



## 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, 10 March 2020 at 7.00 pm in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

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](http://www.woking.gov.uk)). The images and sound recording will also be used for training purposes within the Council. Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, 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 21 January 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 Determination

5. Introduction of a Points Based System for Taxi Drivers LIC20-003 (Pages 3 - 26)  
Reporting Person – Matthew Cobb
  
6. Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets) LIC20-004 (Pages 27 - 58)  
Reporting Person – Matthew Cobb
  
7. A Review of Volkswagen Sharans Following a Recent Review by Euroncap of their Safety Rating LIC20-002 (Pages 59 - 92)  
Reporting Person – Matthew Cobb

AGENDA ENDS

Date Published - 2 March 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](mailto:doug.davern@woking.gov.uk)



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LICENSING COMMITTEE – 10 MARCH 2020

## INTRODUCTION OF A POINTS BASED SYSTEM FOR TAXI DRIVERS

### 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 consulted on and presented back to the Licensing Committee in June with any necessary amendments made and accompanying feedback attached.

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

**Background Papers:** None.

**Reporting Person:** Matthew Cobb, Senior Licensing Officer  
Email: matthew.cobb@woking.gov.uk, Extn: 3650

**Contact Person:** Matthew Cobb, Senior Licensing Officer  
Email: matthew.cobb@woking.gov.uk, Extn: 3650

**Date Published:** 2 March 2020

LIC20-003

## **Introduction of a Points Based System for Taxi Drivers**

### **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. This approach leaves room for inconsistency and does not adequately address the situation in which a number of less serious matters arise within a short period.
- 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.

## Introduction of a Points Based System for Taxi Drivers

- 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.

### 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:

## Introduction of a Points Based System for Taxi Drivers

- 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 license 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.

## Introduction of a Points Based System for Taxi Drivers

- 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 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 Future Review Timescales

- 8.1 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.
- 8.2 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.

### 9.0 Implications

#### Financial

- 9.1 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

- 9.2 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.

### 10.0 Conclusions

- 10.1 It is now proposed to take the Penalty Points Policy (as seen in Appendix 3) and the Penalty Points Schedule (as seen in Appendix 2) to a consultation. Once the consultation is completed, any necessary amendments will be made and any relevant comments taken into consideration and the proposal will be presented to the Licensing Committee in June 2020.

REPORT ENDS

## Introduction of a Points Based System for Taxi Drivers

### Appendix Title

**Appendix 1** - Spreadsheet of data accumulated in order to compare other Local Authorities point schemes.

**Appendix 2** – Proposed Point Scheme to be adopted by Woking Borough Council, based on the spreadsheet seen in Appendix 1

**Appendix 3** – Proposed Penalty Points Policy.

Rank	Offence Details	Local Authority																										Average												
		Arun	Broadlands	Cheshire East	Corby	Crawley	Denbighshire	Dover	East Hampshire	East Northamptonshire	Elmbridge	Epsom & Ewell	Gloucester	Gosport	Herefordshire	Leicester	Mansfield	Medway	Merton	Newcastle	Staffordshire	Plymouth	Preston	Reading	Rother	Rushcliffe	Sevenoaks		South Cambridgeshire	South Gloucestershire	South Somerset	Spelthorne	Swaile	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	5	4	4	4	4	2	6	4	4	2	6	4	4	4	2	3	6	4	3	6	3	6	3	6	6	4	6	6	4	9	4	4	6	3	3	6	4		
35	Failure to wear or produce driver ID badge	4	3	3	4	4	2	12	4	6	2	6	4	4	4	4	3	3	3	4	4	4	6	3	4	3	6	4	6	4	9	4	4	4	3	3	6	4		
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.	6	6	6	6	4	12	8	7	6	6	4	4	4	4	4	4	3	8	6	6	6	3	3	6	6	4	12	6	12	12	4	12	6	6	6	12	6	12	
34	Failure to notify an accident to the authority with 72 hours or damage to a licenced vehicle	6	6	4	3	4	4	12	4	6	4	6	4	4	4	4	3	6	3	4	6	3	4	6	3	4	3	6	4	9	6	4	9	6	4	4	3	3	6	
34	Failure to notify a change of name or address within 7/14 calendar days	3	3	3	3	3	4	6	3	3	2	6	4	3	2	3	2	3	3	3	3	3	3	3	3	3	3	3	3	5	2	3	3	3	3	3	3	2		
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	4	3	4	6	6	2	12	6	8	5	6	6	6	3	3	6	6	6	6	6	6	6	6	6	6	6	6	4	9	6	6	6	6	6	6	6	3	6	
31	Carrying more passengers that the vehicle is licenced to carry	12	12	6	6	12	9	6	4	6	4	6	12	6	4	12	6	12	6	6	6	6	6	6	6	6	6	6	6	12	6	6	6	6	6	6	6	6	12	
30	Unreasonable prolongation of journeys or any misconduct relating to charging of fares	6	3	6	4	6	4	12	12	6	7	6	6	6	4	4	12	12	6	6	6	6	6	6	6	6	6	6	6	12	6	6	6	6	6	6	6	6	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)	6	9	6	6	6	12	12	12	12	12	6	4	6	12	6	4	6	12	6	6	6	6	6	6	6	6	6	6	12	6	6	6	6	6	6	6	6	12	
29	Unsatisfactory / Unclean/ unfit interior / exterior of vehicle (including mechanical condition, unsatisfactory or unacceptable)	3	6	4	4	4	4	4	3	1	6	4	4	2	3	3	3	4	4	3	4	4	4	4	4	6	3	6	2	4	3	4	5	3	4	4	6	6	6	
28	Plying for hire by Private Hire Driver (including accepting a fare that is not pre-booked)	9	9	9	9	6	12	8	4	12	12	9	4	4	12	9	12	9	9	9	9	9	9	9	9	9	9	9	12	9	12	12	12	9	12	12	9	5	12	12
27	Refusal to drive any person without reasonable cause / refusal to accept hiring without reasonable cause	6	6	6	6	4	12	6	7	6	12	4	5	3	8	12	6	6	6	6	6	6	6	6	6	6	6	6	6	12	6	6	6	6	6	6	6	6	6	12
27	Failure to afford reasonable assistance with luggage or passengers (including disabled) into or out of the vehicle without good cause or exemptions certificate	3	3	3	3	2	12	7	6	12	2	3	3	6	12	4	3	6	12	4	3	6	12	4	3	12	3	3	2	3	4	5	3	3	12	2	4	4	5	
27	Failure to provide the vehicle or insurance when requested	5	3	6	4	4	6	6	6	7	4	2	3	3	4	3	3	4	3	3	4	3	3	3	4	3	4	3	6	6	6	6	6	6	6	6	6	6	12	5
27	Inappropriate conversation, gestures, dress or attire, unsatisfactory appearance or turnout / hygiene of driver	6	6	4	3	2	12	4	6	4	3	2	6	4	3	2	6	4	3	2	3	4	3	3	4	3	4	3	2	3	2	3	2	3	4	3	4	3	4	















## Proposed Points System for Woking Borough Council

**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
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
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
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
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### 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 drives falls below what would be expected of a competent and careful driver; and
  - b. It would be obvious to a competent and careful driver that driving in that way would be dangerous.

## 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.
- 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 that 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.

LICENSING COMMITTEE – 10 MARCH 2020

## INTRODUCTION OF A REQUIREMENT FOR ALL OPERATORS DOOR SIGNS TO BE VINYL STICKERS (NOT MAGNETS)

### Executive Summary

This report presents a proposed change to the Private Hire Operators licensing regime, specifically the introduction of the regulation of materials used for Operators Door Signage.

### Recommendations

The Committee is requested to:

#### RESOLVE That

- (i) a requirement for Operators door signage to be a sticker/vinyl as opposed to magnetic is introduced in order to prevent accidental or intentional breaches of the Vehicle and Operators Licences; and
- (ii) a requirement for Operators door signage is introduced to ensure that signage is no smaller than 210mm x 297 mm and no larger than 800mm x 500mm to ensure that signage is visible and clear to the travelling public.

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

**Background Papers:** None.

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**Date Published:** 2 March 2020

**Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

### **1.0 Introduction**

- 1.1 In the words of the Institute of Licensing, “A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or unacceptable purposes. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers”
- 1.2 The Local Government (Miscellaneous Provisions) Act 1976 (“the Act”), which was adopted by Woking Borough Council in 1977, gives the Licensing Authority the powers to issue licences for Taxis, Private Hire Vehicles and Private Hire Operators. In order to do this, each authority is tasked with drafting with its own set of policy, practice and guidance. As such, the actual set rules of the Act are few and far between and it is the Licensing Authorities role to ensure that those licenced are ‘fit and proper’ to do so, thus ensuring the safety of the travelling public.
- 1.3 Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 states that a council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary. In order to assist Licensing Authorities with this task, the Government has produced suggested ‘good practice’ guidance giving a basic skeleton set of conditions to which an Authority can build from. These good practice guidance formed the basis of the vast majority of the conditions for Private Hire Operators all across the U.K.
- 1.4 The Operator’s Licence is therefore issued to the applicant by Woking Borough Council (as the Licensing Authority) and conditions are attached in order to maximise good practice and safe working standards of Operators, thus ensuring the safety of the travelling public.
- 1.5 A copy of these conditions is attached as Appendix 1.
- 1.6 Since the conditions and practices for Taxi and Private Hire legislation were introduced over forty years ago, great changes have taken place with regard to the drivers and vehicle licences. However, there has been little change to the Operators Licences and the requirements to obtain one. It is therefore our view that certain changes need to be made to ensure that the Operators continue to be safe, secure, open and trustworthy, understanding of their requirements, safely provide for their drivers, and above all – knowledgeable of the law.
- 1.7 In 1997, the outcome of the legal case, Benson v. Boyce, made it clear that once a vehicle was licenced, it remained licenced for the full period of its licence, twenty four hours a day, and seven days a week. It is therefore a fact that as it remains licenced at all times, it must also comply with the legislation and licence requirements at all times, and as such any removal of the door signs, or rear plates, or similar, is an offence.

### **2.0 The Current Licence requirements**

- 2.1 As you will see from the Operator’s Licence Conditions in Appendix 1, it is a requirement of the Operator to ensure that all his vehicles given jobs are properly liveried up with the Operators Door Signs.

***It shall be the responsibility of the Operator to ensure that all private hire vehicles under his control display the door signs in accordance with the conditions below:***

- (i) The sign shall be displayed on the front doors of the private hire vehicle only.***

## Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)

- (ii) The sign shall only give details of the name, address and telephone number of the private hire company from which the licensee obtains his clients.*
- (iii) The word 'taxi' or 'cab' whether in the singular or the plural should not form part of the sign.*
- (iv) The proprietor should be able to easily remove the sign should the vehicle's licence be suspended, revoked or not renewed, and he shall be responsible for its removal.*
- (v) The proprietor shall submit for the approval of the Council the proposals for the sign prior to its display.*
- (vi) These signs are compulsory.*

2.2 The importance of these conditions are echoed by the fact that they are also a condition on every Private Hire Vehicle Licence. These conditions are attached as Appendix 2.

### ***The proprietor will ensure that:***

- (a) the sign shall be displayed on the front doors of the Private Hire Vehicle only*
- (b) the sign shall only give details of the name, address and telephone number of the Private Hire company from which the licensee obtains his clients*
- (c) the word 'taxi' or 'cab' whether in the singular or the plural should not form part of the sign*
- (d) the proprietor should be easily able to remove the sign should the vehicle's licence be suspended, revoked or not renewed, and he shall be responsible for its removal*
- (e) the proprietor shall submit for the approval of the Council the proposals for the sign prior to its display*
- (f) the signs will remain on the vehicle at all times that the vehicle is licenced and should not be removed, even when the proprietor is not working.*
- (g) these signs will be compulsory from 1 January 1994*

2.3 Further to the above, the current Taxi and Private Hire Guidance states the following:

### **51. Door signs (Private Hire only)**

*PHV that are not exempt from displaying the licence plates ... must display door signs for the Operator they are currently working for in line with the conditions of their licence. The information contained on the front door signs must be confined to the name, address, telephone number and logo of the business Operator. Phrases such as 'Pre-booked' or 'Advanced Bookings only' will be acceptable. Door signs shall be of a uniform size and design not exceeding 800mm wide and 500mm high.*

2.4 The requirement that a Private Hire Vehicle be easily identifiable is evident from an example of an incident that took place involving a Woking Licenced Vehicle in Guildford in 2018.

## Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)

**Example:** A Private Hire Vehicle had gone to Guildford to collect a fare paying passenger that had booked through the drivers Operator. Unfortunately the driver of the vehicle did not have any of his 'Operators door signs' on his vehicle whilst he was carrying out this job, and was therefore in breach of his licence.

When he got to the rough area of the designated pick-up location, he spotted a person waiting there. Thinking this was probably his fare, he called out to the member of public something along the lines of "Are you looking for a taxi?"

It is unfortunate luck that the person who was stood there was not his passenger, but was in fact a Local Authority Licensing Officer who happened to be carrying out some night-time enforcement on the subject of illegal plying for hire (i.e. Private Hire Vehicles calling out to members of the public and taking jobs NOT booked through their operator.) The actual person that the driver was supposed to be collecting had been unable to see any identification on the sides of the drivers vehicle and so did not know it was a Private Hire vehicle. Had the driver been compliant with his licence, the member of public would have been able to identify the vehicle (displaying signs for the company they booked with) and approach it accordingly.

In this situation – we were able to contact the drivers Operator and their logs confirmed that the driver in question was indeed supposed to be collecting a passenger on or around that time and that location, and so no enforcement action was required. However it was a waste of both Woking Officers time and Guildford Officers time getting to the bottom of it.

- 2.5 As you will see from the Conditions listed in 2.1 and 2.2, they specify that the door signs are a requirement but they do not specify what material or what size the signs should be.
- 2.6 Some Operators in the Woking Borough can already be seen using vinyl type stickers (similar to the Vinyl Door signage favoured by Guildford Borough Council). These stickers are adhesive vinyl plastic and are a semi-permanent fixture. They cannot be easily removed, but they are not damaging to the vehicle – and can be removed with application of heat (for example a hair drier or heat gun), which should leave no marks or damage the vehicle in any way. Many authorities (Surrey Heath, Runnymede etc) also use these vinyl stickers for the rear bumper plate display due to their durability and semi-permanence.
- 2.7 Some Operators, however, choose to use magnet based door signs. It is these door signs that we have the most issue with and we are seeking to make the amendments to the policy to ensure that they are no longer used.
- 2.8 Chasing up Private Hire Vehicles who are failing to display door signs takes up a disproportionate amount of officer time.
- 2.9 When licensing officers are out and about in town (i.e. going to and from work, on lunch breaks etc) they often keep an eye out for non-compliant vehicles. Appendix 3 shows an amended (i.e. with personal details removed) list of vehicles that have been spotted over the last year failing to comply with the regulations. Bearing in mind that this is usually just from ten minutes of enforcement action per day – taken in the morning, midday and the early evening – it gives some idea the number of drivers who are failing to comply with the requirements. Should the department carry out compliance checks on a Friday/Saturday night, one can only speculate as to how many infringements would be discovered. Once seen, drivers are and written to about their failure to comply and this often results in telephone conversations and vehicle inspections.
- 2.10 During these conversations with drivers, we always hear the same explanations for their failure to comply with the door sign requirements. Some of these examples given are as follows:

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

- i. **“The magnets aren’t very strong and the door signs fell off / blew off in the wind / in the carwash.”**
- ii. **“They’ve been stolen”**
- iii. **“I take the magnets off my car because they get stolen / because I was washing my car / because they came loose and I forgot to put them back on”**

- 2.11 Whether the above responses seen in 2.10 are genuine explanations or merely excuses is difficult for the Authority to decipher. What we can establish, however, is that they could all be solved by adding a requirement that door signage must be semi-permanent vinyl stickers as opposed to magnets. Semi-permanent vinyl stickers are highly unlikely to fall off or blow off in the wind, unlikely to come off in a carwash, very difficult to steal, and their use eliminates the issue of drivers ‘forgetting’ to replace them for whatever reason.
- 2.12 Ultimately, the Conditions of a Licence are clear and there for a reason. Licence holders must understand that conditions need to be complied with and to not do so shows a contempt for the regulatory licensing regime or complete ignorance which is just as bad for someone running a professional business.
- 2.13 Another issue that is raising its head on a regular basis is the unsuitability of some cars for magnets. The use of aluminium (being lighter) is becoming more prevalent with German car manufacturers. Unfortunately aluminium is not magnetic and therefore the use of magnets is not possible.
- 2.14 With these advancements and changes in material we must adapt our requirements to ensure it’s actually possible for the drivers to comply with their licences. If we allow some drivers to be excused from displaying the door signs simply because their cars are aluminium, then we risk creating a divide and further complications for the department.
- 2.15 The use of semi-permanent vinyl signage is not uncommon in Authorities around the UK, and a selection of other Authorities requirements pertaining to material type is included as Appendix 4.

### **3.0 Consultation**

- 3.1 On the 29<sup>th</sup> November 2018, the Licensing Authority wrote to all then-licenced Operators (totalling seventy-one), enquiring about the possibility for a change in materials for Operators Door Signs. A Copy of the letter is attached as Appendix 5.
- 3.2 During the consultation period, we received only three responses (4.2%). Two of these responses were from single-driver operators who did primarily Chauffeur Work and so were writing to us just to tell us that these new regulations would not apply to them. As such there was only one response (1.4%) relevant to the consultation itself. This comment is attached in Appendix 6
- 3.3 Following the previous discussion of this matter in a Licensing Committee meeting on the 12<sup>th</sup> of March 2019, it was agreed that before proceeding, a further consultation should take place.
- 3.4 On the 29<sup>th</sup> of May 2019, a consultation letter was sent out to a seven-hundred-and-eighty-eight drivers, operators and vehicle owners, as well as being emailed to a further fifty-six people involved with Taxi and Private Hire Licensing (such as Local Authority Officers, Councillors, etc.). A copy of the letter is attached as Appendix 7.
- 3.5 During the consultation period we received only three responses (0.35%). The results are attached as Appendix 8.

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

### **4.0 Production of signage**

- 4.1 Production of vinyl stickers is not an arduous task and the Operators can get them printed in bulk at any number of companies that provide these stickers. Prices of vinyl stickers are almost identical – if not cheaper – than the magnets.
- 4.2 As an example – Vistaprint – a popular and quick printing company – produce both the Magnet style signage as well as Vinyl Car Stickers, which enables us to compare prices.
- 4.3 For £14.18 a Vistaprint customer can get a 30cm x 30cm vinyl sticker door sign of their own design, that adheres to curved or flat surfaces, provides a safe, long-lasting hold, is safe for car or van paint and is weather resistant and waterproof. A magnet based door sign of a comparable size (29cm x 40cm) can be purchased for the same price of £14.18. Whilst a slightly different size, it's anticipated that a change from magnets to vinyl should not cause any excessive financial burdens on the Operators.
- 4.4 Many of these vinyl car decal websites ensure to state (as Vistaprint does) that the signs are made of a transparent polyacrylate – a removable, pressure-sensitive adhesive that won't do anything to your car paint, and that they do not need to be removed for the carwash as the adhesive keeps a strong hold, and the laminate will protect them from damage.
- 4.5 Aside from the requirement for door signs, Woking Council Guidance states that signs must be no more than 800mm x 500mm to prevent the door signage becoming more like a whole vehicle wrap than a door sign, however it does not specify minimum size requirements. Companies have been seen recently using door signs that are smaller than an A5 sheet in size (i.e. 148 x 210 mm) and one vehicle was seen recently with the company name, on a 40mm x 260mm sign at the base of their door. To anyone other than an eagle eyed Licensing Officer, this is not particularly suitable.
- 4.6 We therefore propose that the door signage should be no larger than 800mm x 500mm (as per before) but no smaller than 210mm x 297 mm to ensure that the signage is easily visible to the public and to Licensing Officers. This minimum size has been chosen as is the standard measurement for A4 paper, and as such is an easily recognised industry standard.
- 4.7 It is proposed that Operators and drivers be given a period of time in which to comply with this condition, and take the time to replace all their relevant door signage. The Licensing Department suggests that somewhere just over one year would be suitable, meaning full compliance would be required by the 1<sup>st</sup> of April 2021.

### **5.0 Proposal**

- 5.1 It is therefore proposed that the following be added to the Conditions on Operators and Vehicle Licences:

- i) **All Operators Door Signs must be of a semi-permanent vinyl sticker type. Magnet or magnet based door signs are not permissible (except where the exemption listed in point V. applies below)**
- ii) **Examples of Operator Door Signs will be provided to the Licensing Authority during the licence application and renewal processes, and an Operators Licence will not be issued until such time as an example of the signage has been provided.**
- iii) **Operators Door Signs must be no larger than 800mm x 500mm.**
- iv) **Operator Door Signs must be no smaller than 210mm x 297mm.**

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

- v) The exemption to Condition (i) is for companies that provide temporary or short-term cars (i.e. private hire vehicles that are rented out to drivers on a short term basis as a replacement for their vehicles). These companies will be able to apply to the Licensing Authority for an exemption from using vinyl stickers and – at the discretion of the Licensing Authority - will be permitted to use magnet based door signs. Licence Holders are required to request this in writing prior to any request being considered.**
- vi) Drivers found to be failing to comply with any of the conditions (for example, the Operators door signage) will be expected to present the vehicle for inspection by the Licensing Authority (at a time and place of the Authorities choosing, but no later than 72 hours from the time of request, unless there are exceptional circumstances). Vehicles failing to comply with the conditions of their licence will be deemed to be not fit for purpose under S.68<sup>1</sup> of the Local Government (Miscellaneous Provisions) Act 1976. Drivers who refuse to attend or fail to attend an inspection as requested will be deemed to have committed an offence under S.73<sup>2</sup> of the Local Government (Miscellaneous Provisions) Act 1976.**
- vii) Once a vehicle is no longer destined to be used as a Private Hire Vehicle (for example, on expiry, through revocation, refusal or suspension, or as a result of the transfer of the vehicle to another person) it will be the responsibility of the most recent licence holder (i.e. the holder of the licence prior to the transfer, expiry, revocation, etc.) to ensure that the Operators Door Signs are removed prior to the release of the vehicle to the new owner/non-licenced period. Unlicenced vehicles seen sporting operators door signs will result in enforcement action being taken on the former licence holder and the Operator.**
- viii) Operators who change their signage will be required to notify the Licensing Authority (in writing) and receive confirmation of their acceptance prior to making use of any new signage.**

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<sup>1</sup> **S.68 Fitness of hackney carriages and private hire vehicles.**

Any authorised officer of the council in question or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a district council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied: Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section, be deemed to have been revoked and subsections (2) and (3) of section 60 of this Act shall apply with any necessary modifications.

<sup>2</sup> **S.73 Obstruction of authorised officers.**

(1) Any person who—(a) wilfully obstructs an authorised officer or constable acting in pursuance of this Part of this Act or the Act of 1847; or (b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable under this Part of this Act; or (c) without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this Part of this Act or the Act of 1847; shall be guilty of an offence.

(2) If any person, in giving any such information as is mentioned in the preceding subsection, makes any statement which he knows to be false, he shall be guilty of an offence.

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

### **6.0 Implication with the introduction of the Points System**

- 6.1 The other topic being discussed currently is the introduction of the Points System – which will, if implemented, mean drivers will be given points for various minor breaches of legislation and behaviours and – upon reaching 12 points – will be taken to a Licensing Sub-Committee for their status as ‘fit and proper’ to be assessed.
- 6.2 It has been suggested that with the introduction of the points system, there is no need for the Operators Signage Report to be proposed – as a failure to display door signs would result in points.
- 6.3 On the contrary, the Licensing Authority feels that the implementation of this requirement is just as important, whether the points system is implemented or not.
- 6.4 Appendix 3 clearly shows that Private Hire Vehicles are regularly seen without their door signs on. As per paragraph 2.10 in this report, in most cases they state that they are breaching these conditions due to mistakes, accidents, errors, or just that the magnets do not work or the vehicle is not magnetic.
- 6.5 Under the Penalty Points system, all these drivers would have received Penalty points as a result of their actions. If their statements are correct then they would have received penalty points due to faulty door signage. Clearly this is not ideal.
- 6.6 It is therefore still imperative that we implement a system of door signs that we can be sure are definitely fit for purpose – and as such it leaves us no choice but to set a requirement for the door signage to be vinyl stickers, and not magnetic.
- 6.7 In summary, this proposal ensures that the door signs stay on more firmly (thus saving Officer time and, in future, stops the driver getting penalty points), whilst the Penalty Points proposal merely highlights and assigns a nominal value to the offence should they breach it.
- 6.8 Furthermore at this time, the Penalty Points System is not in place – and is still required to go through consultation and implementation before being made policy. As such, the Licensing Authority does not wish to hold back on a possible improvement for something that has not yet been finalised.

### **7.0 Implications**

#### Financial

- 7.1 A more permanent style or type of sign will reduce time taken by officers chasing up drivers for minor or petty infractions.

#### Human Resource/Training and Development

- 7.2 Not applicable.

#### Community Safety

- 7.3 Ensuring Private Hire Drivers comply with their conditions will improve community safety and prevent illegal and unlicensed private hire vehicles.

#### Risk Management

- 7.4 See Community Safety.

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

### Sustainability

7.5 Not applicable.

### Equalities

7.6 Not applicable.

### Safeguarding

7.7 More identifiable vehicles will ensure easier tracking and tracing, thus reducing unacceptable or illegal activities.

REPORT ENDS

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

### **APPENDIX 1 - STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A PRIVATE HIRE OPERATOR LICENCE**

**(These notes are for guidance only and are not a complete summary of the Act)**

1. The operator shall keep (in permanent and easily legible form) a record of the following particulars in respect of every booking of a private hire vehicle operated by him, whether the booking is effected directly with the hirer or undertaken at the request of another operator:
    - (a) the date and time of the booking
    - (b) the date and time of commencement of the journey
    - (c) the name of the hirer
    - (d) the place or places at which the passenger or passengers were collected
    - (e) the place or places at which the passenger or passengers were set down
    - (f) the private hire vehicle licence number of the vehicle used
    - (g) the name and licence number of the driver
    - (h) the fare charged and whether or not calculated by means of a meter.
  
  2. The operator shall keep in permanent and easily legible form a record of the following particulars of every private hire vehicle operated by him:
    - (a) the make
    - (b) the model
    - (c) the registration mark
    - (d) the private hire vehicle licence number
    - (e) the expiry date of the private hire vehicle
    - (f) the District Council who issued the private hire vehicle licence
    - (g) the proprietor of the vehicle
    - (h) a service history of each vehicle including details of any modifications thereto and details of all accident repairs.
  
  3. The operator shall notify Woking Borough Council of any material change in the circumstances on the basis of which the licence was granted. In particular the operator must inform the Council of:
    - (a) any change of place of business or any additional place of business
    - (b) if the operator is a Company, any change in the address of the registered office
    - (c) any change in the nature of the business carried on by him
    - (d) any change in the composition of the firm if a partnership
    - (e) any convictions recorded against the operator or a partner of his
    - (f) any other change in the information given by the operator to the Council at the time of granting the current licence
    - (g) details of all staff connected with running of operator's licence.
- Notification must be given in writing within fourteen days of the event.
4. No advertising material, letter headings or other stationery, or any business name used by the operator, shall include the words 'Taxi' or 'Cab' whether in the singular or plural and whether they form part of another word or not.
  
  5. When a booking is accepted for a private hire vehicle to be present at a particular time and place, the operator shall take all reasonable steps to ensure that such a vehicle is so present.
  
  6. The operator shall ensure that all vehicles used by him and all drivers employed by or contracted to him are properly licensed and the conditions attached to those licences are complied with at all times.
  
  7. The operator shall keep a copy of driver and vehicle licences and insurance details.

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

### **Important note**

The above conditions are additional to the requirements of the Local Government (Miscellaneous Provisions) Act 1976. Licence holders are required to be fully conversant with the relevant requirements of this Act but the most important are summarised below:

- (i) No operator shall operate any vehicle in a controlled district as a private hire vehicle unless both vehicle and driver are correctly licensed under the Act. (Section 46)
- (ii) An operator who accepts a booking for a private hire vehicle is liable under the contract for its hire whether or not he himself provides the vehicle. (Section 56(1))
- (iii) The particulars required to be kept under conditions 1 and 2 must be produced to an authorised Officer of the Council or to a Police Officer when required (Section 56(2) and (3), as must this licence. Section 56(4))

### **Conditions attached to the display of door signs on private hire vehicles**

It shall be the responsibility of the Operator to ensure that all **private hire vehicles** under his control display the **door signs** in accordance with the conditions below:

- (i) The sign shall be displayed on the front doors of the private hire vehicle only.
- (ii) The sign shall only give details of the name, address and telephone number of the private hire company from which the licensee obtains his clients.
- (iii) The word 'taxi' or 'cab' whether in the singular or the plural should not form part of the sign.
- (iv) The proprietor should be able to easily remove the sign should the vehicle's licence be suspended, revoked or not renewed, and he shall be responsible for its removal.
- (v) The proprietor shall submit for the approval of the Council the proposals for the sign prior to its display.
- (vi) **These signs are compulsory.**

### **You are further advised that:**

- (a) To operate a private hire vehicle is to make provision in the course of business for the invitation or acceptance of bookings for it.
- (b) This licence is granted to a particular person and cannot be sold or transferred. Therefore, for example, a new owner of the business must apply for a new licence.
- (c) The carrying on of a business may need planning permission. Operators must comply with all relevant legislation.

## **APPENDIX 2 - STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A PRIVATE HIRE VEHICLE LICENCE**

**(These notes are for guidance only and are not a complete summary of the Act)**

### **Identification plates**

1. The external identification plate shall remain the property of Woking Borough Council and shall be affixed to the Private Hire Vehicle, at all times, by the proprietor at his own expense, in the following manner:

- (a) at the rear of the vehicle, and
- (b) to the exterior of the vehicle, and
- (c) with the number facing to the rear, and
- (d) in a vertical plane, and
- (e) affixed by bolts or screws in such a manner as to be easily removed by an Authorised Officer of the Council or Police Constable.

2. The proprietor of the Private Hire Vehicle shall ensure the internal identification plate, where issued by the Council, shall at all times be kept and maintained inside the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council, in such condition that the information contained on the plate is clearly visible to public view at all times.

3. The proprietor of the Private Hire Vehicle shall ensure the identification plates are maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.

### **Type of vehicle**

4. The proprietor shall ensure that a Private Hire Vehicle is one approved by the Council. No Austin FX4s, TX1s or vehicles of similar appearance shall be licensed as Private Hire Vehicles.

### **Condition of vehicle**

5. The proprietor shall ensure that the Private Hire Vehicle shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle licence in respect of the vehicle.

6. The interior and exterior of the Private Hire Vehicle shall be kept in a clean condition and maintained in a safe condition by the proprietor to the satisfaction of the Council.

7. The proprietor shall not allow the mechanical and structural specification of the Private Hire Vehicle to be varied without the written consent of the Council.

8. The proprietor shall ensure there is a spare wheel and tools for changing.

9. The proprietor of the vehicle shall:

- (a) provide sufficient means by which any person in the Private Hire Vehicle may communicate with the driver during the course of hiring
- (b) cause the interior of the vehicle to be kept wind and water tight
- (c) provide any necessary windows and means of opening and closing same with not less than one window on each side of the passenger compartment
- (d) cause the seats in the passenger compartment to be properly cushioned and covered
- (e) cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering
- (f) cause fittings and furniture of the Private Hire Vehicle to be kept in a clean condition and well maintained and in every way fit and safe for public use
- (g) provide facilities for the conveyance of luggage safely and protected from inclement weather

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

(h) provide at least two doors for use of persons conveyed in such Private Hire Vehicle and a separate means of ingress and egress for the driver.

10. The proprietor shall ensure that, if the vehicle is older than three years from the date of its first registration, they will ensure that the vehicle has two tests per year (i.e. one at time of plate renewal and a 'six month test' (i.e. one roughly half way between the issue and expiry dates).

11. The proprietor shall ensure that any radio equipment fitted to his Private Hire Vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

### **Fire extinguisher/first aid kit**

12. The proprietor of the Private Hire Vehicle shall provide and maintain to the satisfaction of the Authorised Officer of the Council an efficient fire extinguisher, or any other form of fire extinguisher required in writing from time to time by an Authorised Officer of the Council. which shall be securely fixed to the vehicle and within easy reach of the driver at all times. The extinguisher shall be manufactured to British Standards and shall show the B.S number. A first aid kit of a type approved by the Council shall be carried in the vehicle at all times.

### **Advertisements**

13. The proprietor shall not display or suffer or permit to be displayed on or from a Private Hire Vehicle, any sign or notice which consists of or includes the word "Taxi" or "Cab," whether in the singular or plural or "For Hire," or any word or words of similar meaning or appearances to any of those words, whether alone or as part of another word.

### **Council Notices**

14. The proprietor shall cause to be affixed and maintained, in a conspicuous position in accordance with the directions of the Council, any sign or notices required from time to time by the Council.

### **Passengers**

15. The proprietor shall not permit the Private Hire Vehicle to be used to carry a greater number of passengers than the number prescribed in the licence. For this purpose two children under the age of ten shall be counted as one person insofar as the rear seating only is concerned.

16. The licensee shall, at all times when a vehicle is hired, take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.

17. The licensee shall not allow any child under the age of 10 years to be conveyed in the front of the vehicle without the prior written consent of an Authorised Officer of the Council.

### **Notifications**

18. The licensee shall notify Woking Borough Council, in writing, of any conviction or caution recorded against him/her by any Court within seven days of such conviction or caution being imposed.

19. The licensee shall within 42 days of the date of an offence, notify the Council in writing of any Fixed Penalty or Points imposed upon him/her which results in an endorsement on his/her UK Driver Licence.

20. The licensee shall report, in writing, any accident involving a licenced vehicle to the Council within 72 hours (or when reasonably practicable).

21. The proprietor shall notify the Council, in writing, of any change in his/her address within seven days of such change taking place.

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

### **Cheques**

22. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

### **Receipts**

23. The licensee shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.

### **Fares**

24. The licensee shall not demand a fare in excess of that quoted to the hirer by the Operating Company, nor shall any extras be added on without the consent of the hirer.

### **Touting, etc.**

25. The proprietor shall not:

- (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle, or
- (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle.

In this condition: "road" means "any highway and any other road to which the public has access including bridges over which a road passes".

26. The proprietor of a Private Hire Vehicle shall ensure that they only accept jobs given to them by their Licenced Operator – and not accept hiring in any other way.

### **Drivers**

27. The proprietor shall not cause, or procure or permit, any person who is not the holder of a current Private Hire driver licence issued by the Council to drive the Private Hire Vehicle.

### **Guide/assistance dogs**

28. The proprietor must carry any passenger accompanied by a guide/assistance dog.

### **Door signs on Private Hire Vehicles**

29. The proprietor will ensure that:

- (a) the sign shall be displayed on the front doors of the Private Hire Vehicle only
- (b) the sign shall only give details of the name, address and telephone number of the Private Hire company from which the licensee obtains his clients
- (c) the word 'taxi' or 'cab' whether in the singular or the plural should not form part of the sign
- (d) the proprietor should be easily able to remove the sign should the vehicle's licence be suspended, revoked or not renewed, and he shall be responsible for its removal
- (e) the proprietor shall submit for the approval of the Council the proposals for the sign prior to its display
- (f) the signs will remain on the vehicle at all times that the vehicle is licenced and should not be removed, even when the proprietor is not working.
- (g) these signs will be compulsory from 1 January 1994

### **Licences**

30. The proprietor shall deposit the vehicle licence issued by the Council with the Private Hire operator for whom the vehicle is being used during the time it is so used for that operator.

### **Smoking**

31. It is against the law for anyone (driver or passenger) to smoke in a Hackney or Private Hire Vehicle. It is the drivers responsibility to make sure that this law is complied with at all times (whether working or not).

32. The proprietor must ensure that any vehicle they use display "No Smoking" signs.

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

### **Transfers**

33. Where a vehicle or licence is transferred to another owner, it is the licence holders responsibility to notify the Licensing Authority as soon as practicable.

### **Additional Notes**

The Council endeavours to send postal reminders for renewals but the responsibility to book appointments (especially the six month test) and attend **before** a licence expires or a test is due is ultimately that of the owner and/or driver. A vehicle requiring a test every 6 months will have its plate suspended immediately if the due date is exceeded.

From 20th of January 2022 all new and renewal vehicles must be Euro Emissions Standard VI (six).

At the time of printing, NCAP ratings had a maximum of 5 (five). Should a rating of 6 (six) be introduced before the above date, this too will be adopted at the same time as Euro Emissions Standard VI (six).

Euro Emission Standard V (five) / NCAP Rated 5 Vehicles will only be renewed up to and including the 20th of January 2022.

### Appendix 3 – List of Non-Compliant Vehicles spotted in Woking Town Centre

Date	Reg	V	D	Type	Info
13/12/2017	K - - - - R			Private hire	No Operators Door signs on the vehicle
21/12/2017	L - - - - G	●	●	Private hire	No door signs in use and plate not correctly displayed or missing
11/01/2018	G - - - - A		●	Private hire	No Operators Door signs on the vehicle
06/02/2018	S - - - - Z		●	Private hire	No Operators Door signs on the vehicle
07/02/2018	C - - - - S		●	Private Hire	No Private Hire or Hackney Plates in use or not in place properly
08/02/2018	R - - - - E			Private hire	No Operators Door signs on the vehicle
10/02/2018	M - - - - U	●	●	Private hire	No Operators Door signs on the vehicle
14/03/2018	W - - - - N			Private hire	No Operators Door signs on the vehicle
27/03/2018	L - - - - W		●	Private hire	No Operators Door signs on the vehicle
27/03/2018	G - - - - M			Private hire	No Operators Door signs on the vehicle
27/03/2018	K - - - - O	●	●	Private hire	No Private Hire or Hackney Plates in use or not in place properly
03/04/2018	F - - - - K			Private hire	No Operators Door signs on the vehicle
04/04/2018	L - - - - U			Private hire	No Operators Door signs on the vehicle
05/04/2018	N - - - - T			Private hire	No Private Hire or Hackney Plates in use or not in place properly
05/04/2018	H - - - - D	●	●	Private hire	No Operators Door signs on the vehicle
31/05/2018	F - - - - V	●		Private hire	No Operators Door signs on the vehicle
30/07/2018	F - - - - V	●	●	Private hire	No Operators Door signs on the vehicle
12/09/2018	L - - - - U			Private hire	No Operators Door signs on the vehicle
13/09/2018	R - - - - D			Private hire	No Operators Door signs on the vehicle
13/09/2018	K - - - - O	●	●	Private hire	No Private Hire or Hackney Plates in use or not in place properly
15/09/2018	G - - - - C		●	Private hire	No Operators Door signs on the vehicle

### Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)

Date	Reg	V	D	Type	Info
15/09/2018	L - - - - L			Private hire	No Operators Door signs on the vehicle
15/09/2018	K - - - - F			Private hire	No Private Hire or Hackney Plates in use or not in place properly
17/09/2018	S - - - - O		●	Private hire	No Operators Door signs on the vehicle
17/09/2018	F - - - - V			Private hire	No Operators Door signs on the vehicle
17/09/2018	K - - - - F	●	●	Private hire	No Operators Door signs on the vehicle
01/10/2018	F - - - - M	●	●	Private hire	No Operators Door signs on the vehicle
03/10/2018	Y - - - - A			Hackney Carriage	No Private Hire or Hackney Plates in use or not in place properly
03/10/2018	A - - - - G			Private hire	No Operators Door signs on the vehicle
04/10/2018	F - - - - M			Private hire	No Operators Door signs on the vehicle
09/10/2018	M - - - - X			Private hire	No Operators Door signs on the vehicle
09/10/2018	O - - - - U	●	●	Private hire	No Operators Door signs on the vehicle
09/10/2018	O - - - - U	●	●	Private hire	No Operators Door signs on the vehicle
29/10/2018	K - - - - J			Private hire	Rear VRN / DVLA plate not properly displayed
31/10/2018	N - - - - F			Private hire	No Operators Door signs on the vehicle
31/10/2018	D - - - - J	●	●	Private hire	No Operators Door signs on the vehicle
12/11/2018	N - - - - V			Private hire	No Operators Door signs on the vehicle
13/11/2018	E - - - - L			Private hire	No Operators Door signs on the vehicle
13/11/2018	B - - - - K	●	●	Private hire	No Operators Door signs on the vehicle
13/11/2018	R - - - - J	●	●	Private hire	No Operators Door signs on the vehicle
22/11/2018	B - - - - D			Private hire	No Operators Door signs on the vehicle
22/11/2018	M - - - - J			Private hire	No Operators Door signs on the vehicle
25/11/2018	F - - - - L			Private hire	No Operators Door signs on the vehicle
28/11/2018	F - - - - Z			Private hire	No Operators Door signs on the vehicle
29/11/2018	W - - - - B			Private hire	No Operators Door signs on the vehicle
30/11/2018	R - - - - A		●	Private hire	No Operators Door signs on the vehicle

### Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)

Date	Reg	V	D	Type	Info
04/12/2018	B - - - - S			Private hire	No Operators Door signs on the vehicle
10/12/2018	D - - - - M	●	●	Private hire	No Operators Door signs on the vehicle
11/12/2018	F - - - - J			Private hire	No Operators Door signs on the vehicle
14/12/2018	P - - - - V			Private hire	No Operators Door signs on the vehicle
17/12/2018	L - - - - J		●	Private hire	No Operators Door signs on the vehicle
19/12/2018	C - - - - X	●	●	Private hire	No Operators Door signs on the vehicle
20/12/2018	E - - - - N			Private hire	No Operators Door signs on the vehicle
02/01/2019	L - - - - Y			Private hire	No Operators Door signs on the vehicle
08/01/2019	D - - - - J	●	●	Private hire	No Operators Door signs on the vehicle
12/01/2019	A - - - - N	●		Private hire	No Operators Door signs on the vehicle
13/01/2019	A - - - - H			Hackney Carriage	No Taxi Top Box in use
13/01/2019	A - - - - N	●	●	Private hire	No Operators Door signs on the vehicle
16/01/2019	M - - - - U	●	●	Private hire	No Operators Door signs on the vehicle
19/01/2019	S - - - - K			Hackney Carriage	No Private Hire or Hackney Plates in use or not in place properly
23/01/2019	V - - - - D			Private hire	No Operators Door signs on the vehicle
12/02/2019	M - - - - P	●	●	Private hire	No Operators Door signs on the vehicle
13/02/2019	M - - - - P	●	●	Private hire	No Operators Door signs on the vehicle
14/02/2019	D - - - - M	●	●	Private hire	No Operators Door signs on the vehicle
20/02/2019	K - - - - Z	●	●	Private hire	No Operators Door signs on the vehicle
21/02/2019	C - - - - M			Private hire	No Operators Door signs on the vehicle
11/03/2019	M - - - - E			Private hire	No Operators Door signs on the vehicle
12/03/2019	D - - - - M			Private hire	No Private Hire or Hackney Plates in use or not in place properly
13/03/2019	G - - - - V			Private hire	No Operators Door signs on the vehicle
16/03/2019	R - - - - L			Private hire	No Operators Door signs on the vehicle

## Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)

Date	Reg	V	D	Type	Info
19/03/2019	G - - - - X		●	Private hire	No Operators Door signs on the vehicle
19/03/2019	W - - - - N			Private hire	No Operators Door signs on the vehicle
19/03/2019	R - - - - Y			Private hire	No Operators Door signs on the vehicle
19/03/2019	L - - - - U	●	●	Private hire	No Operators Door signs on the vehicle
22/03/2019	G - - - - O		●	Private hire	No Operators Door signs on the vehicle
27/03/2019	L - - - - C			Hackney Carriage	No Taxi Top Box in use
31/03/2019	A - - - - Z			Private hire	No Operators Door signs on the vehicle
31/03/2019	L - - - - U	●	●	Private hire	No Operators Door signs on the vehicle
01/04/2019	L - - - - G	●	●	Private hire	No Operators Door signs on the vehicle
02/04/2019	L - - - - U	●	●	Private hire	No Operators Door signs on the vehicle
10/04/2019	G - - - - B		●	Hackney Carriage	No Taxi Top Box in use
15/04/2019	K - - - - E			Private hire	No Operators Door signs on the vehicle
20/04/2019	K - - - - C			Private hire	No Operators Door signs on the vehicle
24/04/2019	H - - - - D	●	●	Private hire	No door signs in use and plate not correctly displayed or missing
07/05/2019	O - - - - P			Private hire	No Operators Door signs on the vehicle
08/05/2019	K - - - - J		●	Private hire	No Operators Door signs on the vehicle
13/05/2019	F - - - - N			Private hire	No Operators Door signs on the vehicle
15/05/2019	L - - - - E			Hackney Carriage	No Taxi Top Box in use
15/05/2019	N - - - - V			Private hire	No door signs in use and plate not correctly displayed or missing
22/05/2019	K - - - - Z	●	●	Private hire	No Operators Door signs on the vehicle
17/06/2019	L - - - - X			Private hire	No Operators Door signs on the vehicle
19/06/2019	L - - - - F			Private hire	No door signs in use and plate not correctly displayed or missing
16/07/2019	M - - - - S	●	●	Private hire	No Operators Door signs on the vehicle

### Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)

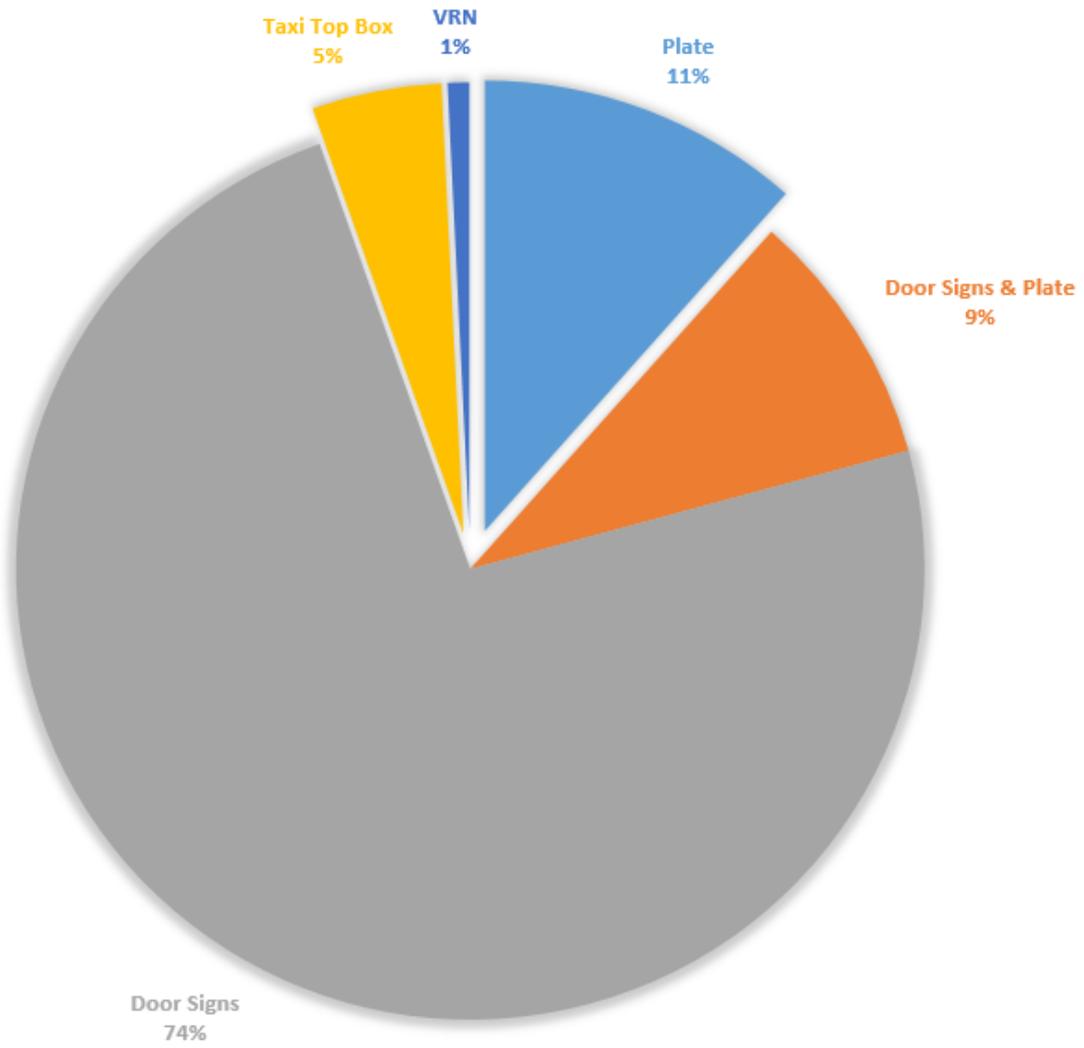
Date	Reg	V	D	Type	Info
18/07/2019	L - - - - A			Private hire	No Private Hire or Hackney Plates in use or not in place properly
08/08/2019	L - - - - Y			Private hire	No Private Hire or Hackney Plates in use or not in place properly
28/08/2019	Y - - - - A	●	●	Private hire	No Private Hire or Hackney Plates in use or not in place properly
28/08/2019	C - - - - X	●	●	Private hire	No Operators Door signs on the vehicle
29/08/2019	Y - - - - A	●	●	Private hire	No Private Hire or Hackney Plates in use or not in place properly
30/08/2019	M - - - - S	●	●	Private hire	No Operators Door signs on the vehicle
30/08/2019	M - - - - S	●	●	Private hire	No Operators Door signs on the vehicle
11/09/2019	2 - - - X		●	Private Hire	No Operators Door signs on the vehicle
11/09/2019	M - - - - P	●	●	Private hire	No Operators Door signs on the vehicle
19/09/2019	L - - - - E		●	Private hire	No Operators Door signs on the vehicle
23/09/2019	B - - - - K	●	●	Private hire	No Operators Door signs on the vehicle
04/10/2019	L - - - - U			Private hire	No Operators Door signs on the vehicle
07/10/2019	G - - - - D		●	Private Hire	No Operators Door signs on the vehicle
24/10/2019	K - - - - W			Private hire	No Operators Door signs on the vehicle
29/10/2019	L - - - - E			Private hire	No Operators Door signs on the vehicle
29/10/2019	M - - - - 9			Private hire	No Operators Door signs on the vehicle
07/11/2019	D - - - - Y			Hackney Carriage	No Taxi Top Box in use
13/11/2019	E - - - - S			Hackney Carriage	No Taxi Top Box in use
13/11/2019	B - - - - N			Private hire	No Operators Door signs on the vehicle
18/11/2019	B - - - - A			Private hire	No Operators Door signs on the vehicle
18/11/2019	K - - - - V			Private hire	No door signs in use and plate not correctly displayed or missing
19/11/2019	L - - - - X		●	Private hire	No Operators Door signs on the vehicle

### Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)

Date	Reg	V	D	Type	Info
25/11/2019	R - - - - G			Private hire	No Operators Door signs on the vehicle
25/11/2019	R - - - - J	●	●	Private hire	No Operators Door signs on the vehicle
29/11/2019	K - - - - F		●	Private hire	No Operators Door signs on the vehicle
07/12/2019	L - - - - T			Private hire	No Operators Door signs on the vehicle
08/12/2019	F - - - - Z			Private hire	No Operators Door signs on the vehicle
11/12/2019	W - - - - B			Private hire	No Private Hire or Hackney Plates in use or not in place properly
17/12/2019	R - - - - X			Private hire	No Operators Door signs on the vehicle
19/12/2019	K - - - - C			Private hire	No Private Hire or Hackney Plates in use or not in place properly
19/12/2019	K - - - - F	●	●	Private hire	No Operators Door signs on the vehicle
02/01/2020	K - - - - M			Private hire	No Operators Door signs on the vehicle
02/01/2020	K - - - - H			Private hire	No Private Hire or Hackney Plates in use or not in place properly
15/01/2020	L - - - - E		●	Private hire	No Operators Door signs on the vehicle
24/01/2020	F - - - - O	●	●	Private hire	No Operators Door signs on the vehicle
28/01/2020	F - - - - J		●	Private hire	No Operators Door signs on the vehicle
02/02/2020	D - - - - X			Private hire	No Operators Door signs on the vehicle
10/02/2020	F - - - - O	●	●	Private hire	No Operators Door signs on the vehicle
12/02/2020	F - - - - M	●	●	Private hire	No Operator Door signs on the vehicle
13/02/2020	F - - - - U		●	Private hire	No Operators Door signs on the vehicle
18/02/2020	K - - - - S			Private hire	No Private Hire or Hackney Plates in use or not in place properly
19/02/2020	K - - - - G			Private hire	No Private Hire or Hackney Plates in use or not in place properly
21/02/2020	K - - - - Y			Private hire	No door signs in use and plate not correctly displayed or missing
23/02/2020	W - - - - N	●	●	Private hire	No Operators Door signs on the vehicle
24/02/2020	F - - - - X			Private hire	No Operators Door signs on the vehicle



**Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**



## Appendix 4 – Examples of Authorities Materials

Authority	Relevant Wording from Authority Policy
Adur District Council	“Each Private Hire vehicle shall display a sign on front door in accordance with the criteria laid out below: a) the sign shall be constructed of vinyl, and shall be applied directly to the door. Licence holders should note that <b>magnetic door signs are not acceptable</b> in fulfilment of this condition.”
Aylesbury Vale District Council	“The Licensee shall affix and maintain in a conspicuous position, on the off-side and near-side doors of the vehicle the prescribed door sign, issued by the licensing authority. Any such sign affixed onto the vehicle shall be <b>adhesive and not magnetic.</b> ”
Basingstoke & Deane Borough Council	“All private hire vehicles (except those issued with an exemption notice) must display the corporate identity. This includes <b>permanently affixed</b> ‘no booking no ride’ door vinyl’s ( <b>not magnetic</b> ), front and rear vehicle licence plates and an internal sticker.”
Birmingham City Council	“Highly visibility <b>‘semi-permanent’ vinyl</b> signs on the rear doors ... to assist passengers in identifying a vehicle from the side. They are also intended to make it more difficult to anonymise a vehicle, or to hide its status as a licensed private hire vehicle. Drivers must not remove these signs except to replace them when their licence is renewed.”
Brighton & Hove City Council	“Removable, temporary methods of display such as <b>magnetic or similar applications are not acceptable.</b> ”
Calderdale	“The <b>self-adhesive door signs</b> provided by the Council shall be directly affixed and maintained on both front doors of the vehicle.”
Charnwood Borough Council	“ <b>No magnetic signs are acceptable.</b> Magnetic signs may be allowed on a temporary lease car licensed by Charnwood Borough Council provided that the Council has given prior written approval. The use of magnetic door signs will be permitted on Exempt vehicles.”
Crawley Borough Council	“The sign shall <b>be constructed of vinyl</b> , and shall be applied directly to the door. Licence holders should note that <b>magnetic door signs are not acceptable</b> in fulfilment of this condition.”
Dover District Council	“Company (Operator) signs ( <b>not magnetised</b> ) shall be displayed on the two front doors (upper half panel in line with Authority signs).”
Fenland District Council	“ <b>Removable signs e.g. magnetic will not be permitted.</b> ”
Guildford Borough Council	“ <b>Permanent vinyl signs</b> must be affixed to the front doors on each side of the car and must not be obscured by advertising. These are A3 sized vinyl signs which should not be taken off.”
Gwynedd Council	“In the case of private hire vehicles, further door stickers shall be affixed by means of <b>self-adhesive material (not magnetic)</b> to the front or rear offside/nearside doors, located just under the windows.”
Hart District Council	“ <b>No temporary fixing such as magnets</b> or Velcro are allowed.”
Herefordshire Council	“Both front doors of all Licensed Hackney Carriages shall display a sign incorporating Herefordshire Council’s corporate logo together with the vehicle licence number, in the following dimensions: the sign shall be a minimum of 60cm x 19cm wide with lettering measuring at least 6cm in height. The sign shall be the <b>adhesive type and shall not be magnetic.</b> However, magnetic signs may be permitted on a short term temporary basis for insurance replacement vehicles, and then only with the written authority of the Licensing Authority. The sign shall be located on the top half of the door where it is clearly visible to the public.”

## Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)

<b>Kirklees Council</b>	“A Kirklees licensed private hire vehicle must display <b>an adhesive sign</b> on the top panel on each of the two front doors of the vehicle only, and on no other part of the vehicle, glass or panels. Such door signs are to be permanently stuck on to the door panel at all times the vehicle is licensed as a private hire vehicle. <b>Magnetic signs are not permitted.</b> ”
<b>Leeds City Council</b>	“Two other information plates (door livery), in a format prescribed by the Council, will be fitted to the licensed vehicle, one to the driver door and another to the front passenger door. These plates will be produced to a specification set by the Council. They will be fitted by the Council <b>and secured to the vehicle by an appropriate adhesive</b> chosen by the Council. The mounting of the licence or information plates <b>onto a magnetic back plate is not permitted.</b> ”
<b>Middlesborough Council</b>	“The proprietor shall unless exempted in writing cause to be affixed and maintained in or on the vehicle in a conspicuous position and so positioned that the details are not concealed in any way the following: (a) A door sign of such design and appearance as may be approved and supplied by the Council to be located beneath the window on the nearside and offside front doors of the vehicle. Note: <b>The use of magnetised signs are not permitted</b> ”
<b>Newcastle City Council</b>	“The holder of a Private Hire Vehicle Licence shall ensure that door signs are displayed on their Private Hire Vehicles and that the signs comply with the following:- The sign shall measure at least 590mm x 220mm and <b>shall be adhesive in type.</b> ”
<b>Newport City Council</b>	“The vehicle must display authorised Council <b>door stickers</b> on the driver’s and the front passenger doors.”
<b>Oldham Council</b>	“The mandatory door signs shall be permanently affixed to the top half of the door panels <b>by way of adhesive rather than magnetic means</b> . Such signs are to be displayed at all times whilst the vehicle is licensed.”
<b>Plymouth City Council</b>	“ <b>External Door Stickers:</b> - Shall be affixed directly to the vehicle so as to provide a sufficient degree of permanence and to prevent unauthorised removal from the vehicle, and <b>shall not be affixed by means of magnets</b> or any other intermediate method.”
<b>Portsmouth City Council</b>	“Any prior approved Portsmouth private hire operator signage shall be <b>permanent (and not magnetic)</b> or approved proprietor signage displayed from the front doors of the licensed vehicle only.”
<b>Preston City Council</b>	“ <b>Magnetic door signage shall not be permitted.</b> ”
<b>Shropshire Council</b>	“All vehicles must display Council issued signs (side plates) on the upper portion of the front driver door and the front passenger door of the vehicle using <b>the adhesive backed signs</b> provided. These signs will carry the Council logo, PHV licence number and the words ‘Prebooked Only’ on a white background. The signs must be kept intact, clean and firmly attached to the vehicle doors as described above. <b>The use of magnetic panels is prohibited.</b> ”
<b>South Ribble Borough Council</b>	“Nearside and offside front doors with South Ribble Borough Council Licensed Private Hire Operator company <b>door stickers</b> (permanently affixed and <b>not magnetic</b> )”
<b>Southampton City Council</b>	“The <b>sticker</b> may be screen printed on a white background and must be supplied with <b>adhesive backing</b> , or some other similar method meeting the requirements of the Council, to enable it to be fixed in the correct position. The licence conditions require the front doors of licensed private hire vehicles to be clearly marked with an <b>adhesive sign</b> indicating that the vehicle is licensed and bearing the name and telephone number of the operator. <b>Magnetic signs will not be permitted.</b> ”

## Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)

<p><b>Stoke-on-Trent City Council</b></p>	<p>“All Hackney Carriages must have <b>permanently affixed</b> to the two front doors of the vehicle the Proprietor’s name in full in white or gold lettering, or another colour previous agreed with us. The lettering shall be a minimum of one inch and a maximum of two inches in height and width. The Proprietor may also display on the two front doors the company name in addition to the Proprietor’s name but not in place of it. No other signs, advertisements or distinguishing marks may appear on the vehicle without our prior approval. <b>The use of magnetically affixed signs is not allowed.</b>”</p>
<p><b>Torbay Council</b></p>	<p>“With effect from 1st May 2019, all Private Hire vehicles shall be fitted with Licensing Authority door signs, which must be <b>affixed</b> to the front doors of the vehicle and must be by way of <b>vinyl stickers and not be magnetic.</b>”</p>
<p><b>Torridge District Council</b></p>	<p>“A private hire vehicle must display on the exterior of the front nearside and front offside doors signs of a type approved by the Council indicating that the vehicle may be hired by advance booking only. In addition, a private hire vehicle must display in the front and rear windscreen a sign of a type approved by the Council indicating that the vehicle may be hired by advance booking only. <b>These signs must be permanently and securely affixed to the vehicle and must not be attached by any temporary fixings (e.g. magnetic backing strips).</b>”</p>
<p><b>Tunbridge Wells Borough Council</b></p>	<p>“Private hire vehicles are required to display licence plates <b>affixed</b> externally on the rear of the vehicle and private hire ‘pre-booked only’ <b>stick-on signs</b> on the nearside back and offside back doors.”</p>
<p><b>Wakefield Council</b></p>	<p><b>“The use of magnetic or temporary stickers is prohibited.”</b></p>
<p><b>Windsor and Maidenhead Borough Council</b></p>	<p>“A Company <b>sticker</b> must be displayed, displaying the name (logo and colours) of the operator.”</p>
<p><b>City of Wolverhampton Council</b></p>	<p>“Private Hire Vehicles shall at all times display a unique Private Hire Vehicle Operators door sign bearing the name, telephone number and/or ‘App’ on each side of the vehicle, which has been approved by Licensing Services. <b>The use of magnetic door stickers is prohibited.</b>”</p>
<p><b>Worthing Borough Council</b></p>	<p>“Each Private Hire vehicle shall display a sign on front door in accordance with the criteria laid out below: a) the sign shall be <b>constructed of vinyl</b>, and shall be applied directly to the door. Licence holders should note that <b>magnetic door signs are not acceptable</b> in fulfilment of this condition.”</p>
<p><b>Wycombe District Council</b></p>	<p>“Door stickers are required to be <b>securely fixed</b> to the vehicle and <b>it is not considered that magnets are sufficient to achieve this requirement.</b> It is therefore proposed that <b>stickers</b> should be attached by means of the <b>adhesive</b> on the sticker itself and that <b>magnets should not be permitted.</b> “</p>

*\* Please note that this is not an exhaustive list – merely a selection of Authorities around the nation who have opted to enforce the requirement of semi-permanent vinyl signage instead of magnetic.*

## Appendix 5 – November 2018 Consultation Letter

Dear (Name)

We are writing to all Operators to consult on possible minor changes regarding requirements relating to Operators Door Signs on Private Hire Vehicles.

As you are aware, Private Hire Vehicles are required to display signage on the front doors of the vehicle, providing information to the public about the Operator the vehicle is working for. These door signs are compulsory and are required to be on the vehicle at all times while it is licenced.

In recent years, the enforcement of these requirements has absorbed a substantial amount of the Licensing Department's time. Officers are often told that door signs have been stolen, the magnets have fallen off or, due to a vehicle having aluminium doors, the magnets don't stick to them very well. The regular loss of door signs results in drivers receiving warning letters, which remain on their record. Private Hire Operators then incur financial costs to provide replacement door signs.

It has become evident that magnet based door signs are not suitable for use on private hire vehicles.

The Licensing Department is aware that some Private Hire Operators already use vinyl sticker style door signs. These signs are a semi-permanent fixture, meaning that they are highly unlikely to fall off or be stolen, and can be affixed to the doors of the vehicle regardless of the type of surface. As a result we are considering introducing a requirement that **all** Private Hire Operators door signs are to be semi-permanently affixed stickers, with magnet based door signs no longer being permitted.

However, before we do this we would like gauge your views on this as a Private Hire Operator. Should you have any comments or ideas in relation to this issue, we would like to hear them.

If you have any comments, please write to the Licensing Department at the address above, or email them to us at [licensing@woking.gov.uk](mailto:licensing@woking.gov.uk) prior to the 4 January 2019.

Kind regards

**The Licensing Department**

Woking Borough Council

t: 01483 755855 e: [licensing@woking.gov.uk](mailto:licensing@woking.gov.uk)

## Appendix 6 – Response to November 2018 Consultation

“I write further to your letter of 29<sup>th</sup> November in which you state that you want to consult all Operators on a minor change regarding Door signs.

What you perceive as a minor change will if implemented have a detrimental effect on the type of vehicle that drivers will want to licence as a private hire vehicle.

Woking Borough Council already has one of the most stringent rules on the type and age of vehicle to be used. By implementing this change we foresee drivers opting to buy the most basic models required to meet the current licencing conditions. We as a company have recently purchased a vehicle that has cost us in excess of £30,000 and the reason for purchasing such an expensive vehicle was the need to provide quality transportation to the public. If we were to have permanent stickers stuck to the side of this vehicle the body work over time will most definitely be damaged therefore if permanent stickers are introduced we will have no choice but to sell the vehicle and get a basic vehicle at a fraction of the cost to meet the requirements. Our point being that by implementing permanent stickers the Council will in a way be forcing drivers to buy the most basic models thus the customer in the long run will be the ones affected.

Currently as a company we have a number of drivers who have invested a vast amount of money (often financed) on executive vehicles which they use for private hire and executive work. Some of these drivers do not warrant a dispensation disc as they do day to day work, however they have purchased what one can describe as executive vehicles in order to be considered for the adhoc executive work. These drivers are often used for last minute bookings that the likes of McLaren require for pick-ups from “H block” which as you may be aware is an area within McLaren where they request that the door signs be taken off before entering. Permanent stickers will off course have an effect on their earnings.

We have a number of drivers that work part time, these drivers are aware that their inner front, external rear plates and side stickers must always be displayed whilst the vehicle is licensed however when they are not working as private hire drivers they tend to remove their side magnetic plates as they do not want the vehicle to attract undue attention. If stickers are to be permanently stuck to the side of the vehicle this will mean they will have to purchase a separate vehicle to carry out part time work, which they currently do to make ends meet. This will lead to more outlay and we foresee that as a result of permanent stickers the trade may end up losing these drivers. Would you consider that part time drivers (subject to them off course providing proof they have a permanent job elsewhere, and one that does not involve driving) be exempt from having permanent stickers and thus allow them to have magnetic's?

We appreciate and fully understand that a private hire vehicle is always a private hire vehicle even when it is not being used for work and that Woking Borough Council bylaws state that the vehicle is required at all times to be displaying door signs, however as well as the above points, in order to change from magnetic's to what you call “semi-permanent”, but for arguments sake we refer to as permanent vinyl stickers more discussion need to take place with the companies and drivers that have a genuine vested interest in the trade.

Having raised our concerns we write to confirm that whatever your decision we will be supportive and look forward to continuing to provide safe and reliable transport to the people of Woking.”

**Appendix 7 – May 2019 Consultation letter**

29 May 2019

**Consultation regarding changes to Private Hire Operator licensing**

The below is notification of a consultation now taking place regarding proposed changes to Private Hire Operator licensing at Woking Borough Council.

Public trust and confidence in the overall safety and integrity of the whole private hire system is vital. It is imperative that the same standards and expectations that apply to licenced drivers also apply to Private Hire Operators. It is the role of the Licensing Authority to ensure that those licenced are ‘fit and proper’, ensuring the safety of the travelling public.

It is the view of the Licensing Authority that some changes are required to current licence conditions to ensure that Operators continue to be safe, accountable and trustworthy; understanding of their requirements; safely providing for their drivers; and knowledgeable of the law, namely:

- (i)** a change of procedure used in licensing multiple Private Hire Operators, including a fixed fee of £10.50 for each additional name
- (ii)** the requirement to undertake and pass a Knowledge Test for Operators
- (iii)** a requirement for Operators door signage to be sticker/vinyl as opposed to magnetic

**The consultation will run from 1<sup>st</sup> of June 2019 until 15<sup>th</sup> of July 2019, inclusive and a brief summary of each proposal can be found overleaf.**

## **Introduction of a Requirement for all Operator Door Signs to be Vinyl Stickers (not magnets)**

### **Proposal (i): Operators ‘Trading As’ Names**

In order to create a clear and transparent system the Licensing Authority proposes to issue one licence per named Operator. Any “trading as” names will be issued a separate licence with a unique reference number linking back to the “parent” licence. The Licensing Authority also proposes an administrative fee of £10.50 per “trading as” company name, in line with current charges.

It is proposed that this procedural change is implemented upon renewal of each licence or upon each request to add a new “trading as” name to a licence.

### **Proposal (ii): Operators Knowledge Test**

When applying for a new or renewed Private Hire Operator licence, applicants are required to sign a declaration of having read and understood the guidance. Unfortunately, despite this, some Operators are not demonstrating an understanding of their legal requirements and have failed to adhere to conditions on their licences.

In order to safeguard against this, and increase public confidence in the trade, the Licensing Authority proposes the introduction of a Private Hire Operator Knowledge Test. All new applicants would be required to pass the test prior to being issued a licence. Existing Operators will be required to pass the test prior to the next renewal of their licence.

### **Proposal (iii): Operators Door Signage Regulations**

Private Hire Operators are required to ensure that all vehicles carrying out work under their company name display the correct signage in order to be easily identifiable. It has become evident, through conversations with drivers who have failed to display door signs, that magnet based door signs are not fit for purpose. Semi-permanent vinyl stickers are highly unlikely to fall off or blow off in the wind, and are very difficult to steal.

The Licensing Authority proposes that a condition stating that all operator door signs must be of a semi-permanent vinyl sticker type, no smaller than 210mm x 297mm, be added to Private Hire Operator licences.

**The above is a summary of the proposals. For more information, and details on how to submit representations, please visit [www.woking.gov.uk/taxi](http://www.woking.gov.uk/taxi)**

## Appendix 8 – May 2019 Consultation Responses

Morning.i am not agree with council new proposal for vinyl stickers on my car.because it's difficult for fix and remove.its mean drivers need to spend extra money for installation and removal stickers.we drivers already struggling in Woking because of Uber.I request to council don't consider vinyl stickers.Thanx

Sound like good suggestions to me

I strongly disagree with this proposal for the following reasons:

1: Security is a real issue, I visit the countryside to both walk and fish and whilst the car license plates remain displayed I certainly would not want to leave door plates on display when the car is not being used for work in those circumstances. We face far greater odds than the average motorist of being broken into with just our license plates on display let alone permanent door signs

2; Part of the taxi mot which all vehicles are subjected to either once or twice a year dependent upon age, is to have door signage. If not available the MOT certificate is not issued. Therefore signage should have been available at those times and displayed during the working day, and I struggle to accept the drivers reasons for not displaying the signage:

In my experience during the 4 years I have been a PH driver I have lost **one** of my door panels on 2 occasions and that was because of ice on a door and a door panel that was not stored properly overnight and not able to adhere to the door flat. On both occasions I was able to access an additional sign during that working day from the office . I now carry an additional set of plates at all times. Never have I heard of someone losing both panels

3: I struggle to accept that we should all face an additional cost for these semi permanent vinyl stickers as a result of the few who choose to either ignore the regulations or manage the loss of a sign quickly during the working day.

LICENSING COMMITTEE – 10 MARCH 2020

## **A REVIEW OF VOLKSWAGEN SHARANS FOLLOWING A RECENT REVIEW BY EURONCAP OF THEIR SAFETY RATING**

### **Executive Summary**

This report presents an outline of the NCAP Safety Ratings, a summary as to what has happened and presents the Licensing Committee with several proposed options as to how we could proceed.

### **Recommendations**

The Committee is requested to:

**RESOLVE That** a decision be made as to how to proceed with the issue surrounding the review of the Volkswagens Sharans safety ratings, and the decision be recorded and applied accordingly.

The Committee has the authority to determine the recommendation(s) set out above.
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**Background Papers:** None.

**Reporting Person:** Matthew Cobb, Senior Licensing Officer  
Email: matthew.cobb@woking.gov.uk, Extn: 3650

**Contact Person:** Matthew Cobb, Senior Licensing Officer  
Email: matthew.cobb@woking.gov.uk, Extn: 3650

**Date Published:** 2 March 2020



### 1.0 Introduction

1.1 Current Woking Borough Council Policy regarding vehicle specifications of Private Hire Vehicles has been set up to ensure

i) That the vehicles are not excessively polluting

In order to ensure that the vehicles are not excessively polluting, we require them to have a rating of 5 or above in the Euro Emissions Scheme.

ii) That the vehicles have a “shelf life” to keep the Private Hire Fleet rejuvenated and up to date.

In order to ensure that the fleet is regenerated every now and then, we raise the Emissions standards every so often. For example – currently the required rating for Private Hire is Euro Emissions 5. These vehicles will only be licenced up to the 20th of January 2022, at which point the only vehicles allowed to remain licenced will be Euro Emissions 6 or higher.

iii) That the vehicles are safe

In order to ensure that the vehicles are safe, they must have a rating of 5 on the Euro NCAP Scheme.

### 2.0 Euro NCAP Scheme

2.1 In order to assist consumers, their families and businesses, the European New Car Assessment Programme (“EuroNCAP”) has been set up to effectively ‘crash test’ cars and provide reports on the vehicles safety and how it relates to both the driver, to the passenger, and to pedestrians etc.

2.2 On testing, they are given a rating of 1-5 stars, which allows for buyers to easily visualise how safe that car is for both passengers and the public in the event of an accident. One star, naturally, is the lowest, whilst five stars is the highest rating and the most desirable. Further information on the NCAP scheme is attached as Appendix 1.

### 3.0 The Volkswagen Sharans NCAP rating

3.1 The Volkswagen Sharan is a mid-sized people carrier that has been in production since around 1995. As a licensable vehicle, it has been reasonably popular. Between 2002 and the present day, we have licenced a total of 108 different Volkswagen Sharans. Currently, records show that we have a total of 18 licenced Volkswagen Sharans.

3.2 Previously this vehicle has been tested by the EuroNCAP and rated as a Five Star vehicle, hence it has been able to be licenced.

3.3 A copy of the 2010 NCAP report is attached as Appendix 2.

3.4 In the last week we have become aware that at some point in December 2019, the Volkswagen Sharan was re-tested by EuroNCAP and as a result of this, has been downgraded to a Four Star Vehicle.

3.5 A copy of the 2019/2020 NCAP report is attached as Appendix 3.

### 4.0 What this means

4.1 What this now means is that the Volkswagen Sharan no longer meets the requirement of the Policy. This is of no fault of the driver or the Licensing Authority, but is something that has happened and unfortunately we must deal with it.

- 4.2 Having contacted the EuroNCAP about this change, they have provided the following statement on the matter.

***“The Euro NCAP tests change frequently. This is to ensure that safety is continually developing and to ensure that only the safest vehicle achieve the maximum star rating. In the case of the Sharan, it is not deserving of a five star rating as defined according to the 2019 procedures.***

***The Euro NCAP ratings have become more stringent as the years have passed. This means you can’t directly compare the ratings from 2010 to those of 2019.***

***To give you an idea of the changes over time:***

- ***In 2009 the rating scheme was adjusted to include a whiplash test and it reflects the protection offered to adult and child occupants as well as pedestrians and, for the first time, considers the safety potential of advanced driver assistance technologies such as electronic stability control.***
- ***In 2015 a new full width frontal test was introduced (This test places high demands on the restraint systems in front and rear seating positions. Strict limits are placed on the decelerations of the chest and on the degree of chest deflection and this, in turn, encourages manufacturers to fit more sophisticated restraints) and AEB pedestrian systems are tested.***
- ***In 2016 improvements were made to the protection of children in cars.***
- ***In 2018 several active safety tests have been updated and new ones have been added.***

***In 2019, the Sharan failed to meet the 5 star requirements in Child protection, Vulnerable road user protection and Safety assist. You can find more information regarding what happened in the test in the datasheet, but the vehicle did suffer penalties with the door becoming detached in the pole impact test.”***

- 4.3 Ultimately, as we are now aware of this change, and the fact that EuroNCAP is of the opinion that these vehicles do not meet the requirements, we are required by our statutory duties to take action of some kind.

## **5.0 Options**

- 5.1 The Licensing Authority’s primary aim is to ensure the safety of the travelling public, hence the reasoning for the EuroNCAP Crash Test ratings in the first place. However – in this situation, it is unprecedented and the goalposts have moved, to no fault of the driver. We therefore feel that the best method would be to find a balance between ensuring we meet our requirements in relation to policy (thus ensuring the safety of the travelling public) but also in a way that disrupts the drivers as little as possible.
- 5.2 We therefore would propose the following options as ways of dealing with this, and we appreciate your views and input as to how we would like to proceed on this matter.

### **Option 1:**

- 1) As they no longer meet the requirements, the Licences of Volkswagen Sharans should be revoked with immediate effect, and drivers notified accordingly. No new licences will

## Volkswagen Sharan NCAP Ratings Review

be issued to Volkswagen Sharans. The drivers will therefore have to replace their vehicles immediately, and will not be able to work in the intervening period.

### Or Option 2:

- 2) The renewal of Licences of Volkswagen Sharans should be refused as and when it comes to it, and drivers notified accordingly. No new licences will be issued to Volkswagen Sharans. This will mean that the drivers of Sharans will have between 1 and 12 months (depending on the length of time remaining on their licence) to replace their vehicle with one that does meet the criteria.

### Or Option 3:

- 3) In order to ensure drivers get a fair period of use of their vehicles, the Licences of Volkswagen Sharans should be allowed to continue for a period of no more than THREE years, after which they must be replaced with a vehicle that does meet the Euro Emissions and Euro NCAP criteria. No new licences will be issued to Volkswagen Sharans. This will mean that those who have Sharans will only be permitted to be licenced up to and including the 1st of April 2023, thus getting a fair period of use out of them. (Please note this would only apply to Euro Emissions 6 Sharans, as Euro Emissions 5 Sharans will all have to be replaced in January 2022 anyway)

### Or Option 4:

- 4) In order to ensure drivers get a fair period of use of their vehicles, the Licences of Volkswagen Sharans should be allowed to continue for a period of no more than FIVE years, after which they must be replaced with a vehicle that does meet the Euro Emissions and Euro NCAP criteria. No new licences will be issued to Volkswagen Sharans. This will mean that those who have Sharans will only be permitted to be licenced up to and including the 1st of April 2025, thus getting a fair period of use out of them. (Please note this would only apply to Euro Emissions 6 Sharans, as Euro Emissions 5 Sharans will all have to be replaced in January 2022 anyway)

### Or Option 5:

- 5) As we have issued the licences to these vehicles on the grounds that they were NCAP5, we should honour this (ignoring the NCAP safety rating change) and only apply the requirements to NEW applications. This would allow the holders of these non-compliant vehicles to continue using them indefinitely, or until replaced with another, compliant car, through the drivers own volition.

5.3 The Licensing Authority feels that Options 1 and 2 are, whilst completely justifiable in that they are in line with the Policy, rather on the strict side – and would be excessively unfair on the drivers involved. They would feel as if they are being penalised at no fault of their own and this is not an advisable situation to impose. Similarly, Option 5 is equally undesirable and unadvisable as it goes too far the other way and would cause issues and bring into question whether or not we were succeeding in our duty to ensure the safety of the travelling public and thus failing in our legal requirements, it would also cause consideration as to what the point of the EuroNCAP policy was, if we were to quickly dismiss it.

5.4 It is therefore suggested that Option 3 or Option 4 be the preferred method of dealing with this issue.

5.5 A summary of the relevant vehicles is attached as Appendix 3. As you can see from this list, the majority of them are currently Euro Emission 5 vehicles. This means that the specific vehicle will need to be replaced by the 20th of January 2022 anyway (two years' time) in line with current policy.

## Volkswagen Sharan NCAP Ratings Review

5.6 As such, if the Authority is going to apply any sort of time frame that would take longer than two years (for example, Options 3, 4 or 5) then there is only actually going to be five vehicles affected – the remaining thirteen are all lower than Euro Emissions 6 and would therefore already been planned to be replaced by January 2022 anyway.

### 5.7 Consultation with those affected

5.8 Following discussions with the Legal Department and the Chair and Portfolio Holder of the Licensing Committee, a decision was made to notify those 18 drivers that would potentially be affected by this action and asking for their input.

5.9 A copy of the letter that was sent out is attached as Appendix 4

5.10 The Licensing Authority received one response, which is attached as Appendix 5.

5.11 The response received was, predictably, to do with the cost of the vehicle and ensuring they got their use out of it following advice/guidance given to them by the Licensing Authority. The vehicle in question that they refer to in this reply is one of the Euro 5 Vehicles and would therefore have to be replaced by the January 2022 anyway – and Options 3 and 4 would not affect them.

### 5.12 The Committee is therefore requested to resolve either,

1) the Licences of non-compliant NCAP rated 4 Volkswagen Sharans should be revoked with immediate effect, and drivers notified accordingly. No new licences will be issued to Volkswagen Sharans. Drivers will be required to replace their non-compliant vehicles immediately.

~ OR ~

2) the Licences of non-complaint NCAP rated 4 Volkswagen Sharans should be refused at renewal, and drivers notified accordingly. No new licences will be issued to Volkswagen Sharans. Drivers of Sharans will have between 1 and 12 months (depending on the length of time remaining on their licence) to replace their vehicle with one that does meet the criteria.

~ OR ~

3) In order to ensure drivers get a fair period of use of their vehicles, the Licences of Volkswagen Sharans should be allowed to continue for a period of no more than THREE years, after which they must be replaced with a vehicle that does meet the Euro Emissions and Euro NCAP criteria. No new licences will be issued to Volkswagen Sharans. This will mean that those who have Sharans will only be permitted to be licenced up to and including the 1st of April 2023, thus getting a fair period of use out of them. (Please note this would only apply to Euro Emissions 6 Sharans, as Euro Emissions 5 Sharans will all have to be replaced in January 2022 anyway, and would not create a loophole where Euro Emissions 5 Sharans can continue past the 2022 date.)

~ OR ~

4) In order to ensure drivers get a fair period of use of their vehicles, the Licences of Volkswagen Sharans should be allowed to continue for a period of no more than FIVE years, after which they must be replaced with a vehicle that does meet the Euro Emissions and Euro NCAP criteria. No new licences will be issued to Volkswagen Sharans. This will mean that those who have Sharans will only be permitted to be licenced up to and including the 1st of April 2025, thus getting a fair period of use out of them. (Please note this would only apply to Euro Emissions 6 Sharans, as Euro Emissions 5 Sharans will all have to be

replaced in January 2022 anyway, and would not create a loophole where Euro Emissions 5 Sharans can continue past the 2022 date.)

~ OR ~

- 5) As we have issued the licences to these vehicles on the grounds that they were NCAP5, we should honour this (ignoring the NCAP safety rating change) and only apply the requirements to NEW applications. This would allow the holders of these non-compliant vehicles to continue using them indefinitely, or until replaced with another, compliant car, through the drivers own volition.

## **6.0 Implications**

### Financial

- 6.1 A too harsh approach may result in appeals by drivers and hearings taking place at Magistrates Courts which may result in a financial cost for the Council. Alternatively, taking a too soft approach may result in us being taken to task legally for failing in our statutory duties.

### Human Resource/Training and Development

- 6.2 Not applicable.

### Community Safety

- 6.3 The NCAP Ratings are there solely for community safety – which is why it is absolutely vital that we bring our vehicles into compliance with their findings.

### Risk Management

- 6.4 See Community Safety.

### Sustainability

- 6.5 Not applicable.

### Equalities

- 6.6 Not applicable.

### Safeguarding

- 6.7 Not applicable.

REPORT ENDS

## Appendix 1 – Euro NCAP Information



### How To Read The Stars

Euro NCAP has created the five-star safety rating system to help consumers, their families and businesses compare vehicles more easily and to help them identify the safest choice for their needs.

The safety rating is determined from a series of vehicle tests, designed and carried out by Euro NCAP. These tests represent, in a simplified way, important real life accident scenarios that could result in injured or killed car occupants or other road users.

While a safety rating can never fully capture the complexity of the real world, the vehicle improvements and the technology brought the past years about by the application of high safety standards have been shown to deliver a true benefit to consumers in Europe and to society as a whole.



#### The More Stars, The Better

The number of stars reflects how well the car performs in Euro NCAP tests, but it is also influenced by what safety equipment the vehicle manufacturer is offering in each market. So a high number of stars shows not only that the test result was good, but also that safety equipment on the tested model is readily available to all consumers in Europe. The star rating goes beyond the legal requirements and not all new vehicles need to undergo Euro NCAP tests. A car that just meets the minimum legal demands would not be eligible for any stars. This also means that a car which is rated poorly is not necessarily unsafe, but it is not as safe as its competitors that were rated better.

#### Look Out For The Latest Results

The five-star safety rating system continuously evolves as older technology matures and new innovations become available. This means that tests are updated regularly, new tests are added to the system and star levels adjusted. For this reason the year of test is vital for a correct interpretation of the car result.

**THE LATEST STAR  
RATING IS  
ALWAYS THE  
MOST RELEVANT**

The latest star rating is always the most relevant and comparing results over different years is only valid if the updates to the rating scheme were small. Recently, the inclusion of emerging crash avoidance technology has significantly altered the meaning of the stars.

#### Cars with Dual Ratings?

## Volkswagen Sharan NCAP Ratings Review

From 2016, some cars have two star ratings. One rating is based on a car fitted only with safety equipment which is standard on every variant in the model range throughout EU28. This rating reflects the minimum level of safety you can normally expect from any car sold anywhere in the European Union. All cars assessed by Euro NCAP have this basic safety rating.

The second rating is based on a car with an additional 'safety pack', that may be offered as an add-on option to consumers. The additional safety equipment included in a safety pack will boost the car's safety rating and, therefore, the second star rating demonstrates the safety level that the car can achieve if this additional equipment is included. Not every car has this second star rating, but when available, it helps consumers to easily understand the benefit of additional equipment expressed in extra stars.

The following provides some general guidance as to what safety performance the stars refer to in today's system:



**5 stars safety:** Overall good performance in crash protection. Well equipped with robust crash avoidance technology



**4 stars safety:** Overall good performance in crash protection; additional crash avoidance technology may be present



**3 stars safety:** Average to good occupant protection but lacking crash avoidance technology



**2 stars safety:** Nominal crash protection but lacking crash avoidance technology



**1 star safety:** Marginal crash protection

# Appendix 2 – The Volkswagen Sharans 2010 NCAP Rating



## Volkswagen Sharan

Volkswagen Sharan 2.0 diesel 'Trendline', LHD



ADULT OCCUPANT



CHILD OCCUPANT



PEDESTRIAN



SAFETY ASSIST

### ADULT OCCUPANT

Total 34 pts | 96%

#### FRONTAL IMPACT

15,4 pts



Driver



Passenger

#### FRONTAL IMPACT

<b>HEAD</b>	
Driver airbag contact	stable
Passenger airbag contact	stable
<b>CHEST</b>	
Passenger compartment	stable
Windscreen Pillar rearward	2mm
Steering wheel rearward	none
Steering wheel upward	none
Chest contact with steering wheel	none
<b>UPPER LEGS, KNEES AND PELVIS</b>	
Stiff structures in dashboard	none
Concentrated loads on knees	none
<b>LOWER LEGS AND FEET</b>	
Footwell Collapse	none
Rearward pedal movement	none
Upward pedal movement	none

#### SIDE IMPACT CAR

8 pts

#### SIDE IMPACT POLE

7,5 pts



Car



Pole

#### SIDE IMPACT

Head protection airbag	Yes
Chest protection airbag	Yes

#### REAR IMPACT (WHIPLASH)

3,6 pts



<span style="display:inline-block; width:15px; height:15px; background-color:green; border:1px solid black;"></span> GOOD
<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> ADEQUATE
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> MARGINAL
<span style="display:inline-block; width:15px; height:15px; background-color:lightcoral; border:1px solid black;"></span> WEAK
<span style="display:inline-block; width:15px; height:15px; background-color:firebrick; border:1px solid black;"></span> POOR

#### WHIPLASH

Seat description	Standard cloth, 8 way manual
Head restraint type	Passive
Geometric assessment	1 pts
<b>TESTS</b>	
- High severity	2,6 pts
- Medium severity	2,7 pts
- Low severity	2,5 pts

**TEST RESULTS** 

**CHILD OCCUPANT**

Total 39 pts | 80%

**18 MONTH OLD CHILD**

**Restraint** Römer Baby Safe Plus  
**Group** 0, 0+  
**Facing** rearward  
**Installation** ISOFIX anchorages and support frame



PERFORMANCE **10,9 pts**  
 INSTRUCTIONS **4 pts**  
 INSTALLATION **2 pts**

**FRONTAL IMPACT**

**Head forward movement** protected  
**Head acceleration** good  
**Chest load** good

**SIDE IMPACT**

**Head containment** protected  
**Head acceleration** good

**3 YEAR OLD CHILD**

**Restraint** Bobsy G 0/1  
**Group** 1  
**Facing** forward  
**Installation** ISOFIX anchorages and support frame



PERFORMANCE **11,3 pts**  
 INSTRUCTIONS **4 pts**  
 INSTALLATION **2 pts**

**FRONTAL IMPACT**

**Head forward movement** protected  
**Head acceleration** good  
**Chest load** fair

**SIDE IMPACT**

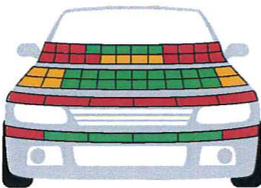
**Head containment** protected  
**Head acceleration** good

**VEHICLE BASED ASSESSMENT**

5 pts **Airbag warning Label** Non-permanent pictogram on B-pillar

**PEDESTRIAN**

Total 16 pts | 46%



**GOOD** (Green)  
**MARGINAL** (Yellow)  
**POOR** (Red)

**HEAD** 12,4 pts  
**PELVIS** 0 pts  
**LEG** 4 pts

**SAFETY ASSIST**

Total 5 pts | 71%

**SPEED LIMITATION ASSISTANCE** 0 pts

- 0, not available

**ELECTRONIC STABILITY CONTROL (ESC)** 3 pts

- standard

**SEATBELT REMINDER** 2 pts

- driver 1 pts  
 - passenger 1 pts

## TEST RESULTS



### DETAILS OF TESTED CAR

#### SPECIFICATIONS

Tested model	Volkswagen Sharan 2.0 diesel 'Trendline', LHD
Body type	5 door MPV
Year of publication	2010
Kerb weight	1774kg
VIN from which rating applies	applies to all Sharans of the specification tested

#### SAFETY EQUIPMENT

Front seatbelt pretensioners	
Front seatbelt load limiters	
Driver frontal airbag	
Front passenger frontal airbag	
Side body airbags	optional row 2 airbag not tested
Side head airbags	covers all rows
Driver knee airbag	

### COMMENTS

Euro NCAP is informed that the Seat Alhambra is structurally identical to the Volkswagen Sharan and has the same interior fittings and levels of safety equipment. Accordingly, Euro NCAP believes that the star rating of the Sharan can also be applied to the Seat Alhambra.

#### Adult occupant

The passenger compartment remained stable during the frontal impact, the windscreen pillar being deformed rearward only 2mm after the crash. Dummy results showed good protection of the knees and femurs for the front seat occupants. Additional test work demonstrated that occupants of different sizes and those sat in different positions would be similarly well protected. The passenger dummy scored maximum points in the frontal impact. Likewise, maximum points were scored in the barrier side impact test. In the more severe side pole impact, protection of the chest and abdomen were rated as fair. Good protection was provided against whiplash injuries in the event of a rear-end impact.

#### Child occupant

In the frontal impact, forward movement of the 3 year dummy, sat in a forward facing restraint, was not excessive. In the side test, both dummies were properly contained within the shells of their respective restraints. The front passenger airbag can be disabled to allow a rearward facing child restraint to be used in that seating position. However, information provided to the driver about the status of the airbag is not sufficiently clear. The label warning of the dangers of using a rearward facing seat without first disabling the airbag was unclear, poorly positioned and not permanently attached. All of the seating positions are approved for universal child restraint systems.

#### Pedestrian

The bumper provided good protection to pedestrians' legs in most areas, but was poor in some places. The front edge of the bonnet provided poor protection and scored no points in Euro NCAP's tests. In most areas where the head of child might strike, the bonnet provided good protection. However, for an adult, the bonnet offered predominantly poor levels of protection.

#### Safety assist

Electronic stability control is standard equipment. The front seating positions have a seatbelt reminder. A rear seatbelt reminder system is standard on the 6 and 7-seat variants. The system is available as an option for the 5-seat variant but is expected to be sold as standard in insufficient numbers to qualify for assessment.

## Appendix 2 – The VW Sharans 2019/2020 NCAP Rating

TEST RESULTS





**Volkswagen Sharan**  
Standard Safety Equipment

2019





### SPECIFICATION

Tested Model	VW Sharan 1.4 'Comfortline', LHD
Body Type	- 5 door MPV
Year Of Publication	2019
Kerb Weight	1709kg
VIN From Which Rating Applies	- all Sharans
Class	Large MPV

### SAFETY EQUIPMENT

	Driver	Passenger	Rear
<b>FRONTAL CRASH PROTECTION</b>			
Frontal airbag	●	●	✗
Belt pretensioner	●	●	○
Belt loadlimiter	●	●	●
Knee airbag	●	✗	✗
<b>SIDE CRASH PROTECTION</b>			
Side head airbag	●	●	●
Side chest airbag	●	●	○
Side pelvis airbag	✗	✗	✗

VW Sharan 2019-2020

Euro NCAP © Volkswagen Sharan Dec 2019 1/15

TEST RESULTS



SAFETY EQUIPMENT (NEXT)

	Driver	Passenger	Rear
<b>CHILD PROTECTION</b>			
Isofix	—	✗	●
Integrated CRS	—	✗	○
Airbag cut-off switch	—	●	—
<b>SAFETY ASSIST</b>			
Seat Belt Reminder	●	●	●
<b>OTHER SYSTEMS</b>			
Active Bonnet (Hood)	✗		
AEB Pedestrian	✗		
AEB Cyclist	●		
AEB City	●		
AEB Inter-Urban	●		
Speed Assistance System	●		
Lane Assist System	●		

Note: Other equipment may be available on the vehicle but was not considered in the test year.

- Fitted to the vehicle as standard    ○ Fitted to the vehicle as part of the safety pack
- Not fitted to the test vehicle but available as option or as part of the safety pack    ✗ Not available    — Not applicable

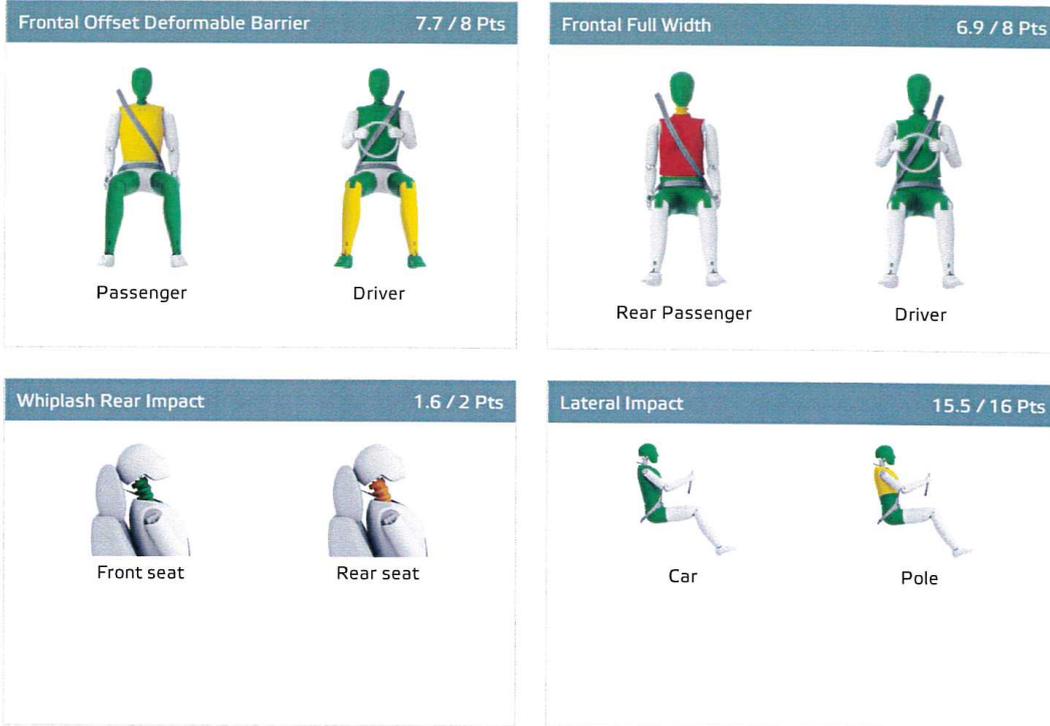
TEST RESULTS



**ADULT OCCUPANT**

Total 34.0 Pts / 89%

■ GOOD   
 ■ ADEQUATE   
 ■ MARGINAL   
 ■ WEAK   
 ■ POOR



Version 2.2.1.19

Euro NCAP © Volkswagen Sharan Dec 2019 3/15

TEST RESULTS



 ADULT OCCUPANT

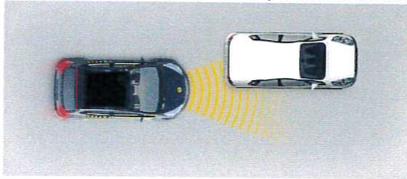
Total 34.0 Pts / 89%

 GOOD    ADEQUATE    MARGINAL    WEAK    POOR

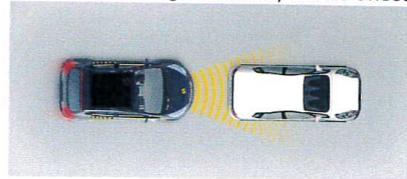
AEB City

 2.4 / 4 Pts

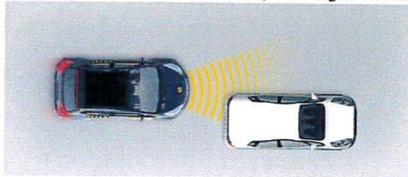
Approaching a stationary car: Left Offset



Approaching a stationary car: No Offset



Approaching a stationary car: Right Offset



## TEST RESULTS



### ADULT OCCUPANT

Total 34.0 Pts / 89%

#### Comments

The passenger compartment of the Sharan remained stable in the frontal offset test. Dummy readings indicated good protection of the knees and femurs of the driver and passenger. VW showed that a similar level of protection would be provided to occupants of different sizes and to those sitting in different positions. In the full-width rigid barrier test, protection of all critical body areas was good for the driver. However, for the rear passenger, dummy readings indicated a marginal level of protection for the chest. A penalty was also applied as a result of high shoulder belt forces and protection of the chest was rated as poor. In the side barrier impact, all critical body areas were well protected and the Sharan scored maximum points in this test. In the more severe side pole test, protection of the chest was adequate and that of other body areas was good. However, the side door of the Sharan became detached during the test and the score was penalised for the risk of occupant ejection. Tests on the front seats and head restraints demonstrated good protection against whiplash injuries in the event of a rear-end collision. A geometric assessment of the rear seats indicated marginal whiplash protection. The standard-fit autonomous emergency braking (AEB) system performed adequately in tests of its functionality at the low speeds at which many whiplash injuries occur.

TEST RESULTS FOR SAFER CARS  
EURO NCAP

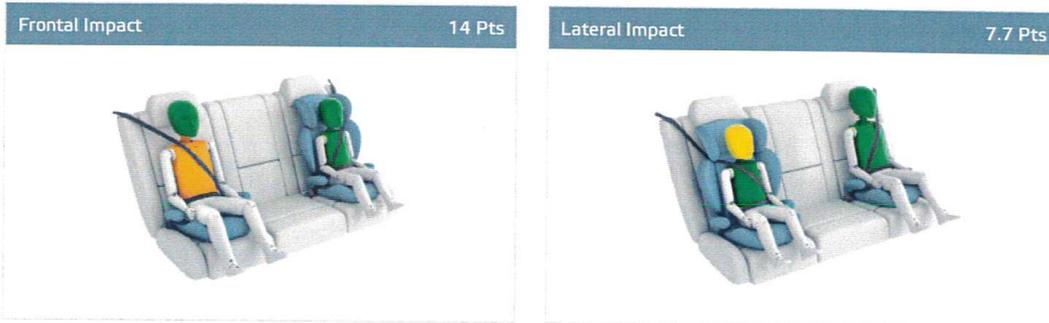
**CHILD OCCUPANT**

Total 38.4 Pts / 78%

GOOD ADEQUATE MARGINAL WEAK POOR

Crash Test Performance based on 6 & 10 year old children

21.7 / 24 Pts



Restraint for 6 year old child: *Integrated*  
Restraint for 10 year old child: *Integrated booster Cushion*  
Safety Features

6 / 13 Pts

	Front Passenger	2nd row outboard	2nd row center	3rd row outboard *
Isifix	✗	●	●	●
i-Size	✗	●	●	●
Integrated CRS	✗	○	✗	✗

\* Third row seats available as option

● Fitted to test car as standard    ○ Not on test car but available as option    ✗ Not available

Volkswagen 421119

Euro NCAP © Volkswagen Sharan Dec 2019 6/15

TEST RESULTS



CRS Installation Check

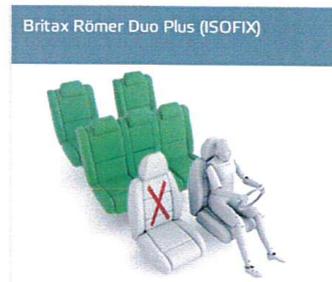
10.7 / 12 Pts

- Install without problem
- Install with care
- Safety critical problem
- ✗ Installation not allowed

■ i-Size CRS



■ ISOFIX CRS



Version: 2017-11-9

Euro NCAP © Volkswagen Sharan Dec 2019 7/15

TEST RESULTS



 CHILD OCCUPANT

Total 38.4 Pts / 78%

■ Universal Belted CRS

Maxi Cosi Cabriofix (Belt)



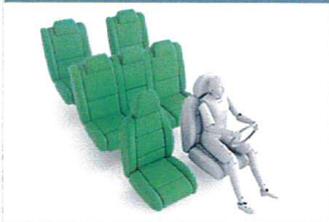
Maxi Cosi Cabriofix & EasyBase2 (Belt)



Britax Römer King II LS (Belt)



Britax Römer KidFix XP (Belt)



TEST RESULTS



CHILD OCCUPANT

Total 38.4 Pts / 78%

	Seat Position					
	Front	2nd row			3rd row	
	PASSENGER	LEFT	CENTER	RIGHT	LEFT	RIGHT
Maxi Cosi 2way Pearl & 2wayFix (rearward) (iSize)	-	●	●	●	●	●
Maxi Cosi 2way Pearl & 2wayFix (forward) (iSize)	-	●	●	●	●	●
BeSafe iZi Kid X2 i-Size (iSize)	-	●	●	●	●	●
BeSafe iZi Flex FIT i-Size (iSize)	-	●	●	●	●	●
Maxi Cosi Cabriofix & FamilyFix (ISOFIX)	-	●	●	●	●	●
BeSafe iZi Kid X4 ISOfix (ISOFIX)	-	●	●	●	●	●
Britax Römer Duo Plus (ISOFIX)	-	●	●	●	●	●
Britax Römer KidFix XP (ISOFIX)	-	●	●	●	●	●
Maxi Cosi Cabriofix (Belt)	●	●	●	●	●	●
Maxi Cosi Cabriofix & EasyBase2 (Belt)	●	●	●	●	●	●
Britax Römer King II LS (Belt)	●	●	●	●	●	●
Britax Römer KidFix XP (Belt)	●	●	●	●	●	●

● Install without problem   ● Install with care   ● Safety critical problem   ✗ Installation not allowed

Comments

Integrated child restraints are available as an option on the second-row outboard seats, and these were used in the dynamic crash tests. In the frontal offset test, protection of the neck and chest of the 10 year dummy was rated as marginal, based on dummy readings of tensile forces and deceleration, respectively. Protection of the 6 year dummy was good. In the side barrier test, protection of all critical body areas was good or adequate for both dummies. All second and third row seats, including the second-row centre position, are ISOFIX/i-Size compatible. The front passenger airbag can be disabled to allow a rearward-facing child restraint to be used in that seating position. However, labelling on the switch is not clear and the system was not rewarded. As the airbag disabling switch failed Euro NCAP's assessment, installation tests of rearward-facing child restraints in the front passenger seat were also deemed a fail. Otherwise, all of the restraint types for which the Sharan is designed could be properly installed and accommodated in the car.

TEST RESULTS



 VULNERABLE ROAD USERS

Total 28.7 Pts / 59%

■ GOOD   
 ■ ADEQUATE   
 ■ MARGINAL   
 ■ WEAK   
 ■ POOR

Pedestrian 26.4 / 36 Pts



Head Impact	16 Pts
Pelvis Impact	4.4 Pts
Leg Impact	6 Pts

Vulnerable Road Users 2.4 / 12 Pts

Comments

The bonnet provided good or adequate protection to the head of a struck pedestrian over most of its surface but there were broad areas of poor performance along the base of the windscreen and on the stiff windscreen pillars. The bumper provided good protection to pedestrians' legs but protection of the pelvis was mixed. The Sharan's AEB system can detect cyclists, as well as other vehicles. In tests, the system's response to these vulnerable road users was good.

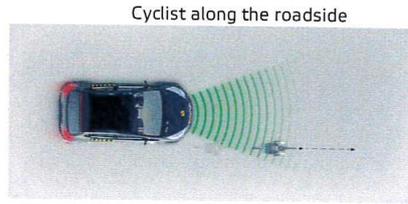
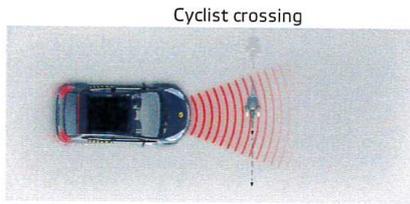
TEST RESULTS



 VULNERABLE ROAD USERS

Total 28.7 Pts / 59%

AEB Cyclist



Version: 221119

Euro NCAP © Volkswagen Sharan Dec 2019 11/15

TEST RESULTS 

 SAFETY ASSIST

Total 8.2 Pts / 62%

 GOOD  ADEQUATE  MARGINAL  WEAK  POOR

Speed Assistance

 0.9 / 3 Pts

System Name	Speed Limit Recognition
Speed Limit Information Function	Camera & Map
Speed Limitation Function	N/A

Seat Belt Reminder

 2.5 / 3 Pts

Applies To	All Seats		
	Driver Seat	front passenger(s)	rear passenger(s)
Warning			
Visual			
Audible			
Occupant detection	—		—

 Pass  Fail  Not available

Lane Support

 3.3 / 4 Pts

System Name	Lane Assist
Type	ELK + LKA (including LDW)
Operational From	60 km/h
<b>PERFORMANCE</b>	
Emergency Lane Keeping	 GOOD
Lane Keep Assist	 GOOD
Human Machine Interface	 GOOD

TEST RESULTS



 SAFETY ASSIST

Total 8.2 Pts / 62%

AEB Inter-Urban

 1.6 / 3 Pts

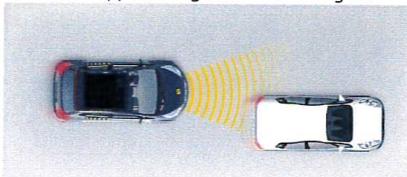
System Name	Front Assist
Type	Autonomous Emergency Braking and Forward Collision Warning
Operational From	5 km/h
Additional Information	Supplementary warning

Comments

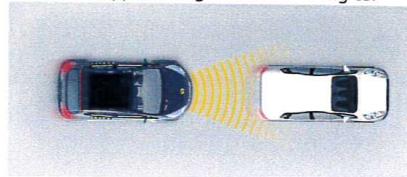
The Sharan has a seatbelt reminder system for the front and rear seats. The AEB system performed adequately in tests of its response to other vehicles at highway speeds. A lane support system helps prevent inadvertent drifting out of lane and also intervenes in some more critical situations. A speed assistance system uses a camera and digital mapping to determine the local limit, and presents this information to the driver who can then manually set the limiter as appropriate.

- Autobrake function only

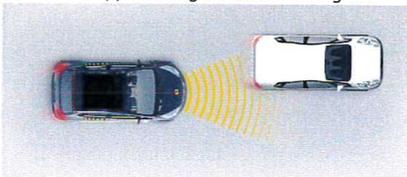
Approaching a slower moving car



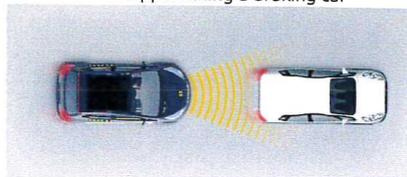
Approaching a slower moving car



Approaching a slower moving car



Approaching a braking car



TEST RESULTS

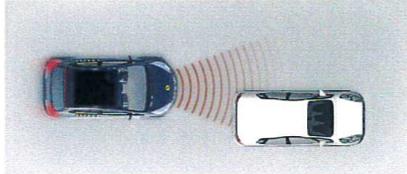


 SAFETY ASSIST

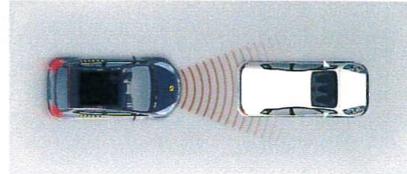
Total 8.2 Pts / 62%

■ Driver reacts to warning

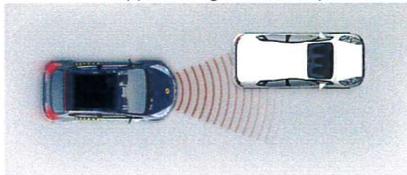
Approaching a stationary car



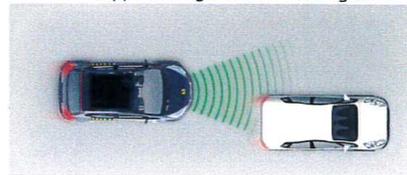
Approaching a stationary car



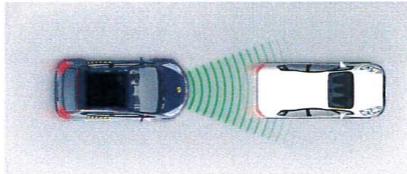
Approaching a stationary car



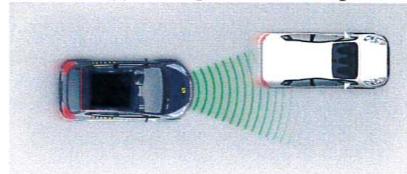
Approaching a slower moving car



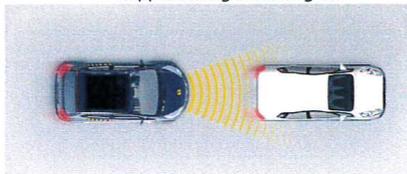
Approaching a slower moving car



Approaching a slower moving car



Approaching a braking car



**TEST RESULTS** 

**RATING VALIDITY**

Variants of Model Range

Body Type	Engine	Drivetrain	Rating Applies	
			LHD	RHD
MPV	1.4 petrol*	4 x 2	✓	✓
MPV	2.0 diesel	4 x 2	✓	✓
MPV	2.0 diesel	4 x 4	✓	✓

\* Tested variant

Annual Reviews and Facelifts

Date	Event	Outcome
December 2019	Rating Published	2019 ★★☆☆☆ ✓

## Appendix 3 – The Eighteen Sharans

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**[VEHICLE NUMBER 1]- 2.0 TDI CR BlueMotion Tech (140bhp) SE 5d DSG**

#1 was first licenced by Woking Borough Council in March 2018.

Its current licence expires on the 16<sup>th</sup> of March 2020.

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.



**[VEHICLE NUMBER 2] - 2.0 TDI CR BlueMotion Tech (140bhp) SE 5d DSG**

#2 was first licenced by Woking Borough Council in April 2019.

Its current licence expires on the 10<sup>th</sup> of April 2020.

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.



**[VEHICLE NUMBER 3] - 2.0 TDI CR BlueMotion Tech (140bhp) S 5d DSG**

#3 was first licenced by Woking Borough Council in July 2012.

Its current licence expires on the 29<sup>th</sup> of April 2020.

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.



**[VEHICLE NUMBER 4] - 2.0 TDI CR BlueMotion Tech (150bhp) SE Nav 5d DSG**

#4 was first licenced by Woking Borough Council in June 2018.

Its current licence expires on the 5<sup>th</sup> of June 2020.

It is a Euro Emissions 6 Vehicle.



**[VEHICLE NUMBER 5] - 2.0 TDI CR BlueMotion Tech (150bhp) SE Nav 5d DSG**

#5 was first licenced by Woking Borough Council in July 2019.

Its current licence expires on the 4<sup>th</sup> of July 2020.

It is a Euro Emissions 6 Vehicle.



**[VEHICLE NUMBER 6] - 2.0 TDI CR BlueMotion Tech (140bhp) S 5d DSG**

#6 was first licenced by Woking Borough Council in June 2016.

Its current licence expires on the 26<sup>th</sup> of July 2020.

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.



**[VEHICLE NUMBER 7] - 2.0 TDI CR BlueMotion Tech (140bhp) S 5d DSG**

#7 was first licenced by Woking Borough Council in July 2019.

Its current licence expires on the 29<sup>th</sup> of July 2020.

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.



**[VEHICLE NUMBER 8] - 2.0 TDI SE (140ps) 5d**

#8 was first licenced by Woking Borough Council in July 2014.

Its current licence expires on the 7<sup>th</sup> of September 2020.

This vehicle appears to be a EuroEmissions 4 vehicle, it seems from our records that there was some confusion over exactly what make/model this car is – which would allow us to establish whether it was Euro Emissions 4 or Euro Emissions 5, and the driver was given the benefit of the doubt. A recent search suggests that it is, however, Euro Emissions 4.



**[VEHICLE NUMBER 9] - 2.0 TDI CR BlueMotion Tech (140bhp) SE 5d**

#9 was first licenced by Woking Borough Council in September 2015.

Its current licence expires on the 4<sup>th</sup> of October 2020.

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.



**[VEHICLE NUMBER 10] - 2.0 TDI CR BlueMotion Tech (140bhp) SE 5d DSG**

#10 was first licenced by Woking Borough Council in October 2014.

Its current licence expires on the 7<sup>th</sup> of October 2020.

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.



**[VEHICLE NUMBER 11] - 2.0 TDI CR BlueMotion Tech (140bhp) SE 5d**

#11 was first licenced by Woking Borough Council in December 2011.

Its current licence expires on the 1<sup>st</sup> of December 2020

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.



**[VEHICLE NUMBER 12] - 2.0 TDI CR BlueMotion Tech (140bhp) S 5d DSG**

#12 was first licenced by Woking Borough Council in December 2014.

Its current licence expires on the 6<sup>th</sup> of December 2020.

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.



**[VEHICLE NUMBER 13] - 2.0 TDI CR BlueMotion Tech (140bhp) SE 5d DSG**

#13 was first licenced by Woking Borough Council in December 2016.

Its current licence expires on the 14<sup>th</sup> of December 2020.

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.



**[VEHICLE NUMBER 14] - 2.0 TDI CR BlueMotion Tech (150bhp) S 5d DSG**

#14 was first licenced by Woking Borough Council in January 2018.

Its current licence expires on the 12<sup>th</sup> of December 2020.

It is a Euro Emissions 6 Vehicle.



**[VEHICLE NUMBER 15] - 2.0 TDI CR BlueMotion Tech (140bhp) S 5d**

#15 was first licenced by Woking Borough Council in July 2013.

Its current licence expires on the 6<sup>th</sup> of January 2021

It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.

 **[VEHICLE NUMBER 16] - 2.0 TDI CR BlueMotion Tech (150bhp) SE Nav 5d DSG**

#16 was first licenced by Woking Borough Council in January 2019.  
Its current licence expires on the 4<sup>th</sup> of July 2020.  
It is a Euro Emissions 6 Vehicle.

 **[VEHICLE NUMBER 17] - 2.0 TDI CR BlueMotion Tech (150bhp) SE 5d DSG**

#17 was first licenced by Woking Borough Council in July 2019.  
Its current licence expires on the 15<sup>th</sup> of January 2021.  
It is a Euro Emissions 6 Vehicle.

 **[VEHICLE NUMBER 18] - 2.0 TDI CR BlueMotion Tech (140bhp) S 5d**

#18 was first licenced by Woking Borough Council in February 2020  
Its current licence expires in February 2021  
It is a Euro Emissions 5 Vehicle and so would need to be replaced by the 20<sup>th</sup> of January 2022.

The below list shows, on the left, vehicles that would need to be replaced by the 20<sup>th</sup> of January 2022, and on the right, vehicles that this change is actually going to affect.

Euro Emissions < 6	Euro Emissions 6+
[VEHICLE NUMBER 8]	[VEHICLE NUMBER 17]
[VEHICLE NUMBER 7]	[VEHICLE NUMBER 5]
[VEHICLE NUMBER 11]	[VEHICLE NUMBER 16]
[VEHICLE NUMBER 12]	[VEHICLE NUMBER 4]
[VEHICLE NUMBER 3]	[VEHICLE NUMBER 14]
[VEHICLE NUMBER 15]	
[VEHICLE NUMBER 6]	
[VEHICLE NUMBER 2]	
[VEHICLE NUMBER 10]	
[VEHICLE NUMBER 1]	
[VEHICLE NUMBER 18]	
[VEHICLE NUMBER 9]	
[VEHICLE NUMBER 13]	

## Appendix 4 – Letter to Drivers

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21<sup>st</sup> of February 2020

Dear [NAME]

**PLEASE READ THIS LETTER. THIS IS NOT A GENERIC LETTER THAT HAS BEEN SENT TO ALL LICENCE HOLDERS – BUT THIS IS BEING SENT TO YOU SPECIFICALLY AS YOU ARE THE LICENCE HOLDER FOR A VOLKSWAGEN SHARAN.**

As you are no doubt aware, in order to be licenced by Woking Borough Council, vehicles must meet Euro Emissions criteria as well as a EuroNCAP “Crash test rating” criteria. The minimum Euro Emissions rating currently required is five, and this is increasing in January 2022 to a rating of six. The requirement for EuroNCAP ratings is currently five. There is no plan to change or increase this as the EuroNCAP is not planning on increasing the number of stars in their rating system.

However, instead of adding more stars for a higher rating, the EuroNCAP are look at the ratings of some of their older vehicles and reassessing them based on newer and more stringent standards.

In 2010, the Volkswagen Sharan was tested by the NCAP Crash Test Rating and was given a 5 star rating. Your vehicle was licenced based on this information.

**Unfortunately we have been made aware that the EuroNCAP have reassessed the Volkswagen Sharan, using their newer and more stringent ratings system, and it has been assessed as a EuroNCAP 4 rating.** We have contacted them about this and they have advised us that this rating now applies to all VW Sharans.

What this means for us is that this vehicle no longer meets the Councils requirements – and we are therefore required to consider our position on this matter.

A report is in the process of being written, with a summary of the situation and some suggested proposals will be going in front of the Licensing Committee on the **10<sup>th</sup> of March 2020 at 7pm** to ascertain how we can deal with this change and to ensure that we find a balance between meeting our statutory requirements towards public safety and Council Policy, but also minimise the disruption towards the licence holders.

**If you would like to make any representations which you wish to be considered by the Committee, please send them to [matthew.cobb@woking.gov.uk](mailto:matthew.cobb@woking.gov.uk) no later than 3pm on Friday the 28<sup>th</sup> of February 2020.**

## Volkswagen Sharan NCAP Ratings Review

The report will be available online at <https://moderngov.woking.gov.uk/> (under either Meetings of the Council or Calendar of Meetings) and will be uploaded roughly one week prior to the date of the Committee.

The Licensing Committee on the 10<sup>th</sup> of March 2020 will also be broadcast on the Woking Webcast viewer (available online at <https://woking.public-i.tv/core/portal/home> ) and we will be writing to all Sharan owners to advise them of the outcome of this meeting.

Kind regards

The Licensing Department  
Woking Borough Council  
t: 01483 755855 e: [licensing@woking.gov.uk](mailto:licensing@woking.gov.uk)

## Appendix 5 – Response from drivers

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From: [REDACTED]

Sent: 28 February 2020 12:22

To: Matthew Cobb <Matthew.Cobb@woking.gov.uk>

Subject: representation

Dear sir/madam

this is [REDACTED] i am owner of volkswagen sharan [VEHICLE NUMBER 2] which is first register on 30-nov-2010.i bought this car by finance on 30-03-2019 price of £10904.92.i bought this car after checking with the licensing department.please consider my situation otherwise i will be financially in big problem.

