual relationship with a passenger, be it past, present or future relationship	12	12	12	12		
1	Failing to inform your operator / the Licensing Authority in writing of any medical condition which would preclude you from carrying a guide dog or assistance dog	3	3	3	3		
1	Failure to comply with the conditions applicable to drivers of school transport vehicles and the code of conduct for drivers of school transport vehicles (School transport drivers only)	6	6	6	6		
1	Continued failure, after a further 4 weeks has elapsed, to provide documentary evidence that a licensed vehicle has the appropriate MOT/insurance after being requested	6	6	6	6		6

1	Display of flags and other promotional material	5	5	5
1	Fighting and/or aggressive behaviour towards the public or other licensed drivers	12	12	12
1	Failure to ensure the operator fulfils his responsibilities (where appropriate) to ensure compliance with legislation regarding the length of working hours	4	4	4
1	Dashboard warning light illuminated	4	4	4
1	Parking/Stopping a Private Hire Vehicle within 100 meters of a rank without a booked fare	6	6	6
1	Failure to display door signs on Private Hire Vehicle	2	2	2
1	Defective Taxi Meter	3	3	3
1	Private Hire Operators failing to notify the Licensing Officer of any complaints received	3	3	3
1	Private Hire Driver or Hackney Carriage Driver driving erratically and / or without due care and attention to pedestrians or other road users	6	6	6
1	Private Hire Driver or Hackney Carriage Driver blocking the driveway or entrance of any residence, business, school or any other public building or space	3	3	3

Consultation results

- “I understand the reason for the point system but feel a lot of pressure is being put on drivers. Drivers are aware of what is required of them and vetted before hand”
- “I agree in principle with the new points system my only concern would be if you disagree with the decision an independent person should be on the board to hear your appeal to give a fairer account of all the details”
- “I don't think Woking borough council or licensing team need to do this unfair system to any of taxi driver because poor taxi driver already facing a lot of problems in this small town already working have so many taxis on the road and people driving big van and trucks unbelievable changing in working even not in central London”
- “Both Amanda and I believe this to be a great idea. Anything you feel that we could add value to please don't hesitate to get in touch.”
- “I write to you in regards to the proposals made. I find this insulting to myself and others in this profession. The reason I say this is that when we apply for becoming a professional taxi driver we have to sit an exam and go through the vetting from yourselves to insure we are right for the job. This insures that the driver has the knowledge of our area of working also that we comply with all the safety aspects for our customers be it a child or the elderly. We also sign up insuring that we know what our council in this case Woking Borough Council expects of us. I do realise that there are some drivers which is few and far between whom do not respect the laws and requirements, but you should not be putting everyone in the same boat. I respect that the council wants all drivers to be giving high class service. Which I am sure majority of the drivers want to and are giving. Hence please with these draconian point system don't alienate the majority of drivers from that very small minority. I'm sure there is a better way of penalising the drivers that do not provide a great service.”
- “First of all we all drivers have applied for badges have agreed the terms and conditions and taken many exams to become Taxi drivers. So I find this point system unfair for driver's who take the job seriously many badge holders deliver professional services but for a minority maybe don't respect the rules it's not fair painting us with same brush.”
- “I am a professional driver working for last 3 years or so and I don't think you can judge us taxi drivers by point system so I am against this 100% because as I am a professional taxi driver I always have my car spotless and myself I always have a happy customer by the end of every journey because they like after things I do as a professional driver when get into a professional taxi driver's car they will always see how good we are dressed and how the car looks and the attitude of the driver I never have shouted at a customer or the other way always drive in a professional manner.”
- “I don't believe it's a good idea with points system. It is really difficult to become a taxi driver in Woking at the moment. With the points it will make drivers' life even harder.”

Proposed Points System

- Woking borough council should be getting uber out of woking as its taken 80% of the work from Hackney and private. In few years time there will be no woking licenced taxis and private hire left. Im sure people in woking licenceing team will also be losing jobs as there wont be any drivers left to licenced in woking and it will be run by TfL.”
- “To whom this may concern, we strongly object to the new proposals put forward for Woking Taxi Drivers, I have a child with respiratory issues and who has various appointments up and down the country and rely on the service of Woking Taxi drivers.
- Through the current pandemic I think it is unfair on an dying trade to penilise them in such an in humane manner. I am myself from a long line of members of family who work for the Taxi trade, they are regularly abused, physically, racially just because they are apart of the Gig industry, they are seen as the “unseen workforce” who are ferrying NHS Patients Workers throughout the country. We should be supporting them in these un Certain times not be issuing sanctions against a vital commodity.I regularly catch a cab and have very pleasant journeys and chats with drivers who cheer us up on the way to appointments.”
- “We think that the proposed taxi points system is very harsh and strict. I have two other emails of driver that also think this too. I hope we get this sorted”
- “I am against the point system because I feel the criteria to judge one on, is very harsh. In an event that one claims that a driver is not compliant with the system. Are you likely to be penalised, according to your statement yes, you say evidence provided. How so? Can you demonstrate how this will work. Can you confirm if any other boroughs are implementing such point system? Why are WBC, wanting to implement this? I can understand and appreciate the council want to maintain a high standard, but I believe there other methods that can be implemented that would sustain high standards. If you were to revoke one license this would stop them from earning and providing for their families, which would be ashame as many drivers have worked within the community for many years. I understand WBC want to develop a system, but I think a rating system instead of a this point system can be implemented.”

Draft Policy for the Penalty Points Scheme

1. Introduction

1.1. This document details the Penalty Point procedure used by the Council to deal with minor breaches or infringements of legislation or unacceptable behaviour committed by those licensed as Drivers and Operators and vehicle proprietors, in much the same way that points can be attached to a DVLA driving licence.

2. Policy statement

2.1. The aim of this policy is to improve the levels of compliance of licensing regulations and requirements and to help raise standards, safety and the protection of members of the public affected by the actions of licensed drivers and operators and vehicle proprietors.

2.2. The Council is committed to ensure that only fit and proper persons become, and remain, as hackney carriage and private hire drivers and Operators and vehicle proprietors.

2.3. The procedure also seeks to improve the level of transparency and consistency in which the licensing system is administered and enforced.

3. Purpose of the procedure

3.1. The penalty point procedure is designed to work in conjunction with other enforcement options, identifying those drivers, operators or vehicle proprietors who repeatedly behave in a manner which, if taken as a whole, indicates that they are not fit and proper persons to hold a licence.

3.2. The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 (the relevant legislation covering such licences), only allows for the suspension or revocation of a licence, or the prosecution of a licence holder where they commit an offence under the above legislation. Therefore there is no system in place to deal with minor breaches or infringements, which in isolation are not serious enough to warrant the suspension or revocation of a licence.

4. Who is covered by the procedure?

4.1. Penalty Points may be awarded against anyone holding a hackney carriage licence; a private hire driver licence; a Private Hire Operator Licence or a Vehicle Proprietor.

5. The details of how the scheme will be operated are as follows:

5.1. Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements.

5.2. If there is good evidence that there was a breach or inappropriate behaviour and it is considered appropriate to do so, the licence holder will be issued with a penalty point notice.

5.3. The penalty point notice will describe the infringement or breach, date and time it took place, and how many points have been issued to the licence holder.

5.4. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a Private Hire Driver, Private Hire Operator or Hackney Carriage Driver, system is predominately an internal management tool for ensuring that licence holders who penalty offences will be re-considered in the light of any mitigating circumstances the licence holder wishes to be considered.

5.5. The Council's Taxi Policies will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.

5.6. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this appendix. It is to be noted that whilst the appendix shows the recommended amount of points, officers will have discretion to decide on the points given based on circumstances. If more than one offence takes place the points will be added consecutively to the individual's file.

5.7. The Council reserve the right to not impose penalties points under this scheme where in the opinion of the Officers the allegations are either frivolous, vexatious or repetitious, or made, in the Officers opinion, to further personal grievances or which are not made within a reasonable time period, to be determined by the Council depending on the individual circumstances, of the breach having occurred.

Proposed Points System

5.8. Once the decision to issue penalty points is made, letters will be sent to all persons / organisations involved in the allegation(s) detailing the findings and decision of the Investigation officer. A record of the decision and any copies of associated documents will be kept on file (usually in secure electronic format) and retained for record in line with the retention of the licence.

5.9. A maximum of twelve penalty points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose penalty points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.

5.10. The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator. However, the Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.

5.11. Any penalty points incurred under this procedure are completely separate from any points which may be attached by the Police, through fixed penalty notices, or the Courts, through convictions to DVLA driving licences.

5.12. When issued, the penalty points will remain "live" for a rolling period of 36 months from the date they were imposed.

5.13. Points issued to a licence holder will be confirmed in writing within twelve working days from the discovery of the contravention or the conclusion of an investigation into a complaint.

5.14. There is no financial penalty associated with the system, and the licensee may continue to work.

5.15. Confirmed infringements or breaches resulting in the award of penalty points will act as an ongoing record of a licensee's behaviour and conduct and may be used in determining whether they are a fit and proper person to hold a licence.

5.16. If 12 penalty points are imposed on an individual licence in any one 36 month rolling period, the driver will appear in front of the Licensing Sub Committee where appropriate action will be taken in accordance with this policy.

5.17. Where a licence holder is brought before the Committee, The Committee will be required to determine whether the driver or operator is a fit and proper person. The following action can be taken by the Committee:

- i. Take no action
- ii. Issue a warning
- iii. Issue additional penalty points
- iv. Suspend a licence as a punitive sanction
- v. Suspend a licence to correct a fault, defect, or breach
- vi. Revoke or refuse to renew a licence

5.18. A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.

5.19. The length of the period of suspension of a licence will be dependent on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder. A determination will also be made as to whether the suspension or revocation is on the grounds of public safety, thereby having immediate effect.

5.20. More than one accumulation of penalty points in excess of the twelve point threshold in any three year period will normally result in the Committee revoking a licence where they believe the person not to be a 'fit and proper' person.

5.21. Once the matter has been dealt with:

- i. points will be removed if a suspension or revocation is imposed;
- ii. If a written warning is given the points will remain live for the normal two year period;
- iii. If the live period is extended the points will remain live for the time determined by the Committee.

5.22. Any driver, vehicle, proprietor or operator subject to suspension has the right of appeal to the Magistrates Court against the suspension. Suspensions will normally be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process, except where the relevant legislation allows for a suspension to take place with immediate effect.

5.23. Any driver, vehicle, proprietor or operator subject to revocation has the right of appeal to the Magistrates Court against the revocation.

5.24. The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this policy.

5.25. The penalty points system outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.

6. Appeals

6.1. If a licensee wishes to appeal against the issue of a “penalty points notice” he/she must do so in writing, stating the reasons of the appeal, within 10 working days from the date of issue of such a notice, to the Council’s Legal Services Manager or in his/her absence the Senior Licensing Officer, who, in consultation with the Chairman of the Licensing Committee, will have the discretion to:-

- i. uphold the Council Officer’s decision – retain the number points on the “penalty points notice”; or
- ii. cancel the issue of the “penalty points notice” to the licensee.

6.2. The Legal Services Manager or, as the case may be, the Senior Licensing Officer will write to the licensee informing them of the outcome within 10 working days of receiving the appeal.

6.3. If no appeal is lodged within 10 days from the date of issue of the Notice, then the Council will take the view that the licence holder has accepted the penalty points.

6.4. There is no appeal beyond the decision made by the Legal Services Manager. However, should a licensee be subsequently reported to the Licensing Committee for accumulating 12 penalty points, he/she has the opportunity to raise the validity of the points issued.

7. Re-applying for a Licence

7.1. If a licence holder has had their licence revoked, they may apply for a new licence, but its Council Policy that such an application under the Penalty Point Scheme will not be entertained until a suitable period from the date of revocation has elapsed, as detailed below:

- i. where the penalty points which resulted in the revocation included any infringements that attracted 10 or more points, then this period will be 24 months
- ii. where none of the infringements individually attracted more than 10 points, then this period is reduced to twelve months

7.2. It should not be assumed that an application for a new licence, following revocation under this Scheme, will automatically be granted. Any application will be subject to the Council's normal application process and consideration of whether the applicant is a fit and proper person to hold a licence.

8. Review of the scheme

8.1. For the first three years of the implementation of the scheme, it will be reviewed on an annual basis. On the third year of reviewing the licence, the Licensing Committee will ascertain whether annual reviews are still a requirement or whether it can be extended to a triennial time frame (I.e reviewed once every three years).

8.2. Notwithstanding this, the policy will continue to be evaluated and may be updated at any time.

Points relating to driver behaviour

Carrying any article which would reasonably be considered an offensive weapon in the vehicle (including imitation firearms)	12
Driver not currently holding a current or valid DVLA licence	12
Driving a Licenced vehicle whilst not in possession of a valid drivers licence (including allowing an unlicensed driver to drive a licenced vehicle)	12
Permitting the vehicle to be used for any illegal or immoral purposes	12
Serious misconduct or behaviour of a licensee (e.g. use of physical violence)	12
Driver in possession of drugs while in charge of a licenced vehicle or evidence of alcohol or illegal drugs in the vehicle	12
Under influence of drink and/or drugs while in charge of a licensed vehicle	12
Behaving in a sexually offensive manner towards passengers	12
Having sexual intercourse, or sexual contact, including intimate kissing, touching of private parts, or similar activity, with passengers whilst on duty in a licenced vehicle	12
Engaging in any discussion of a sexual nature or about a sexual relationship with a passenger, be in past, present or future relationship	12
Fighting and/or aggressive behaviour towards the public or other licensed drivers	12
Obstructing an officer / Police officer wishing to examine a licenced vehicle	11
Plying for hire by a Private Hire Driver (including accepting a fare that is not pre-booked)	10
Failure / Refusal to carry an assistance dog	10
Failure to comply with the requirement of an authorised officer or a Police officer	10
Obstruction of officers / failure to provide information and assistance to Authorised officers / Police Officers	9

Proposed Points System

Overcharging - including turning the meter off, not using the meter, adding on authorised extras, refusing to refund, attempting to charge more than the fare agreed with the customer by the operator or anything of a similar nature	9
Failing to behave in a civil and orderly manner being verbally abusive or aggressive to any member of public or driver, or bringing the trade into disrepute	9
Driving, or allowing someone to drive, a Licenced vehicle without the proprietors consent	9
Collusion or interfering with evidence, victims or witnesses, when Officers of the Council are carrying out an investigation	9
Unreasonable prolongation of a journey	8
Failure to immediately notify, in writing, the Licensing Section of a change in medical circumstances that may affect your ability to drive or the safe transportation of passengers (including eyesight).	8
Using a non hands-free mobile phone or PDA whilst driving (Driving without due care and attention)	8
Use of rude or offensive language or behaviour, failing to behave in a civil or professional manner	8
Using insulting or threatening words or behaviour towards any officer of the Council, failing to behave in a civil and orderly manner towards an officer of the Council	8
Touting i.e. calling out for business, this includes flashing of lights, waving of phones, or any other active attempt to signal which may be deemed to be touting.	8
Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured and unloaded/a designated wheelchair accessible vehicle refusing or failing to comply with S165 of The Equality Act 2010	8
Failure to notify the Licensing Authority of any Cautions convictions or endorsements within the requisite timeframe	7
Refusal to drive any person without reasonable cause / refusal to accept hiring without reasonable cause	7
Lending or parting with a hackney carriage drivers licence	7
Poor or Dangerous Driving	7
Failure to disclose previous convictions, cautions or endorsements when renewing a licence	6
Failure to comply with the conditions applicable to drivers of school transport vehicles and the code of conduct for drivers of school transport vehicles (School transport drivers only)	6
Failure to afford reasonable assistance with passengers or their luggage (including disabled people) into or out of the vehicle without good cause or exemption certificate, failing to take precautions to ensure safety of passengers entering / exiting or travelling in the vehicle	5
Failure to issue a receipt on request	5
Failure to provide a DVLA licence when requested	5
Failure to produce a fitness to drive group 2 Medical Certificate or medical assessment	5
Failure to submit a licence renewal application until after the expiry date of an existing one, without reasonable cause.	5
Urinating or defecating in a public place	5
Failure to wear the Drivers ID badge or produce when requested	4
Inappropriate dress or attire, unsatisfactory appearance or turnout / hygiene of driver	4

Proposed Points System

Failure to attend punctually at an appointed time or place without sufficient cause (i.e. at a booked appointment or vehicle inspection)	4
Driver of a vehicle failing to provide his licence(s) to his Private Hire Operator before commencing employment	4
Obstructing other hackney carriages	4
Failure to notify the Licensing Authority of a change of name or address in writing within the requisite timeframe	3
Littering	3
Failing to inform the Licensing Authority / the Operator in writing of any medical condition that may preclude from carrying an assistance dog or wheelchair user	3

Points relating to a Vehicle licence

Using an unlicensed vehicle for hire/reward work (including using a vehicle for hire/reward where the licence has been suspended / revoked)	12
Using a vehicle without valid or inadequate (i.e. private/public hire) insurance	12
Interfering or tampering with a Meter	10
Failing to wait after a deposit has been paid	10
Starting the meter fare before the hirer enters the vehicle without prior agreement / before the commencement of the journey	9
Carrying more passengers than the vehicle is licenced to carry	8
Using a mechanically unfit or unsound vehicle or with any defects (brakes, seat belts, steering, suspension, doors, windscreen, bodywork, lights, wipers, washers, exhaust, horn, battery, or other relevant defect that may warrant a failure at either MOT or Council Vehicle inspection, presenting a vehicle for testing that is in an unsafe or dangerous condition	8
Travelling less than the lawful distance for an agreed fare	8
Charging for the carrying of a wheelchair or assistance dog	8
Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire.	8
Private Hire Vehicle parking, stopping, waiting or making use of a designated Hackney Carriage Rank	7
Allowing others to be carried without the consent of the hirer	7
Driving/Causing/permitting a Private Hire Vehicle or Operating with an appearance that might suggest it is a hackney carriage, including displaying any feature on a private hire vehicle or Operators signage that may suggest that it is a taxi.	6
Failure to undergo the mid-year "six month" vehicle inspection	6
Failure to undergo an MOT in the required timeframe	6
Failure to present a vehicle for inspection when requested by an officer	6
Failure to use an approved and calibrated meter, using a defective meter	6
Failure to comply with a 14 day notice or advisory notice for the repair of a vehicle	6
Installation of a taximeter in a Private Hire Vehicle	6
Failure to notify the Licensing Authority of an accident, or damage to a Licenced vehicle, in writing and/or within 72 hours	5
Failure to provide vehicle insurance when requested	5

Proposed Points System

Evidence of smoking in a Licenced Vehicle (even when not working) or allowing a passenger to smoke in a Licenced vehicle	5
Failure to observe rank discipline or etiquette (i.e. failure to move up, waiting on pavements nearby or at the end of the rank)	5
A licenced vehicle found with bald, dangerous or defective tyre (points awarded per tyre)	5
Using an untaxed vehicle	5
Failure to display the vehicle licence plate in the appropriate position on the vehicle (as per the Licence Conditions) or defacing / concealing the plate	4
Unsatisfactory/Unclean condition of the vehicle	4
Unapproved or inappropriate advertising or signs in or on a vehicle (including on the window)	4
Failure to notify where the vehicle is kept	4
Failure to notify of a vehicle transfer (this can apply to both parties involved in the transfer)	4
Failure to carry a working Fire Extinguisher	4
Leaving a Hackney Carriage unattended on the rank	4
Failure to carry a first aid kit	4
Improper / Unauthorised signage (including a failure to use Operators door signs)	4
Failure to display or correctly use the roof light on a Hackney Carriage	4
Failing to comply with the requirements of the Highway Code or Traffic Order - i.e. Parking / Stopping / Waiting / Leaving your vehicle unattended on a double yellow area, waiting or stopping on a bus stop, disabled bay, double yellow area, or private land (without the owners permission), failure to comply with the conditions/use of bus lanes, parking, waiting or stopping in a disabled bay longer than the permitted time, parking, waiting, becoming stationary or stopping your vehicle in a parking bay (without a valid ticket), causing an obstruction to traffic, parking in a dangerous position (i.e. double parked, parked closed to a road junction) or on a footway, blocking the driveway or entrance of any residence, business, school or any other public building or space, or contravening any section of the highway code, traffic laws, regulations, orders or guidance.	4
Failure to deal with lost property in the appropriate manner	4
Failing to cause the seats to be properly cushioned or covered.	4
Dashboard warning light illuminated	4
Failure to display a valid fare chart or other approved notices	3
Food or drink waste in the vehicle or drinking/eating in a licenced vehicle with passengers on board	3
Sounding the vehicle horn to announce arrival, cause distress/alarm, display anger or in any way not permissible by S112 of the Highway Code	3
Conveying animals belonging to the proprietor or driver of the vehicle	3
Failure to report the loss of a licence / plate / badge / door sign as soon as the loss becomes known	3
Failure to display in a licenced vehicle "no smoking" signage as prescribed in the Health Act 2006	2
Causing excessive noise from any radio or sound-reproducing equipment	2

Points relating to an Operator Licence

Operating as a Private Hire Operator whilst not in possession of a valid Private Hire Operators Licence	12
A Private Hire Operator operating a vehicle for hire and reward where the vehicle or driver does not hold a valid licence	12
Failure of a Private Hire Operator to ensure that all vehicles operated by him are adequately insured.	9
Failure of a Private Hire Operator to keep and display public liability insurance for the operating premises if the public are allowed access	9
Failure of an Operator to keep records / logs of all bookings in accordance with the conditions of the licence, or failure to produce within a reasonable timeframe upon the request of an authorised officer of the Council or a Police Officer	6
Operator failing to keep a register of details of all vehicles operated by them, as per the Conditions of the licence.	5
Failure of a private hire operator to request and keep a copy of all driver's licences in his employ at the beginning of employment.	4
Failure to provide an Operators Licence on request	4
Failure of a private hire operator to ensure that every driver employed by him has a private hire licence and badge and compliant with the conditions of their licences	4
Failure of a Private Hire Operator to ensure that office staff act in a civil and courteous manner at all times	3

Points relating to all licences

Providing false or misleading information on a licence application form or failing to provide relevant information (including failing to pay the relevant fee upon request)	9
Failure to return any licence upon suspension or revocation or upon request	7
Failure to provide prompt, efficient or reliable service	3

1. Definition of poor driving behaviour:
 - a. Careless driving – if the driver is not exercising the degree of care and attention that a reasonable and prudent driver would exercise in those circumstances
 - b. Driving without reasonable consideration – deliberate act of behaviour is considered irresponsible and inconsiderate to others e.g. deliberately driving through a puddle to splash pedestrians or cutting into traffic at the last minute.
2. Definition of dangerous driving
 - a. The way that a person drivers falls below what would be expected of a competent and careful driver; and

It would be obvious to a competent and careful driver that driving in that way would be dangerous.

LICENSING COMMITTEE – 6 OCTOBER 2020

DELEGATED AUTHORITY IN RESPECT OF TAXI AND PRIVATE HIRE LICENSING

Executive Summary

The Licensing Committee has requested a review of the current scheme of delegated authority in respect of Taxi and Private Hire licensing. A thorough review has been undertaken and it is considered that the current scheme operates in line with best practice and should continue as drafted, subject to any changes adopted with the proposed introduction of a penalty points system.

Recommendations

The Committee is requested to:

RESOLVE That

- (i) the scheme of delegations continues to have effect.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: Part 3 – Delegated Authority – The Constitution
<https://modern.gov.woking.gov.uk/documents/s1209/Part%203%20-%20Responsibility%20of%20Functions%20Management%20Arrangements%20and%20Scheme%20of%20Delegations.pdf>

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LIC20-007

Delegated Authority in Respect of Taxi and Private Hire Licensing

1.0 Introduction

- 1.1 The Licensing Committee has requested a review of the current scheme of delegated authority in respect of Taxi and Private Hire licensing.

2.0 Delegated Authority

- 2.1 The current powers delegated to the Legal Services Manager can be found in Part 3, Responsibility for Functions, Management Arrangements, and Scheme of Delegations of the Constitution at page 115. The Legal Services Manager is delegated the following authority in respect of Taxi and Private Hire Licensing:

Taxi and Private Hire Licensing:

- (1) to determine applications for licences for:

- (a) private hire operators, private hire drivers and taxi drivers, and
- (b) private hire vehicles and taxis.

(2). Revocation/Suspension of Licences: In consultation with the Chairman of the Licensing Committee (or in his/her absence, the Vice-Chairman) to suspend or revoke private hire operators' and drivers' and taxi drivers' licences in appropriate cases

- 2.2 It was agreed that an annual report providing an overview of the year would be presented to the Licensing Committee providing anonymized details of the exercise of the delegated authority to, in consultation with the Chairman of the Licensing Committee, suspend or revoke a licence. The annual Overview of the Year report is also before the Licensing Committee tonight. This provides transparency and accountability. Should any Councillors wish further details or to discuss these matters then they are encouraged to contact the Legal services Manager who is happy to provide such information.
- 2.3 It should be noted that any decision to suspend or revoke a licence is subject to a right to make an appeal to the Magistrates Court. Since we started recording revocations and suspension and reporting them to the Licensing Committee in 2017, there has been 71 suspensions and revocations. It should be noted that 37 of the 71 relate to suspension of licences for failing to complete the mandatory CSE training. 10 appeals have been lodged, we are waiting the outcome of three appeals and of those appeals determined all appeals but one have been dismissed. 8 appeals were against the revocation of licences and 2 against refusal.
- 2.4 Appendix 1 provides a copy of the overview of revocations and suspensions which has been reported to the Licensing Committee for the last few years. It is proposed that appeals lodged and the outcome of the same shall be reported to the Licensing Committee as part of the overview of the year report.

3.0 The determination of applications for licences

- 3.1 The Legal Services Manager has delegated authority to determine applications for licences. This exercise is undertaken in accordance with the Council's policy and relevant guidance and legislation. It should be noted that Licensing authorities have to make difficult decisions; the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If an 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 beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction

Delegated Authority in Respect of Taxi and Private Hire Licensing

- 3.2 It has been requested that consideration be given to the referral of any refusal to issue a licence or licence renewal to a Licensing Sub-Committee for determination.
- 3.3 Consideration has been given to this request and potential alternate methods that could be introduced explored. However, it is not considered that this is the most appropriate method to determine such applications. Such decisions are made in line with the Council's adopted policy as outlined in the Taxi Driver Handbook. This ensures transparency and consistency of decision making. It also ensures that an application is determined as quickly as possible. It is considered that such a change could give rise to numerous unnecessary Licensing Sub-Committee's being held. If an application should be clearly refused in line with adopted policies and government guidance but provision is made for a referral to a Licensing Sub-Committee then it is argued that this will be an unnecessary and time consuming procedure for all those involved.
- 3.4 Consideration has been given to a "call in" procedure in respect of proposed licence refusals. The proposal being that should an Officer consider that an application should be refused in line with the Council's policy then a 21 day "standstill" period should be put in place in which a member of the Licensing Committee or Ward Councillor shall be able to "call in" a decision to the Licensing Sub-Committee. The reasons as outlined above similarly apply to this type of "call in" procedure, I have not repeated them again. A decision to refuse an application for a licence is usually based on sensitive personal information such as an enhanced DBS check or detailed medical information. The nature of the information relied on to make a decision of this nature is sensitive and not the type of information that should be widely shared if not necessary. Unlike planning applications, licensing applications are not a matter of public record and the information submitted is not published on a portal. There is an expectation that such matters are considered with a level of confidentiality.
- 3.5 It is proposed that the delegated authority be retained for the determination of applications and refusals. There is no indication that any applications have been granted when they should not have been done so.
- 3.6 It should be noted that any applicant who is refused a licence has the right to appeal to the Magistrates Court. An appeal mechanism is in place which allows an appropriate route to for the applicant to challenge the decision.
- 3.7 There has been 2 appeals against the refusal of a licence since 2017. The Magistrates upheld the Council's decision in one appeal and the other appeal is listed for a hearing in May 2021. The current system works well and ensures that decisions are made quickly and in accordance with the Council's adopted policy and relevant legislation and guidance.

4.0 The revocation and suspension of licences

- 4.1 Under Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 a District Council may suspend, revoke or refuse to renew a hackney carriage / private hire driver's licence. This may be for the following reasons:
- a) since the grant of the licence they have been convicted of an offence involving dishonesty, indecency or violence; or
 - b) any other reasonable cause.

Under this Section the driver has 21 days to appeal against the decision to the Magistrates' Court and, during the appeal period, the licence holder can continue to drive hackney carriage / private hire vehicles.

- 4.2 Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 enables a decision to suspend or revoke a hackney carriage / private hire driver's licence to take immediate effect, should the Council believe it to be necessary in the interests of public

Delegated Authority in Respect of Taxi and Private Hire Licensing

safety. This means the driver cannot continue to drive hackney carriage / private hire vehicles during the appeal period.

- 4.3 To assist the Licensing Committee examples of situations where immediate suspension or revocation might be warranted are listed below. It should be noted that this list is not exhaustive but guidance as to the likely use of the delegated authority:-
- (a) Allegations of violence against a passenger or person wishing to travel;
 - (b) Allegations of indecency, including sexual assault and rape, against a passenger or person wishing to travel;
 - (c) Allegations that the driver is unfit to drive as a result of being under the influence of drugs or alcohol;
 - (d) Admitted sexual contact with a passenger in the vehicle;
 - (e) An immediate suspension may take place when a driver no longer meets Group 2 medical standards. In these circumstances the suspension could have effect until the driver could provide evidence to show they were 'fit' to the required standard.
- 4.4 The Legal Services Manager, in consultation with the Chairman of the Licensing Committee (or in his/her absence, the Vice-Chairman) has been delegated authority to suspend or revoke private hire operators' and drivers' and taxi drivers' licences in appropriate cases. This delegation applies to all suspensions and revocations i.e it does not distinguish immediate suspension and revocation or suspension and revocation after 21 days.
- 4.5 The Legal Services Manager, in consultation with the Chairman of the Licensing Committee (or in his/her absence, the Vice-Chairman), retains delegated authority to suspend or revoke licences immediately. Such decision need to be made quickly to ensure the safety of the public. The decisions are made in consultation with the Chairman of the Licensing Committee (or in his/her absence, the Vice-Chairman) and reported to the Licensing Committee annually for transparency. In such cases, it would not be logistically possible to call a Licensing Sub-Committee to determine the application.
- 4.6 It should be noted that to call a Sub-Committee specific steps need to be undertaken which take time to arrange. Officers need to draft a report, a date on which a Sub-Committee can sit and accommodation is available determined. The Sub-Committee needs to be scheduled and the agenda, together with the Officer report, published within the correct procedural timeframes. Taking all these procedural factors into account, it is unlikely that a Sub-Committee could be held within a month of the need arising.
- 4.7 On 21 July 2020, the Department of Transport issued new standards to improve safety for taxi and private hire vehicle passengers. Paragraph 5.11 states "...**all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence**. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service." This reinforces that the Council's current scheme of delegation is in line with government guidance and best practice.
- 4.8 Councillors will note the above reference to the suspension of 37 licences for failing to complete the mandatory Child Sexual Exploitation training within the required time frame. Nine of the above completed their CSE training after their licence was suspended, resulting in the removal of the licence suspension. No appeals were lodged in respect of the same. The requirement for drivers to complete the BTEC before 31 March 2021 is fast approaching and to date 362 drivers have not yet completed the course. The Licensing Department shall send reminders to drivers that the course must be completed by 31 March 2021 however it is anticipated that multiple licences may have to be suspended until compliance is secured.

Delegated Authority in Respect of Taxi and Private Hire Licensing

5.0 Penalty Points Scheme

- 5.1 It should be noted that should the proposed penalty points scheme be adopted it proposes that should a driver receive a total of twelve points the matter be referred to a Licensing Sub-Committee for consideration. The report outlines the proposed procedure and is separate to this matter before the Committee. The matters which will be subject to the points system are such that would not result in an immediate suspension and would be referred to the Licensing Sub-Committee for determination. These matters are those which would fall under Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 As outlined in the report, the introduction of a penalty points scheme and matters being referred to a Sub-Committee for determination shall provide a transparent decision making method. It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the licensing functions. It shall avoid the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

6.0 Implications

Financial

- 6.1 None arising from this report.

Human Resource/Training and Development

- 6.2 There is likely to be human resource implications for the Licensing, Legal Services and Democratic Services teams should the Council be required to hold more Licensing Sub-Committees. It is anticipated that this will be minimal and will be met out of the current resources available to these teams.
- 6.3 Members are currently provided with annual training however further training is recommended specifically relating to Taxi and Private Hire licensing and Licensing Sub-Committees. As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSE, disability and equality awareness and the making of difficult and potentially controversial decisions.

Community Safety

- 6.4 The proposals will continue to ensure the safety of the travelling public.

Risk Management

- 6.5 None arising from this report.

Sustainability

- 6.6 None arising from this report.

Equalities

- 6.7 None arising from this report.

Safeguarding

- 6.8 The proposals will continue to ensure the safety of the travelling public.

Delegated Authority in Respect of Taxi and Private Hire Licensing

7.0 Conclusions

- 7.1 That having considered all options available to the Licensing Department it is recommended that the current delegations remain as drafted, however should the Members be minded to adopt the penalty points system, it is noted that matters arising from the issuance of penalty points for minor matters shall be determined under Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 by a Licensing Sub Committee.

REPORT ENDS

Appendix 1

Refusals, Revocations and Suspensions

Reference: 004034

Date: 15/03/2017

Information: Video and photograph evidence shows driver using a mobile phone (watching a video) whilst transporting a minor under Surrey County Councils School Runs Scheme.

Outcome: Licence revoked under the grounds of being not fit and proper (driving without due care and attention.)

Reference: 003185

Date: 28/03/2017

Information: Driver caught as part of a sting operation by Licensing Authority and was found to be driving a car for hire and reward whilst not in possession of a valid driver or vehicle licence.

Outcome: Successfully prosecuted at Guildford Magistrates Court.

Reference: 004035

Date: 06/04/2017

Information: Disclosure and Barring Service Certificate showed twelve convictions for nineteen offences and one caution for one offence.

Outcome: Application Refused on grounds of not fit and proper (as per Criminal Convictions Policy)

Appeal: Appealed WBC Decision. Guildford Magistrates Court found WBC's decision to be correct.

Reference: 004048

Date: 05/05/2017

Information: Numerous forms the applicant had completed turned out to contain false information. This included providing false information on a Disclosure and Barring Service Application Form.

Outcome: Application Refused on grounds of repeatedly providing false information on official documents. Failed to show honesty and therefore was not fit and proper.

Reference: 003187

Date: 31/05/2017

Information: Home Office Evidence showed applicant has no right to work in the UK.

Outcome: Licence Revoked

Reference: 003188

Date: 31/05/2017

Information: Home Office Evidence showed applicant has no right to work in the UK.

Outcome: Licence Revoked

Reference: 003189

Date: 31/05/2017

Information: Home Office Evidence showed applicant has no right to work in the UK.

Outcome: Licence Revoked

Reference: 003190

Date: 31/05/2017

Information: Home Office Evidence showed applicant has no right to work in the UK.
Outcome: Licence Revoked

Reference: 003384

Date: 04/07/2017

Information: Has received three separate allegations from three separate female fare paying passengers of sexual assault.

Outcome: Revoked on grounds of not fit and proper.

Appeal: Appealed WBC Decision, Guildford Magistrates Court found WBC decision to be correct.

Reference: 003294

Date: 13/07/2017

Information: Medical Assessment from G.P. shows driver not medically fit to drive.

Outcome: Licence Revoked

Reference: 003394

Date: 07/08/2017

Information: Medical Assessment from G.P. shows driver not medically fit to drive.

Outcome: Licence Revoked

Appeal: Appealed WBC Decision, Guildford Magistrates Court found WBC decision to be correct.

Reference: 004232

Date: 10/08/2017

Information: Was found to be operating a private hire company without a valid licence. Furthermore, was stopped by Surrey Police carrying passengers without a valid vehicle or driver licence.

Outcome: Application refused, and successfully prosecuted at Guildford Magistrates Court.

Reference: 003606

Date: 06/12/2017

Information: Driver was successfully prosecuted by Guildford Borough Council for plying for hire (i.e. they are a Private Hire Driver and picked up a passenger without a booking in the Guildford Town Centre).

Outcome: Licence revoked.

Reference: 004301

Date: 07/12/2017

Information: Disclosure and Barring Service Certificate shows eighteen convictions for thirty-six offences.

Outcome: Application Refused under grounds of not fit and proper (in line with Criminal Conviction Policy)

Reference: 004722

Date: 28/02/18

Information: Disclosure and Barring Service Certificate shows two convictions for three offences and one caution for one offence.

Outcome: Application refused under grounds of not fit and proper (in line with Criminal Conviction Policy)

Reference: 003463

21/03/18

Drivers licence revoked on the grounds that

- i) they had been arrested by Surrey Police for Child Abduction
- ii) they had previously been arrested, cautioned and had their licence suspended carrying a bladed article in their licenced vehicle
- iii) they had a record of historical convictions, such as handling stolen goods, possession of a controlled drug and a caution for resisting or obstructing a constable.
- iv) Surrey Police had expressed concerns as on three separate occasions the driver had been caught using or carrying cannabis which suggested a pattern
- v) Surrey police had also expressed concerns as a stop and search of his vehicle had found a wash kit in the central console containing wet wipes, condoms etc – which we were informed by the Police is a common accoutrement for those involved in the control of prostitution.

Reference 004048

26/03/18

Applicant's renewal was refused on the grounds that

- i) they had failed to disclose a previous licence refusal (which is a requirement of the application form)
- ii) they had failed to notify us of an address change (whilst licenced)
- iii) on more than one occasion they had provided us with false addresses on official application forms
- iv) they had provided false information on a Disclosure and Barring Service (DBS, formerly the CRB check) application form.
- v) They had failed to update their DVLA licence in contravention of DVLA requirements.

Reference 004966

29/05/18

Applicant's renewal was refused on the grounds that their DBS Certificate showed "Theft by an employee" which is in contravention of Woking Borough Councils Criminal Convictions Policy.

Reference 003802

21/06/18

Drivers licence was revoked on the grounds that

- i) they had been arrested by Surrey Police on suspicion of being concerned in the supply of a Class A Drug and possession of a controlled drug of Class B after a warrant was executed at their home address.
- ii) The applicant had a substantial criminal history of similar incidents including affray, allowing a dog to be dangerously out of control and causing injury, using racially threatening and abusive language intended to cause distress, two convictions for possessing cannabis, three convictions for possessing cannabis with intent to supply and one conviction for possessing cocaine with intent to supply.
- iii) they had been involved in an incident whereupon they had physically assaulted another driver whilst in the reception of the Civic Offices at Woking Borough Council.

Reference 003253

20/07/18

Applicant's renewal was refused on the grounds that an independent medical advisor had deemed them to be 'not medically fit to drive a vehicle for hire and reward,' in line with the DVLA standards.

Reference 003461

20/07/18

Applicant's renewal was refused on the grounds that an independent medical advisor had deemed them to be 'not medically fit to drive a vehicle for hire and reward, in line with the DVLA standards.

Reference 004201

25/07/19

Drivers licence was revoked after they were caught illegally plying for hire in Guildford. The applicant had been caught by Guildford Council Officers and had been found guilty of the offence both at the Magistrates Court and the Crown Court.

Reference 003885

25/09/18

Applicants renewal was refused on the grounds that

- i) it transpired as part of the renewal that they had been caught driving a vehicle without insurance
- ii) they had failed to notify the Licensing Authority of the DVLA endorsement, in contravention of Condition 1b of their licence
- iii) they had provided false information on the renewal form (choosing to state they had never had a licence refused or revoked, when in reality in 2011 they had their licence revoked for illegally plying for hire)

Reference 003465

12/12/18

Drivers licence was revoked on the grounds that

- i) In September 2018 they had had been caught and convicted by Surrey Police of driving a licenced vehicle whilst there was no valid insurance in place,
- ii) In December 2018 they had been caught again by Surrey Police driving a licenced vehicle whilst there was no valid insurance in place,
- iii) they had failed to notify the Licensing Authority of the conviction or the endorsement, in contravention of Condition 1 and Condition 2 of their licence.

Reference 003464

14/12/18

Applicants renewal was refused on the grounds that

- i) they had been disqualified from driving for 'totting up,'
- ii) they had failed to notify the Licensing Authority of the conviction or the endorsement, in contravention of Condition 2 of their licence,
- iii) they had continued to hold a Hackney Carriage Drivers licence whilst not in possession of a valid DVLA Driving Licence.

Reference 003444

03/01/19

Drivers licence was suspended in August 2018 because they had been arrested and charged for a violent domestic incident and a child protection incident. On the 17th of December 2018 the driver attended court, pleaded guilty, and was convicted for common assault. The Criminal Convictions Policy states that a conviction for Common Assault will prevent a licence being issued until 10 years have passed since the completion of the sentence, and as such the suspension was replaced with a revocation.

Reference 003761

03/01/19

Drivers licence was revoked on the grounds that information had been received from Surrey Police regarding an incident whereupon the driver had purchased a controlled substance (Class A, Cocaine) and proceeded to take that drug in their licenced vehicle along with two vulnerable female youths. Having taken the drug they then proceeded to drive the licenced vehicle whilst under the influence of drugs.

Reference 003594

01/04/19

Drivers licence was revoked on the grounds that

- i) during a previous renewal, it was discovered they had failed to declare DVLA points/endorsements (in contravention of Condition 1 of their licence) and received both a verbal and a written warning about it.
- ii) they had received a six month driving ban/disqualification and failed to notify the Licensing Authority in contravention of Condition 1 of their licence.
- iii) they had continued to hold a Private Hire Drivers licence whilst not in possession of a valid DVLA Driving Licence.

Reference 003877

01/04/19

Applicants renewal was refused on the grounds that

- i) they had received a six month driving ban/disqualification and failed to notify the Licensing Authority in contravention of Condition 1 of their licence
- ii) they had continued to hold a Private Hire Drivers licence whilst not in possession of a valid DVLA Driving Licence.

Reference 003528

16/04/19

Applicant's renewal was refused on the grounds that an independent medical advisor had deemed them to be 'not medically fit to drive a vehicle for hire and reward,' in line with the DVLA standards

Reference 006170

13/11/2019

Operator's licence revoked on the grounds that they had knowingly given regular work (transport of vulnerable children) to an unlicensed and therefore uninsured driver. They had failed to comply with the conditions of their licence in that they had not properly kept records of the journeys carried out – thus breaching their licence and potentially compromising the capability of both the licensing authority and the police in carrying out their duties.

Reference 003426

15/11/2019

A hackney drivers licence revoked on the grounds that they had refused to take an elderly blind lady with a guide dog, in contravention of the Equality Act 2010.

Reference 003294

18/11/2019

Allegation of sexual assault from a driver on a passenger. A report was received of a suspected low level sexual assault (touching a male passengers hair in an unwanted sexual manner following a flirtatious conversation) following an investigation it was established that the customer was not willing to make a statement against the driver, no injury was caused, and both the licensing authority and the police felt that the driver did not present a threat to the public and showed remorse for touching the

customer. As a result – the driver accepted a community resolution from Surrey police and the licensing authority felt that there was no requirement to take any further action. The driver was allowed to continue his employment as a licenced driver.

Reference 003671

18/11/2019

Drivers licence revoked on the grounds that

- they had provided a false address on the application form
- they had provided a false address on the disclosure and barring service application
- they had provided a false address on the D4 medical assessment
- they had failed to notify the licensing authority of any change of address
-

Reference – Various

Thirty-Seven Licences suspended for failing to complete the mandatory Child Sexual Exploitation training within the required time frame.

Nine of the above completed their CSE training after their licence was suspended, resulting in the removal of the licence suspension.

LICENSING COMMITTEE – 6 OCTOBER 2020

OVERVIEW OF LICENSING 2019 - 2020

Executive Summary

This report has been drafted to provide the Licensing Committee with an overview of the Licensing Department's work in 2019 – 2020. This year has been an unprecedented year which no one could have predicted. As such, the report outlines some of the steps taken by the department to continue to work during the pandemic and adapt our processes moving forward together with usual statistics and overview of the year.

Recommendations

The Committee is requested to:

RESOLVE That the report be noted.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

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Date Published: 28 September 2020

LIC20-005

1.0 Introduction

- 1.1 This report has been drafted to provide the Licensing Committee with an overview of the Licensing Department's work in 2019 – 2020. This year has been an unprecedented year which no one could have predicted. As such, the report outlines some of the many steps taken by the department to continue to work during the pandemic and adapt our processes moving forward together with usual statistics and overview of the year.
- 1.2 The department has taken steps to assist drivers and businesses to continue to work where possible and provide advice on the new Covid regulations. To this regards, it has worked closely with Environmental Health and Surrey Police.
- 1.3 The attached appendices provide a thorough overview of the year as follows:-
- Appendix 1 is a report from the Licensing Department on the work which has taken place during the 2019/20 financial year.
 - Appendix 2 is an overall summary of the statistics relating to licences issued and dealt with.
 - Appendix 3 is a list of the revocations and refusals that have taken place over the last year.

2.0 Implications

Financial

- 2.1 None arising from this report.

Human Resource/Training and Development

- 2.2 None arising from this report.

Community Safety

- 2.3 None arising from this report.

Risk Management

- 2.4 None arising from this report.

Sustainability

- 2.5 None arising from this report.

Equalities

- 2.6 None arising from this report.

Safeguarding

- 2.7 None arising from this report.

3.0 Conclusion

- 3.1 That the report be noted.

Overview of the year

October 2019

Driver Applications received	58
Driver Licences issued	15
Vehicle Applications received	74
Vehicle Licences issued	71

The October Licensing Committee was held on the 8th, and items discussed were the introduction of a Knowledge Test for Operators and a proposed introduction of a requirement for Operator Door Signs to be Vinyl Stickers. Following extensive discussion on both subjects – the Operators Knowledge Test was introduced but the Door Signs policy was deferred. The Operators were to be given till the 1st of April 2020 in order to complete this.

The Knowledge Test was finalised and prepared over the following weeks – and were written to in December 2019. Further info on this can be found below.

In October 2019, the Licensing Authority identified fifteen vehicles that were “dual plating” i.e. being licenced by both WBC and Transport for London (TfL). As a licenced vehicle remains licenced at all times, it is a breach of TfL licensing laws to have the WBC signage on (and take off the TfL) and it is a breach of WBC Licensing laws to take the WBC signage off and have the TfL signage on. Drivers were written to on the 24th of October and given 14 days to rectify the problems – all of whom did promptly and without issue.

In February 2018 the Licensing Committee decided to implement the County wide requirement for CSE (Child Sexual Exploitation) training for all drivers. The aim of this was to ensure that drivers were able to know what to look out for and report it where possible.

Existing drivers were to complete this by the 18th of June 2019. Those who had not completed the course received several letters between June and October reminding them of the requirement. The Licensing Department went to great lengths to follow up with the drivers and help them with the process.

On the 10th of October 2019 the Licensing Department wrote to all those who hadn't completed the course to give them one final chance to complete the course and inform them that if not, their licences would be suspended. On the 25th of October we wrote to the thirty-seven drivers who had not yet completed this course in order to advise them of these suspensions. In follow up to these letters the vast majority completed their CSE course and their licences were not suspended.

The Licensing Authority is pleased to confirm that all those who currently hold a licence in the borough have completed their CSE training and as all new applicants are required to complete the training. The implementation of this has pre-empted government guidance which now recommends, as best practice, that all Councils make CSE training mandatory. Whilst other authorities work to catch up with Government guidance, Woking as an Authority leads the way.

A petition was put to the Council requesting a review of the Wheelchair Policy for Hackney Carriages. The wheelchair policy had been established over a decade ago and had been

designed to give those drivers who needed to replace their vehicles a suitable lead time in which to do so. The request of the drivers was to ask us to review this policy, and it was agreed that we should do so. Consequently we deferred the deadline for the policy for one year thus giving us time to consult and review the current situation. Those drivers who, under the previous policy would have to replace their vehicle by March 2020 were therefore allowed to continue until March 2021.

In October we also sent out 58 vehicle reminder letters, 6 Driver reminder letters and 7 Operator reminder Letters.

November 2019

Driver Applications received	14
Driver Licences issued	8
Vehicle Applications received	64
Vehicle Licences issued	58

Due to historical changes to the way licences were issued the Licensing Authority tends to get a larger proportion of drivers badges and vehicle licences expiring and needing renewal in December and March each year. This means that there is always a busy period for the staff around this time and preceding it.

The Licensing Authority also continued its work on finalising and preparing the Operators Knowledge test.

We also had cause to write to several new applicants who had not completed their application nor had they proceeded with it – and due to the time frame (with some not having made any progression on their application or made any contact in over a year) marked their applications as lapsed and notified them that the decision had been made. As was to be expected, we had no come back from this as clearly they had decided not to proceed with their applications and just had not informed us.

In November we sent out 67 vehicle reminder letters, 15 Driver reminder letters and 5 Operator reminder Letters.

December 2019

Driver Applications received	13
Driver Licences issued	53
Vehicle Applications received	62
Vehicle Licences issued	77

On the 12th of December 2019 we wrote to all Operators to advise them of the introduction of the Knowledge Test for Operators, giving them information on the test, an example question, and a list of future dates that were available.

We also had further cause to write to those with incomplete applications to notify that if they were not completed they would be cancelled.

In December we also sent out 56 vehicle reminder letters, 60 Driver reminder letters and 6 Operator reminder Letters.

January 2020

Driver Applications received	54
Driver Licences issued	15
Vehicle Applications received	77
Vehicle Licences issued	70

In the beginning of January we had cause to write to applicants (both renewal and new) to advise them of any unpaid payments that were still outstanding and wrote to a total of seventeen drivers to notify them that they had not made any payment and yet were in the process of an application.

In January, the Government made a decision to move the May Bank Holiday from the 4th of May to the 8th of May to coincide with the 75th Anniversary of VE Day. As this bank holiday was being moved this would mean that the Meters of Hackney Carriages would be out of sync (potentially charging a higher rate for a Bank Holiday when it wasn't a bank holiday – and vice versa on the 8th). On the 30th of January 2020 we sent letters out to 261 Hackney Carriage Drivers to advise them of this change and ensure that they got their Meters rectified and did not end up overcharging people.

In January we also sent out 43 vehicle reminder letters, 22 Driver reminder letters and 2 Operator reminder Letters.

February 2020

Driver Applications received	29
Driver Licences issued	13
Vehicle Applications received	39
Vehicle Licences issued	43

In February 2018, a decision was made by Woking Borough Councils Licensing Committee to introduce the requirement of a "BTEC" (or similar course) for Taxi and Private Hire Drivers within Woking Borough. The requirement was introduced with effect from the 1st of April 2018, and all existing drivers were given three years in which to complete the course. This means that current existing drivers have until the 31st of March 2021 in which to complete the course.

In February, therefore, we wrote to all those existing drivers (455) who had not yet completed the BTEC course so that we could remind them of this obligation and get them to complete it prior to the deadline.

In February we also sent out 74 vehicle reminder letters, 9 Driver reminder letters and 16 Operator reminder Letters.

Also in February Licensing Officer Jon Herbert accepted a role within WBC's housing Department. As a result, the Licensing Department liaised with the HR Department in formulating the job specifications in order to begin hiring for the new member of staff.

March 2020

Driver Applications received	18
Driver Licences issued	32
Vehicle Applications received	61
Vehicle Licences issued	60

In March 2020 the Licensing Committee looked at several items that we had been dealing with and proposing over the previous period.

Firstly, the possible introduction of a points based system, which was received positively by both the committee and the drivers and a decision was made to consult on this and bring back to the next Licensing Committee.

Secondly, the door signs was heard again having taken on board comments received during the previous Licensing Committees and it was agreed to implement a requirement for the door signs to be vinyl stickers and not magnetic.

Thirdly, the Licensing Authority had identified an issue whereupon a particular type of vehicle had been discovered to be below the required NCAP safety rating. As the Licensing Authority had become aware of this we felt the need to bring this to the attention of the Licensing Committee and following discussion it was decided to allow the licences already issued for these vehicles. We wrote the drivers of all 18 vehicles on the 12th of March 2020 to advise them of the good news.

It's unfortunate that in March 2020, the Covid-19 Pandemic had started causing serious disruption in the UK.

As a result of the spread of Covid-19, on the 20th of March 2020, the British Government made a decision to enforce the closure of Pubs, Clubs, Restaurants, theatres etc. This meant that times would be difficult for the Pub and Taxi Trade and we would have to work out new ways of doing things to get through this. As we were not working in the office we were unable to send letters and so emailed advice, guidance and links to Drivers, Operators and vehicle owners to help them through the current situation.

At the beginning of March we also sent out 51 vehicle reminder letters, 22 Driver reminder letters and 4 Operator reminder Letters.

April 2020

Driver Applications received	1
Driver Licences issued	17
Vehicle Applications received	28
Vehicle Licences issued	33

Towards the end of March, Derrick Laing, who had considerable experience from his previous job role before he joined the Council was requisitioned to work in the Woking Council's Covid Response Unit.

With the Civic Offices closed we were unable to have appointments for applicants meaning we were not necessarily able to carry out the proper checks. It was important to find a balancing point where we were able to ensure that we were carrying out some checks where possible and if not then we had to find solutions. If a driver was unable to have a medical but had no previous medical history then it wouldn't be fair to refuse him a licence just because the Surgeries were closed. We had to find a middle ground to this problem so that drivers did not suffer.

The following changes were made, in consultation with the Chairman and Portfolio Holder, and processed adapted.

With a driver renewal normally we require an application form, an enhanced DBS Certificate, a Medical, a DVLA Check and two Passport Photos . However not being in the office and therefore not being able to do Enhanced DBS checks, collected passport photos and with the applicants unable to do a medical we had to come to some system so those who did want to continue driving during the pandemic were not hindered. So on the assumption that drivers had no previous medical or criminal history they were able to sign a declaration stating that they had no medical or criminal history and were issued a letter permitting them to continue working for a short term period hopefully to cover them until things had returned to normal and we could resume our standard functions.

With regards to the vehicle renewal we were able to make a concession on our need to see the original documents and were able to receive scans or photos of paperwork via email however as we were not in the office we were not able to issue the physical plates and so were able to issue paper licences and cover letters for a short term period (six months) until such time that we could get back in to the office and issue the plates.

The idea behind these "paper licence" extensions was that they would be emailed over as a PDF for the driver to keep in their car or on their phone. They would continue using their expired badge and/or plate and if questioned about it produce the letter showing they were licenced. Whilst not ideal it was the best temporary solution to the problem and caused minimum hindrance to the drivers.

With most pubs and clubs closed, and most people staying at home or working from home, there was a drastic decline in work for Drivers and a large number of drivers elected not to renew at this time. The normal requirement as per our Policy is that a badge or plate that is not renewed within a certain time frame would cease to be a renewal, however in the current crisis we could see little benefit in forcing drivers to renew for a licence they were

not able to use and so these requirements were relaxed. There would be no penalty or enforcement for those who chose to wait until things were returning to normal before renewing their licence.

May 2020

Driver Applications received	3
Driver Licences issued	6
Vehicle Applications received	22
Vehicle Licences issued	19

With licences being issued on a sporadic basis due to the Covid Pandemic, we were continuing to issue licences on a short term “paper” based system. The majority of garages were open and operating and some Surgeries were still operating so we were continuing where we could.

Whilst we were unable to carry out “enhanced” DBS checks due to the civic offices being closed, we were able to ask the drivers to carry out a “basic” DBS Check. This would allow a basic level of checking and provide reassurance when issuing a licence. This allowed us to issue a Drivers Badge for six months.

During May 2020 the Licensing Department also liaised with our colleagues in Environmental Health regarding premises that were breaching the Government Covid Lockdown guidance. This resulted in warning letters being issued by Environmental Health as well as visits and letters from the Licensing Authority.

June 2020

Driver Applications received	14
Driver Licences issued	16
Vehicle Applications received	27
Vehicle Licences issued	24

By now it had become clear that, whilst the Basic DBS was suitable it wasn't suitable for a long term solution. . Liaising with our colleagues in other Licensing Authorities we were able to find a company that provided an Enhanced DBS check that could be applied for at home, safely and securely. We began discussions and contact with this company to see if it would be something that we could look in to, as we were unsure when the Civic Offices would be reopening and when we might be able to resume our Enhanced Checks.

As the Pub Lockdown continued, some drivers were having financial issues and so we worked out ways of helping where possible. If someone was not currently working (as many of them were not) then they could return their badge and plates, whereupon we would mark them as surrendered, and give them a refund for the unused period. The idea being that when they do want to work again they can renew the licence from then thus meaning they are not spending money on a licence they are not using..

Towards the end of June 2020, it was announced that the Pubs and Clubs would be able to reopen and resume trading with effect from the 4th of July. The Licensing Authority hand delivered a copy of the new Government Covid-19 guidance, to all premises in the Town Centre (with Business Continuity liaising with Premises on the outer areas). This guidance was accompanied by a cover letter asking the premises to email the Business Continuity Department with their plans for reopening, so that it could be assessed going forward.

July 2020

Driver Applications received	12
Driver Licences issued	15
Vehicle Applications received	45
Vehicle Licences issued	51

With the pubs reopening on the 4th of July, members of the Licensing Department accompanied their colleagues in Environmental Health and visited the Premises within the Town Centre to talk with them and review their plans for the impending reopening of the pubs. Generally we were very pleased with the preparations being put in place and the level of seriousness the managers of the premises were treating it with.

Further in, July 2020 brought a little hope as the number of Covid Cases seemed to be on the decline.

Derrick Laing's involvement with the Covid Response Unit started to reduce and he was able to resume his work with the Licensing Department. Similarly, after months of working from home, Matthew Cobb also resumed working in the office. A rota was put in place to ensure office cover and minimise unnecessary contact. This allowed the department to take a step towards the proper practice and start issuing badges and plates once more.

New applications starting to come in and the team started to regularise all the extensions, badges and plates issued over the last three months. Photographs for badges chased up and physical plates issued and sent out with the team working hard to clear a backlog of some 84+ plates that needed doing.

The decision was also made to begin resuming the Licensing Officer interviews. The number of applicants had been overwhelming with at least fifty applications being received. On the 30th of July 2020, Sarah Milligan accepted the job and was to begin work with us in August.

August 2020

Driver Applications received	13
Driver Licences issued	18
Vehicle Applications received	44
Vehicle Licences issued	36

Following our investigation into Enhanced DBS checks we began the implementation of these as soon as possible, This allowed us to essentially carry out a Driver Renewal as normal, without any compromises or changes, thus ensuring that public safety was still paramount.

Sarah Milligan started with the Department towards the end of August
Sarah has picked things up very quickly and is a great asset to the team, and we hope she enjoys her time here at Woking Council.

A Consultation is currently being undertaken (today, the 14th of September) in relation to both the Wheelchair Accessible Criteria as well as the Points System and it is anticipated that both of these will be brought to the Licensing Committee in October.

The Operators Knowledge Test, BTEC and the introduction of material specifications for Operators door Signs were all discussed at Licensing Committees last year and were all given specific deadlines. However due to the interruption from Covid, we are extending these deadlines to allow a more reasonable timeframe in which not only can the applicant complete the course but also in which we will actually be able to contact, provide advice and enforce the requirements.

Going forward we are continuing to work proactively and in such a way that we are able to fulfil our primary duties in ensuring the safety of the travelling public but also minimise the impact of the changes in workstyle on the drivers and licence holders.

Appendix 2: Annual Statistics

The following figures are taken on the 14th of September 2020 and for the year 13 September 2019-13 September 2020.

	Last Year	This Year
Current number of licenced drivers	713	624
Current number of applications in process as of 14/09/20	-	56
Current number of licenced vehicles	625	522
Number of Driver applications received:	343	238
Number of Driver Licences issued:	314	229
Number of Vehicle Applications received:	773	606
Number of Vehicle Licences issued:	772	612
Number of Operator Applications received:	69	56
Number of Operator Applications issued:	68	53
Current number of Licenced Premises (inc. Clubs)	292	289
Current number of Personal Licences issued	1235	1315
Number of Personal Licences issued:	59	77
Percentage of Personal Licences issued within the statutory timeframe:	100%	100%
Number of new Premises Licences issued:	12	8
Percentage of Premises Licences issued within the statutory timeframe:	100%	100%
Number of Premises Licence variations and transfers:	95	151
Percentage of Premises Licence variations and transfers issued within the statutory timeframe:	100%	100%
Number of Temporary Event Notices' received:	216	125
Percentage of Temporary Event Notices issued within the statutory timeframe:	100%	100%

Appendix 3: Refusals, revocations and suspension

All the cases referenced below were carried out through the normal procedure – i.e. liaising with the Chair of the Licensing Committee and the Legal Services Manager prior to a decision being made and in each case any revocation or refusal was done with their full and prior approval.

13/11/2019 – Case 006170

Operator's Licence revoked on the grounds that

- i) they had knowingly given regular work (transport of vulnerable children) to an unlicensed and therefore uninsured driver.**
- ii) they had failed to comply with the conditions of their licence in that they had not properly kept records of the journeys carried out – thus breaching their licence and potentially compromising the capability of both the Licensing Authority and the Police in carrying out their duties.**

15/11/2019 – Case 003426

A Hackney drivers Licence revoked on the grounds that

- i) they had refused to take an elderly blind lady with a guide dog, in contravention of the Equality Act 2010**

18/11/2019 – Case 003294

Allegation of sexual assault from a driver on a passenger

- i) A report was received of a suspected low level sexual assault (touching a male passengers hair in an unwanted sexual manner following a flirtatious conversation)**
- ii) Following an investigation it was established that the customer was not willing to make a statement against the driver, no injury was caused, and both the Licensing Authority and the Police felt that the driver did not present a threat to the public and showed remorse for touching the customer.**
- iii) As a result – the driver accepted a Community Resolution from Surrey Police and the Licensing Authority felt that there was no requirement to take any further action.**
- iv) The driver was allowed to continue his employment as a Licenced Driver.**

28/08/20 – Case 003671

Drivers Licence revoked on the grounds that

- i) They had provided a false address on the application form**
- ii) They had provided a false address on the Disclosure and Barring Service Application**
- iii) They had provided a false address on the D4 Medical Assessment**
- iv) They had failed to notify the Licensing Authority of any change of address**

