

# Regulatory Committee

**Tuesday 23 June 2020 7.30pm  
after the Licensing Committee**

**This meeting will be held remotely via MS  
Teams with audio access to the public for the  
Part I items via registered dial-in only**

## Members of the Committee

Councillors D Cotty (Chairman), E Gill (Vice-Chairman), T Burton, D Clarke and J Furey.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

## A G E N D A

### Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Democratic Services, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: [clare.pinnock@runnymede.gov.uk](mailto:clare.pinnock@runnymede.gov.uk)).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on [www.runnymede.gov.uk](http://www.runnymede.gov.uk).
- 4) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are only permitted to hear the debate on the items listed in Part I of this Agenda, which contains matters in respect of which reports have been made available for public inspection. You will not be able to hear the debate for the items in Part II of this Agenda, which contains matters involving Exempt or Confidential information in respect of which reports have not been made available for public inspection. If you wish to hear the debate for the Part I items on this Agenda by audio via MS Teams you must register by 10.00 am on the day of the meeting

with the Democratic Services Team by emailing your name and contact number to be used to dial-in to [democratic.services@runnymede.gov.uk](mailto:democratic.services@runnymede.gov.uk)

#### **5) Audio-Recording of Meeting**

As this meeting will be held remotely via MS Teams, you may only record the audio of this meeting. The Council will not be recording any remote meetings.

## **LIST OF MATTERS FOR CONSIDERATION**

### **PART I**

#### **Matters in respect of which reports have been made available for public inspection**

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### **PART II**

#### **Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.**

- a) Exempt Information  
(No reports to be considered under this heading)
- b) Confidential Information  
(No reports to be considered under this heading)

**1. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP**

**2. MINUTES**

To confirm and sign as a correct record, the Minutes of the meeting held on 15 January 2020 which were circulated by email to all Members in February 2020.

It is a requirement of the Council's Constitution that the minutes of the Committee are signed at the next available meeting. However, as the meeting is being held remotely, the Chairman will ask the Members of the Committee if they approve the Minutes which will then be signed when this is physically possible.

**3. APOLOGIES FOR ABSENCE**

**4. DECLARATIONS OF INTEREST**

If Members have an interest in an item, please record the interest on the form circulated with this Agenda and email it to the Democratic Services Officer by 5pm on the day of the meeting. A supply of the form will also be obtainable from the Democratic Services Officer.

Members are advised to contact the Council's Legal Section prior to the meeting if they wish to seek advice on a potential interest.

Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared. Membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon should be regarded as a disclosable pecuniary interest, as should an appointment to an outside body by the Council as a trustee.

Members who have previously declared interests, which are recorded in the Minutes to be considered at this meeting, need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant to prejudice the Member's judgement of the public interest.

**5. 2020 ANNUAL REPORT ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING (ENVIRONMENTAL SERVICES, ROBERT SMITH)**

**Synopsis of report:**

**To present the 2020 Annual Report on matters relating to Hackney Carriage and Private Hire Licensing and its operation within Runnymede.**

**Recommendation(s):**

**None. This report is for information only.**

**1. Context of report**

1.1 The Licensing Section is responsible for administering and enforcing the Hackney Carriage (HC) and Private Hire (PH) licensing regime in Runnymede. This report is to enable the Committee to be appraised of developments over the past year and gives an overview of the work undertaken by the Licensing Section.

1.2 The annual report includes statistical data from the Council's licensing records. In order to have some commonality with other reports, unless otherwise stated, the data covers the period 1 April 2019 to 31 March 2020.

## 2. Report

2.1 Detail is included in relation to the following items:

- Statistics
- Suspensions / refusals
- Knowledge test
- Communications
- Enforcement and complaints
- Fees and fares
- New legislation and guidance
- Conditions and requirements
- Future Developments
- Staffing arrangements

### Statistics

2.2 The following table details statistical information on the number of vehicles and drivers licensed as of 31 March 2020, the previous four years have been shown for comparison in chart 1 below.

Chart 1 - statistics

	2015/16	2016/17	2017/18	2018/19	2019/20
Hackney Drivers	154	147	144	123	105
Hackney Carriages	143	130	120	104	75
Private Hire Drivers	80	81	72	61	51
Private Hire Vehicles	86	78	69	60	51
Private Hire Operators	23	22	23	21	23

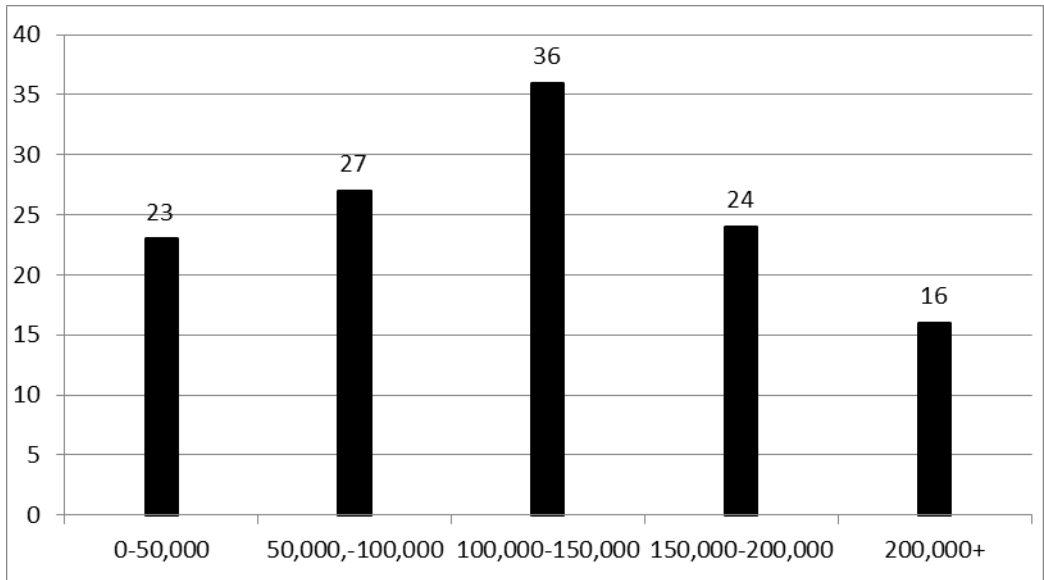
2.3 Members will note the number of licensed drivers and vehicles has declined over the past 5 years and more recently the speed of the decline has increased since 2018. The changes in regulations, online app booking systems and the influx of out of area drivers and vehicles into Runnymede all contribute to this decline.

2.4 With fewer new applications and renewals of existing licences this of course means a much-reduced income from the fees charged. To give Members an idea of just how much less income we are getting from taxi licensing we can provide an approximation based on the chart above.

2.5 We have 82 fewer drivers and 100 fewer vehicles than 5 years ago. This equates to £11,000 less from drivers and £25,000 less from vehicles, a total of £36,000, (all figures are approximate).

2.6 Members will recall that Runnymede amended the vehicle age policy in 2014 by introducing 'no age limit' along with more stringent standards concerning the condition of the vehicle. The charts below are produced to show age and mileage statistics of taxis and private hire vehicles in Runnymede as at 31 March 2020.

### Chart 2- mileage of vehicles



**Chart 3 - ages of vehicles**

(year of registration 2003 to 2019 is shown at the bottom as 3 to 19 and the number of vehicles scale is on the left).

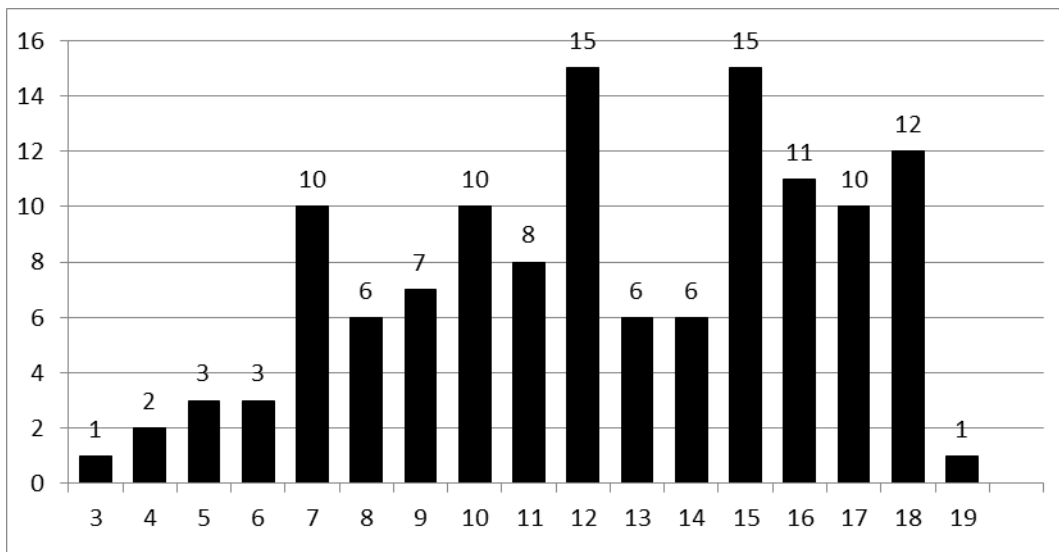
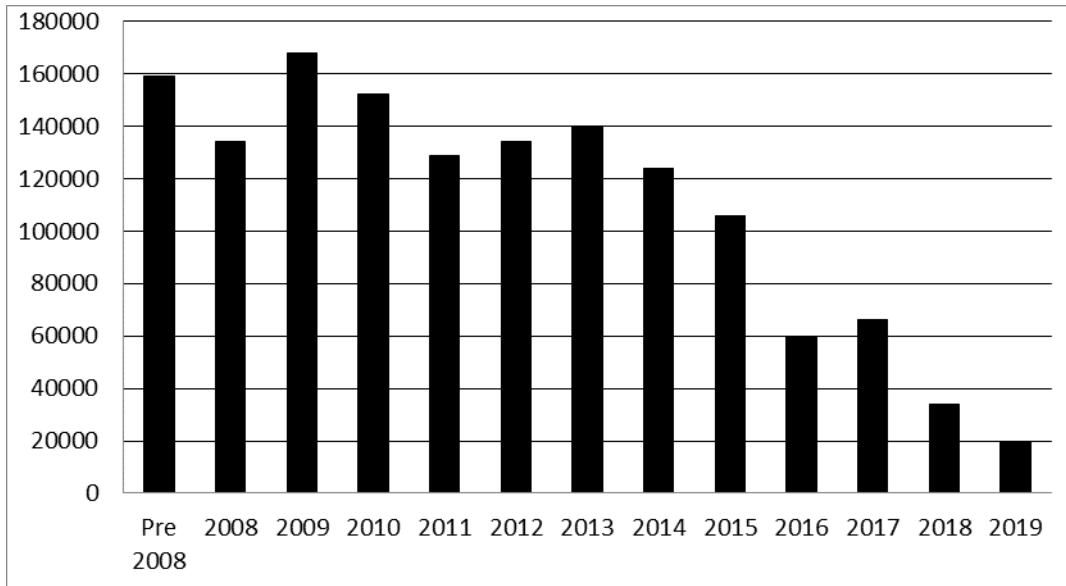
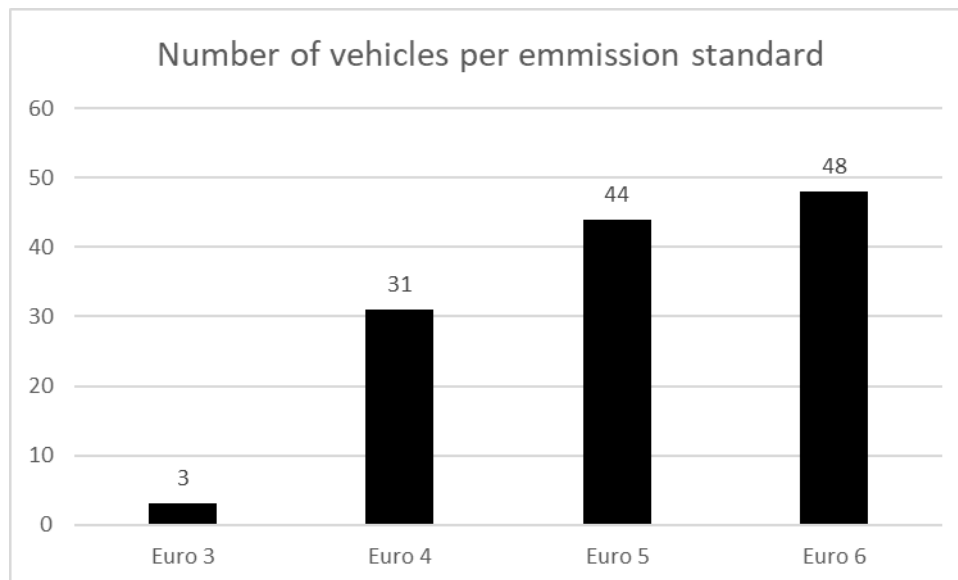


Chart 4 - average mileage to age ratio



2.7 In light of the challenge to reduce vehicle emissions and the introduction of the Ultra-Low Emission Zone (ULEZ) in London and its proposed introduction elsewhere, chart 5, below, has been produced to demonstrate the number of HC and PH vehicles licensed in Runnymede and those meeting the various Euro engine emission standards.

Chart 5 – vehicle emission standards



Suspensions refusals and revocations

2.8 The Licensing Section assists drivers in keeping track of their documentation by sending them a reminder letter or email 6 to 8 weeks prior to the expiry of their medical, DBS (Disclosure and Barring Service) check, DVLA driving licence check and HC/PH drivers and vehicle licence renewals. Councils are not obliged to remind drivers of these dates, but it is a routine, well-practiced procedure, which assists in the smooth running of the licensing regime. This is often followed by a phone call or text to ensure drivers are taking steps to ensure they supply documentation and applications on time.

### Suspensions

- 2.9 In 2019/2020, two drivers had their licences suspended (this compares with seven in the previous year).
- 2.10 Both these suspensions were the result of drivers failing to produce a medical certificate when due, they remain suspended.

### Refusals

- 2.11 There were no refusals in this year.

### Revocations

- 2.12 One person had their private hire drivers licence revoked; this driver had recently been licenced when it was discovered that he had failed to declare a recent motoring conviction which had disqualified him for driving for a period of time shortly before he became a licenced driver.
- 2.13 Vehicle licence suspensions are less common, two vehicle licences were suspended in 2019/20 compared with six the previous year.
- 2.14 Both of these suspensions were due to vehicles failing to have their six-monthly Mot test carried out on time. It is a condition that all hackney carriages and private hire vehicles have two Mot's per year when the vehicles are over four years old. To assist drivers an e-mail is sent as a reminder a month before the 6 monthly Mot is due, it also brings to their attention the fact that the vehicle licence may be suspended if they do not comply with this condition. All were subsequently Mot'd and the suspensions were cancelled.
- 2.15 All driver and vehicle related suspensions and refusals were carried out using Officer's delegated authority, saving time and money.
- 2.16 Following discussions between the National Anti-Fraud Network (NAFN), groups of authorities, The Local Government Association (LGA) and Institute of Licensing (IoL) a national register of licence refusals and revocations for hackney carriage drivers and private hire drivers and operators is now available. This Committee agreed in March 2019 to Runnymede joining the register and amending our policy so to make checks of the register an integral part of the licensing process for drivers and operators, this has been the case over the last year, no information has come to during these checks.

### Knowledge test

- 2.17 All new driver applicants are required to pass the Runnymede hackney carriage or private hire knowledge test and all operators are required to pass a test on the conditions and requirements of operators.
- 2.18 The knowledge test is carried out once a month and the fee is payable for the first test and any subsequent resits. The test is in written form and a maximum of six applicants may take the test at the same time. The tests themselves are regularly revised and alternate test papers are used so that it is not the same test every time.
- 2.19 The current test was brought into operation in January 2014. The test comprises three parts, part 1- conditions and regulations which also includes a numeracy test, part 2 - locations and part 3 – a route test for hackneys only.



- 2.20 To maintain relevance, the knowledge test's content is updated at regular intervals to take into account new legislation or conditions, as well as new developments within the borough.
- 2.21 We do review the knowledge test occasionally to ensure it is at the right level and to demonstrate applicants have sufficient local knowledge and that it has not become a barrier preventing new driver applications.
- 2.22 All those who apply to do the knowledge test receive a study guide to assist them in preparing for the locations test (part 2). This part comprises 60 questions which ask for the street name and town. In revising for this location test applicants are given a study guide. In demonstrating they know where these key locations are, we can be confident that the driver has attained the required level of knowledge Runnymede.

### Communications

- 2.23 Over the past year we have continued to communicate with the trade as much as possible. Our methods and further improvements aimed at reducing costs are described below.
- 2.24 The Council's web site has a page specifically for HC and PH news; this is regularly updated with events, latest developments and new legislation. All drivers have been made aware of the existence of this webpage and encouraged to view it.
- 2.25 Drivers have been written to and asked to supply us with their e-mail address; it is now possible to send group or individual e-mails to all drivers and all operators. We continue to encourage drivers to supply their up to date e-mail addresses on application forms.
- 2.26 As referred to in section 2.4 approximately 37 reminder emails a month are sent to drivers with the necessary information for licence renewal, medical checks, DBS checks and vehicle Mot's etc. We also use texts for general messages. Texting costs approximately 0.1p per text and we can send a text to individuals or groups. This is most useful for making drivers aware of urgent matters as a matter of course and can be used to send an additional reminder if necessary. The use of email notification also keeps costs down and this is reflected in the licensing fees.
- 2.27 Forums where drivers and operators can exchange views with the Licensing Section, were re-introduced in October 2013. These are held three times a year (note- the March 2020 forum was cancelled due to the current pandemic). The next forum will be held when guidance relating to social distancing permits.
- 2.28 Despite encouragement, attendance at forums is very low, however those who do attend raise some very valid points and give us some useful feedback which is always very welcome. Since the last annual report there have been 2 forums, these were in July 2019, November 2019, attendance figures for these were 6, and 10, respectively.

### Enforcement and complaints

- 2.29 The Licensing Section has been involved in enforcement activity throughout the year. In general, only minor infringements are usually identified and the activity is normally concentrated around Egham.
- 2.30 Transport for London Enforcement Officers joined us in April 2019 and March December for enforcement days and these have proved to be very successful, more are planned for 2020/21. Surrey Police have been unable to provide resources to assist with enforcement operations during this year.

- 2.31 Four complaints have been received about Runnymede drivers in the last financial year. All were from the public. A list of these is produced below.
- public x 1 - attitude of driver – unfounded complaint advice given
  - public x 1 – attitude of driver where 3 drivers were involved, all interviewed by British Transport Police, no further action taken.
  - public x1 - failed to collect – lack of communication between operator and customer, no further action taken.
  - public x 1 – hackney carriage driver overcharging fare, insufficient evidence no further action taken.
- 2.32 Where there was a need for further investigation one driver attended the Civic Offices for an interview under caution to explain their actions.
- 2.33 One full investigation was carried out regarding licensing offences by unlicensed individuals by Runnymede in the last year. An investigation was conducted into the use of an unlicensed vehicle by an unlicensed driver. This had allegedly been taking bookings for airport runs. The individual concerned was identified and interviewed under caution. Officers were unable to take any further action due to lack of evidence.
- 2.34 Eight investigations were carried out in relation to private hire vehicles licensed with other authorities operating in Runnymede. The offences alleged were parking in hackney carriage ranks and plying for hire, three of these drivers were interviewed under caution. There was insufficient evidence to progress to any enforcement action for these matters.
- 2.35 Previously there was no scope to recover enforcement costs through taxi licensing fees. A recent case has clarified this matter and it has now been stated that costs are recoverable as part of the driver's fee, this is a matter the Council will have to consider in future fee setting while being mindful of the impact of any increase on the number of drivers.
- 2.36 It must be emphasised that enforcement activity does take a considerable amount time and of course it has to be done absolutely correctly and must meet evidential standards. The Licensing Section must balance the other licensing priorities against enforcement activity to ensure we deliver a service to drivers and operators which does not delay their applications.

#### Licensing Fees and Fares

- 2.37 Fees and hackney carriage fares are reviewed annually in November of each year. No changes were made to fees for the period 2020/2021. The fees are shown at Appendix 'A'.
- 2.38 Hackney carriage fares were last increased in June 2014; the fare card is shown at Appendix 'B'. A consultation exercise took place in summer 2018 to ascertain views regarding a change to fares. The trade's view was overwhelmingly that fares remain as they are and to date this view has not altered.
- 2.39 The fee setting process includes a comprehensive breakdown of fees for each licensing process. In setting the fees we have been transparent in our approach and made all reports and details of the fee setting process available.
- 2.40 It is essential that fee setting for taxi and private hire licensing reflects the true cost of administering / determining applications.

- 2.41 Fee setting will take place again later this year; a report will be presented to this Committee in November 2020.
- 2.42 Over these last few years there has been a reduction in the number of drivers and vehicles which has had a significant impact on the income from taxi licensing (as described in 2.2 – 2.5).

New and proposed Legislation and Guidance

- 2.43 The Law Commission report to the Government published on 23 May 2014 included a draft Taxi and Private Hire Reform Bill.
- 2.44 A report by the All-Party Parliamentary Group on Taxis followed the work of the Law Commission and led to differing conclusions and recommendations for the future.
- 2.45 The Government set up a working group in 2018 to consider regulatory issues and remedies for the taxi and private hire industry, including the issues which have arisen through cross border working, and country-wide licensing reform as raised by the Law Commissions report in 2014. The group reported to Parliament in September 2018 and the Government responded in February 2019. Members of Parliament have been pressing the Government to move ahead with reform and most recently on 27 March 2019 when the chair of the Task and Finish Group gave evidence to The House of Commons Transport Select Committee. The decision on whether to introduce any changes to legislation to address the issue of cross border working and its effect on local trade is still with the Secretary of State for Transport.
- 2.46 There has been some progress in other areas, most noticeably the Government consulted early in 2019 on Statutory Guidance regarding the ‘fit and proper’ test for drivers and operator. This was subject of an information report to this Committee on 20 March 2019. Runnymede took part in the consultation and the matter has been with the Government for consideration who have recently stated they are going to issue statutory guidance ‘shortly’.
- 2.47 As reported to this Committee on 5 April 2017 new legislation in the form of The Immigration Act 2016 (Right to work checks) have had an effect on taxi licensing procedures as Councils have since 1 December 2016 had a duty to undertake right to work checks on all applicants for driver and operator licences. This includes those renewing a licence since the legislation came into force, however this is only for the first renewal an individual makes, there is no need to carry out further right to work checks for future renewals. All existing drivers have now had a right to work check. There were no cases where a driver did not have the right to work. The right to work checks will always apply to new applicants.
- 2.48 Since 1 October 2015 drivers and operators’ licences must have durations of 3 and 5 yrs. respectively, unless there is what the ‘Act’ refers to as appropriate circumstances to allow a licence of a lesser duration. No guidance has been given to Councils as to what are ‘appropriate circumstances’ so it is very much a case of Officers in each Council making their own judgement.
- 2.49 In lieu of any guidance, legal experts in taxi licensing have suggested that each case should be taken on its own merits and that has been our approach in Runnymede.
- 2.50 Examples of reasons for a licence of a shorter duration include, pending retirement, ill health and financial difficulties. During this period, 1 April 2019 to 31 March 2020, 106 drivers applied for licences, 23 of these requested a 1 year licence with the majority of reasons given being financial or pending retirement. Overall, out of the 156 drivers currently licensed, 139 have a 3 year licence and 17 have a 1 year licence.

### Conditions and requirements

- 2.51 Runnymede's existing hackney carriage and private hire licensing policy was adopted by the Council on 2 March 2020. To date, the policy has proved itself to be of great assistance as it has eliminated many of the grey areas around taxi and private hire licensing. This policy is valid until 31 March 2023. A report detailing a revised policy will be presented to this Committee in the middle of 2022 for consideration and approval for consultation. Thereafter it will be brought back to this Committee late in 2022 or early 2023 for further consideration and amendments as necessary prior to adoption.
- 2.52 In April 2018 the online training program concerning of the mandatory training for drivers and operators on safeguarding and recognising child sexual exploitation was made available to the trade. This is a Surrey wide initiative supported by all Surrey Districts and Councils including Surrey County Council. It is offered as free training to existing drivers and operators and it is now part of the new licence application process, new applicants must pay £18 to take the training.
- 2.53 As at 31 March 2020, all drivers and operators who are licensed in Runnymede had completed the training.
- 2.54 Drivers must now, as per our policy, subscribe to the Disclosure and Barring Service (DBS) update service (at a cost of £13 a year). This allows licensing staff to simply check the status of a driver's DBS online, with their written permission. This makes for a simpler cost saving service with little inconvenience for the driver.
- 2.55 The number of drivers who had informed us they were subscribed to this service as of April 2020 was 81. As drivers' 3 yearly DBS checks become due those not already on the update service will then have to subscribe.
- 2.56 One of the benefits enjoyed by the trade in Runnymede is that we no longer have an age limit on vehicles, this of course allows those older good condition vehicles to be licensed. However, we do expect vehicles to be in a good safe condition and have a licensing condition in place where if a vehicle has MOT advisories on any tyre, brake, steering, or suspension matters that vehicle will not be licensed.
- 2.57 It is a regular occurrence to see vehicles with a MOT where one or more of the above are prevalent, there is no correlation between these and vehicle ages. It is particularly disappointing to see vehicles with Mot failures or advisory notices for tyres.

### Hackney Carriage Ranks

- 2.58 To date, the following ranks have been appointed for hackney carriages within the Borough of Runnymede: -

Virginia Water Station Approach	2 - (adjoining Public Car Park)
Egham Railway Station	6 - Egham Station car park
Chertsey Railway Station	2 - Chertsey Station car park
Addlestone Station	2 - Addlestone Station car park
Thorpe Park	3 - Car park

In addition to these ranks, designated drop of and pick up points are available at some supermarkets and the Addlestone One development.

- 2.59 Previous attempts to introduce new ranks in Egham have not been successful due to lack of support from local business, the public and the trade. We are aware of the need for addition ranks, particularly in Egham town centre and we have proposed that new ranks be included in any development of Egham town centre.

- 2.60 The ranks at railway stations are situated on land belonging to South Western Railway (SWR) who charge for their use. The Council has a contract with SWR which allows the Council to rent the ranks at a very favourable rate. We are fortunate in that the fees charged for these ranks are substantially lower than elsewhere, only one other station in the entire SWR region has a similar arrangement.
- 2.61 At all other railway stations bar 2, SWR has contracts with individual hackney carriage proprietors and charge each of them between £600 and £1,200 per year for use of the ranks at one station.
- 2.62 SWR charges per calendar year. In the calendar year 2019 Runnymede Council was charged £4,758.33 (exc Vat) in total for all ten station car park bays, this amounts to £475 per bay. SWR has not invoiced the Council for the calendar year 2020 to date, although we have requested this several times.
- 2.63 For individual hackney carriage proprietors in Runnymede this equates to approximately £46 for each vehicle per year in 2019. This is recovered through the hackney carriage vehicle licence fee and accounts for the difference in fees between hackney carriage and private hire vehicles.

#### Staffing of the Licensing Section

- 2.64 The Section's current staffing consists of: -
- One full time Senior Licensing Officer who also has responsibility for applications in regard to the Licensing Act 2003, the Gambling Act 2005 and Scrap Metal Dealers Act 2013.
  - One part time post shared by two part time dedicated taxi Licensing Officers who between them work 24.5 hours a week.
  - One full time Licensing Administrator who has responsibility for administering Taxi licensing, the Licensing Act 2003, the Gambling Act 2005 and Scrap Metal Dealers Act 2013.
- 2.65 The administrative staffing component for all licensing is one full time administration post; in comparison, 7 years ago we had two full time and one part time post. This is a key position in licensing and one that requires staff with considerable knowledge, skills and ability.
- 2.66 The Taxi Licensing Officers fill a part time post of 24.5 hours a week. As always, they have been diligent and shown considerable skill in scheduling vehicle plating appointments and arranging enforcement activity. They are very aware of the need for drivers to remain on the road and go to some length to fit appointments into their short working week; this often involves working longer hours at short notice. Their sense of duty and willingness to assist cannot be underestimated or taken for granted, it is not uncommon to find them changing shifts to accommodate taxi enforcement operations or plating appointments to keep a driver on the road.

#### Future Developments

- 2.67 Looking ahead there may be areas which require some consideration and may be the subject of future reports. For example; English language speaking assessment as part of the application process and exploration of emission controls limits as a requirement for taxis and private hire vehicles.

### **3. Conclusions**

- 3.1 Taxi licensing is controlled and administered by a very small section who

are able to provide good value by being productive and flexible despite the many challenges they face on a day to day basis.

**(For Information)**

**Background papers**

Runnymede Hackney Carriage and Private Hire Licensing Policy

<https://www.runnymede.gov.uk/article/14534/-Hackney-Carriage-and-Private-Hire-Licensing-Policy>

Law Commission report on taxi licensing

[http://www.lawcom.gov.uk/app/uploads/2015/03/lc347\\_taxi-and-private-hire-services.pdf](http://www.lawcom.gov.uk/app/uploads/2015/03/lc347_taxi-and-private-hire-services.pdf)

Deregulation Act 2015

<http://www.legislation.gov.uk/ukpga/2015/20/contents/enacted>

Immigration Act 2016

<http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted/data.htm>

Task and Finish Group's report on taxi and private hire vehicle licensing.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/745516/taxi-and-phv-working-group-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745516/taxi-and-phv-working-group-report.pdf)

Government's response to the Task and Finish Group's report on taxi and private hire vehicle licensing.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/775983/taxi-task-and-finish-gov-reponse.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775983/taxi-task-and-finish-gov-reponse.pdf)

Assessing fitness to drive: a guide for medical professionals DVLA Group 2 Guidance

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/866655/assessing-fitness-to-drive-a-guide-for-medical-professionals.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/866655/assessing-fitness-to-drive-a-guide-for-medical-professionals.pdf)

## Hackney Carriage/Private Hire fees - with effect from 1 April 2020

<b>Vehicle applications</b>	
Hackney Carriage Vehicle Licence (inclusive of railway station rank rental cost)	£ 271.00
Private Hire Vehicle Licence	£ 236.00
<b>Temporary vehicle licence</b>	
Temporary Hackney Carriage/Private Hire Vehicle Licence for 14 days (extendable to 28 days) when the licence is for a replacement vehicle provided by a specialist company while accident damage repair is being carried out on a currently licensed Hackney Carriage or Private Hire Vehicle	£ 142.00
<b>Changes to licence</b>	
Change of vehicle type during the licensing period (i.e. transfer to replacement vehicle for balance of licence period – existing plate must be returned)	£ 98.00
Change of vehicle licence during the licensing period (eg. from Private Hire to Hackney Carriage)	£ 103.00
Change of drivers licence during the licensing period (e.g. from Private Hire to Hackney Carriage)	£ 39.00
<b>Drivers licence new applications - 3 year licence</b>	
Combined Hackney Carriage / Private Hire Drivers Licence	£ 445.00
Private Hire Drivers Licence	£ 445.00
<b>Drivers licence renewals – 3 year licence</b>	
Combined Hackney Carriage / Private Hire Drivers Licence	£ 388.00
Private Hire Drivers Licence	£ 388.00
<b>Private Hire Operator's Licence – 5 year Licence</b>	
1 vehicle	£ 525.00
2-5 vehicles	£ 547.00
6-20 vehicles	£ 630.00
21-40 vehicles	£ 741.00
41-60 vehicles	£ 853.00
61-80 vehicles	£ 964.00
81-100 vehicles	£ 1075.00
<b>Pre application and other charges</b>	
Failure to keep inspection appointment / comply with renewal procedures	£ 50.00
<b>Hackney carriage driver knowledge test, including re-takes.</b>	<b>£ 72.00</b>
Private hire driver knowledge test, including re-takes.	£ 55.00
<b>Private hire operator knowledge test, including re-takes.</b>	<b>£ 55.00</b>
New driver's information pack	£ 25.00
<b>Disclosure &amp; Barring Service (DBS) fixed fee (£40) plus processing charges</b>	<b>£ 67.50</b>
<b>£18.50 Runnymede Borough Council and £9 Surrey County Council.</b>	

Any change of vehicle during the licensing period will be charged at the appropriate vehicle licence rate.

**Please note - Credit will not be given for any unexpired period of vehicle or drivers licences if the licence is surrendered.**

**TABLE OF HACKNEY CARRIAGE FARES** (With effect 3 June 2014)

**IMPORTANT NOTE : The tariff in place at the time the hiring commences shall be the tariff for the whole of the hiring; taximeters are not to be calibrated to change rate mid-hire.**

<b>Rate 1</b>	<b><u>Daytime Rate</u></b> - hiring between 6 am & 10 pm (except where rates 2, 3, or 4 apply)
1 <sup>st</sup> mile set charge <b>£3.80</b> 2 <sup>nd</sup> mile <b>£2.70</b> pro rata <b>Then £2.20 per mile</b> (20p increments)	Any distance not exceeding 1609m (1 mile approx.) If the distance exceeds 1609m but not 3217m, for each subsequent 119m (130yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 146m (159yds) or part thereof.
<i>Waiting Time</i> <b>20p</b>	For each period of <b>35.3</b> seconds or part thereof
<b>Rate 2</b>	<b><u>Sunday &amp; Late Evening</u></b> - hiring on Sundays or between 10 pm and midnight from Mondays to Saturdays inclusive (except where rates 3 or 4 apply)
1.25 x Rate 1  Set charge <b>min. £4.75</b> 2 <sup>nd</sup> mile <b>£3.37</b> pro rata <b>Then £2.75 per mile</b> (20p increments)	Any distance not exceeding 1609m (1 mile approx.). If the distance exceeds 1609m but not 3217m, for each subsequent 95m (103yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 117m (127yds) or part thereof.
<i>Waiting Time</i> <b>20p</b>	For each period of <b>28.2</b> seconds or part thereof
<b>Rate 3</b>	<b><u>Night &amp; Holiday</u></b> - hiring between midnight and 6 am and Bank Holidays.
1.5 x Rate 1 Set charge <b>min. £5.70</b>  2 <sup>nd</sup> mile <b>£4.05</b> pro rata <b>Then £3.30 per mile</b> (20p increments)	Also between 6 pm and midnight on Christmas Eve and New Years Eve (except where rate 4 applies). If the distance exceeds 1609m but not 3217m, for each subsequent 79m (86yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 98m (107yds) or part thereof.
<i>Waiting Time</i> <b>20p</b>	For each period of <b>23.5</b> seconds or part thereof
<b>Rate 4</b>	<b><u>Double Time Rate</u></b> - hiring on Christmas Day, Boxing Day & New Years Day (double rate 1) from:- Midnight on 24 Dec to midnight on 26 Dec and Midnight on 31 Dec to midnight on 1 <sup>st</sup> Jan.
2 x Rate 1 Set charge <b>min. £7.60</b> 2 <sup>nd</sup> mile <b>£5.40</b> pro rata <b>Then £4.40 per mile</b> (40p increments)	If the distance exceeds 1609m but not 3217m, for each subsequent 119m (130yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 146m (159yds) or part thereof.
<i>Waiting Time</i> <b>40p</b>	For each period of <b>35.3</b> seconds or part thereof
<b>Supplementary Charges</b>	
30p	For each person in excess of two
30p	For each package, or article of luggage conveyed outside the passenger compartment.
30p	For each animal
Free of Charge	For each assistance dog (e.g. guide dogs & hearing dogs)
£50.00	Discretionary Soiling Charge

**Important :** If the journey takes the cab outside the Borough of Runnymede, the driver **MUST** still charge in accordance with the above scales unless he or she has agreed otherwise with the hirer before the journey has started.



6. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING – JOINT WARRANTING OF LICENSING OFFICERS (ENVIRONMENTAL SERVICES, ROBERT SMITH)**

**Synopsis of report:**

**This report seeks approval for the arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers to enable improved enforcement of the Hackney Carriage and Private Hire trade across the County of Surrey.**

**Recommendation(s):**

- i) The Committee is asked to recommend to Full Council that the Council delegates the Hackney Carriage and Private Hire enforcement functions under the legislation set out in Appendix 'C' to the Surrey Licensing Authorities (as set out in Appendix 'C'), in addition to retaining those functions within the Borough. Similarly, for the Council to receive the delegated Hackney Carriage and Private Hire enforcement functions (as set out in Appendix 'C') from those Surrey Licensing Authorities; and**
- ii) the amendment of the Hackney Carriage and Private Hire Licensing Policy regarding delegation of powers, be approved**

**1. Context of report**

- 1.1 The purpose of this report is to seek approval for the arrangements between Surrey Licensing Authorities to introduce joint warranting for licensing officers to enable improved enforcement of the hackney carriage and private hire trade across the County.
- 1.2 Hackney carriage and private hire vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 part II.
- 1.3 The legislation gives a power for an officer authorised by a local authority to inspect vehicles and take enforcement action against drivers and vehicles licensed by that authority, including the immediate suspension of driver and vehicle licences for reasons of public safety.
- 1.4 However, as there is no geographical restriction on where a licensed vehicle driven by a licensed driver can travel, journeys can and often do start and/or finish outside their licensed area. This means that authorised officers of one authority will regularly come across drivers and vehicles licenced by another authority operating in their areas.

**2. Report and, where applicable, options considered**

- 2.1 Officers currently only have the legal power to inspect and act against drivers and vehicles if they have been authorised in writing by the authority which licensed that driver or vehicle. As such, officers in one authority will not have the power to inspect or act against drivers and vehicles operating in its area which are licensed by other authorities.
- 2.2 This can lead to situations where officers in one authority, for example Runnymede, are unable to take action against a vehicle licensed by another authority which may be defective, despite the vehicle being present and operating in Runnymede. This could lead to a situation where a defective vehicle continues to operate, potentially

endangering public safety and undermining public confidence in the licensed hackney carriage trade.

- 2.3 It is therefore considered necessary to enable a scheme of joint warranting across Surrey, whereby Licensing Officers of any Surrey Authority would be able to inspect and take enforcement action against any vehicle licensed in Surrey.
- 2.4 Such joint working arrangements between Local Authorities are also regarded as 'Best Practice' in the draft Statutory Guidance issued under s.177 of the Policing and Crime Act 2017 which was consulted upon in 2019.
- 2.5 Additionally, joint warranting would further promote the work undertaken in 2017-18 in partnership with the Surrey Safeguarding Children Board (SSCB) to develop a co-ordinated response to child sexual exploitation (CSE) across the County by adopting a consistent previous convictions policy and mandatory CSE/Safeguarding training for all drivers in Surrey.
- 2.6 The proposal is that the hackney carriage and private hire enforcement powers are delegated to the other Surrey Licensing Authorities (whilst retaining our own). It is also proposed that Runnymede Borough Council receives similar delegated enforcement powers from the other Surrey Licensing Authorities, as set out at Appendix 'C'.
- 2.7 In practice, it is envisaged that the power given to Officers from the other authorities within the scheme would only be exercised as and when required, when those officers are dealing with licensed vehicles from outside their current jurisdiction within their district.
- 2.8 Each authority would be responsible for ensuring that the officers delegated are suitably trained and experienced taxi licensing officers.
- 2.9 The Committee is asked to recommend to full Council that the Council delegates the Hackney Carriage and Private Hire enforcement functions under the Local Government (Miscellaneous Provisions) Act 1976 part II to the Surrey Licensing Authorities, in addition to retaining those functions within the Borough and to similarly receive the delegated Hackney Carriage and Private Hire enforcement functions of those Surrey Licensing Authorities.
- 2.10 Consultation has taken place between Surrey Licensing Authorities, all of whom are supportive of this initiative and who themselves are seeking the necessary delegations.
- 2.11 A memorandum of understanding between all authorities has been drafted, this is attached at Appendix 'D'.
- 2.12 The scheme will be reviewed 6 months from the commencement date (see 5.4 Appendix 'D').

### 3. **Policy framework implications**

- 3.1 Runnymede's Hackney Carriage and Private Hire Licensing Policy 4.47 to 4.49 addresses the delegation of functions.
- 3.2 Should this proposal for joint warranting be approved a new para 4.50 would be inserted into the policy (Appendix 'E') as follows: -

*'Where it is considered beneficial, either for enforcement or for the protection of the public the Council will delegate powers under the following sections of The Local*

*Government (Miscellaneous Provisions) Act 1976 part II to other Councils while also retaining the ability to exercise these functions.*

- *Section 53(3) (a): Driver to produce his licence for inspection*
- *Section 58: Return of identification plate or disc on revocation*
- *Section 60: to suspend and revoke vehicle licences*
- *Section 61: to suspend and revoke driver licences*
- *Section 68: Fitness of hackney carriages and private hire vehicles*
- *Section 73: Obstruction of Authorised Officer*

*The Council will also accept similar delegated powers from those other Councils.'*

#### **4. Resource implications**

- 4.1 In seeking approval for joint warranting it is not the intention or indeed within the means of any authority in Surrey to pro-actively target drivers or vehicles from other areas. This authorisation is sought to ensure that where matters do come to light officers are in a position to take positive action.
- 4.2 Examples of use of this authorisation would be where a taxi licenced by another Borough was seen with a defective tyre, clearly this is not suitable and a vehicle suspension notice may be issued, or where a driver is seen without their drivers badge on display - officers can then demand to see the badge and verify they are licenced.
- 4.3 With that in mind this is not envisaged to be a resource intensive power and it is anticipated that current resources will be able to manage any small additional workload as a result.
- 4.4 Senior licensing officers meet quarterly and any resourcing issue which arise will be discussed at the first opportunity.

#### **5. Legal implications**

- 5.1 Under section 101 of the Local Government Act 1972 Local Authorities may make arrangements for other local authorities to discharge their functions. Having done so, the Council may however continue to discharge and control those functions. If the Council arranges for the other authorities within the flexible warranting scheme to carry out some of its Licensing functions, it may also continue to exercise those functions itself.
- 5.2 If the Local Authorities are to participate in the scheme it is necessary to ensure that all officers are properly appointed to carry out the enforcement functions concerned to avoid potential legal challenge.

#### **6. Equality implications**

- 6.1 There are no equality or diversity issues arising from the initiative of joint warranting across Surrey.

#### **7. Conclusions**

- 7.1 That this Committee recommends to full Council that the Hackney Carriage and Private Hire enforcement powers as set out in Appendix 'C' of this report are delegated by Runnymede Borough Council to the following local authorities, namely:
- Elmbridge Borough Council
  - Epsom and Ewell Borough Council
  - Mole Valley District Council

- Reigate and Banstead Borough Council
- Guildford Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

7.2 That this Committee recommends to full Council that the Council should agree to accept similar delegated enforcement powers from:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Guildford Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

7.3 Advancing a scheme of Joint Warranting across Surrey will help ensure travelling by hackney carriage or private hire vehicles is safer for customers by enabling improved enforcement across Surrey.

**(To Recommend)**

**Background papers**

Hackney Carriage and Private Hire Vehicle Licensing: Protecting Users  
 Consultation on Statutory Guidance for Licensing Authorities  
<https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-licensing-protecting-users>

Hackney Carriage and Private Hire Licensing Policy  
[https://www.runnymede.gov.uk/media/22184/Hackney-Carriage-and-Private-Hire-Licensing-Policy-2020-to-2023/pdf/Hackney\\_Carriage\\_and\\_Private\\_Hire\\_Licensing\\_Policy\\_2020\\_to\\_2023.pdf?m=637169309541500000](https://www.runnymede.gov.uk/media/22184/Hackney-Carriage-and-Private-Hire-Licensing-Policy-2020-to-2023/pdf/Hackney_Carriage_and_Private_Hire_Licensing_Policy_2020_to_2023.pdf?m=637169309541500000)

Local Government (Miscellaneous Provisions) Act 1976 part II  
<http://www.legislation.gov.uk/ukpga/1976/57/part/II>

Functions to be delegated to the following Surrey Licensing Authorities: -

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Guildford Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

#### **Local Government (Miscellaneous Provisions) Act 1976 part II**

- Section 53(3) (a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licences
- Section 61: to suspend and revoke driver licences
- Section 68: Fitness of hackney carriages and private hire vehicles
- Section 73: Obstruction of Authorised Officer
- 

The Surrey Licensing Authorities named below have delegated (or will delegate) the same functions to Runnymede Borough Council. Those authorities have also retained the ability to exercise these functions.

The Authorities -

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Guildford Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

## Memorandum of Understanding

### Between

**The local authorities of Elmbridge Borough Council, Epsom and Ewell Borough Council, Guildford Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council, Runnymede Borough Council, Spelthorne Borough Council, Surrey Heath Borough Council, Tandridge District Council, Waverley Borough Council, Woking Borough Council.**

### For the purpose of

### **A Cross Border Hackney Carriage and Private Hire Vehicle Authorisation Scheme**

#### **1. Definitions**

- 1.1 'Taxis' refers to both hackney carriages and private hire vehicles.
- 1.2 'Participating enforcement local authorities. These are the local authorities of:
- Elmbridge Borough Council
  - Epsom and Ewell Borough Council
  - Guildford Borough Council
  - Mole Valley District Council
  - Reigate and Banstead Borough Council
  - Runnymede Borough Council
  - Spelthorne Borough Council
  - Surrey Heath Borough Council
  - Tandridge District Council
  - Waverley Borough Council
  - Woking Borough Council
- 1.3 'Cross Border Taxi and Private Hire Vehicle Authorisation Scheme' is 'The Authorisation Scheme' subject to the principles set out in this Memo of Understanding which permits a participating enforcement local authority to inspect taxis and interview drivers licensed by another participating enforcement local authority but only within the geographic area of the home Licensing Authority.
- 1.4 'Home licensing local authority'. Is the local authority responsible for licensing the taxi or driver.
- 1.5 'Designated contact address'. Is the email address that each local authority has designated to receive communications about drivers, vehicles, inspections and interviews.
- 1.6 'Lead Officer'. Is the named officer designated by each participating local authority to be the lead contact (and deputy if nominated) for communications about the operation of the scheme.
- 1.7 'The Next Working Day' means the next day that the home local authority licensing office is open for business, or the day after that, if circumstances prevent a more speedy communication.
- 1.8 'Working Group' is the group attended by the lead officer or deputy from each participating local authority to oversee the scheme.
- 1.9 'Delegated Power' means the discharge of a function under the Local Government Act 1972, the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 and any related legislation for the purpose of carrying out enforcement on

Hackney Carriages and Private Hire Vehicles, Drivers and Operators licensed by a participating local authority within the terms of this Memo of Understanding.

## **2. Purpose of the Scheme**

- 2.1 The primary purpose of the Authorisation Scheme is to advance the safety of the public travelling by taxis through enabling improved enforcement across Surrey. The focus of the scheme is on immediate public safety risks and potentially significant offences. Inspections and interviews will be guided by the primary purpose.
- 2.2 Enforcement officers will deal with taxis, interviews and inspections for vehicles and drivers who are licensed by another participating enforcement local authority in the same way they would deal with taxis and drivers licensed by their home Licensing Authority.
- 2.3 Each participating enforcement local authority is responsible for identifying competent enforcement officers to be authorised by other participating enforcement local authorities. The home licensing local authority which employs the enforcement officers and related officers will retain responsibility for their conduct, behaviour and employment terms and conditions.
- 2.4 The Authorisation Scheme places no obligation on a participating enforcement local authority to inspect taxis or interview drivers licensed by other participating enforcement local authorities. The decision to inspect is voluntary. Financial payments between participating enforcement local authorities are not required.
- 2.5 In all cases, enforcement officers are only permitted to inspect taxis within the boundary of their own home licensing local authority, unless assisting another licensing authority in their district on a pre-arranged basis, such as a joint-operation.

## **3. Reporting of Activity**

- 3.1 Interventions resulting from a vehicle inspection or driver interview should be notified to the home licensing local authority the next working day by email to include; time, date, registration number, driver name and identification; evidence gathered, action taken and why and enforcement officer name and contact details.
- 3.2 Details of individual inspections and interviews involving no action or minimal action should still be notified to the home licensing local authority for evidence gathering.
- 3.3 Each participating enforcement local authority must collate evidence of inspections and communications to be considered by the Working Group.
- 3.4 Each participating enforcement local authority will designate a secure email address for communications about interviews and inspections.
- 3.5 Each participating enforcement local authority will designate a Lead Officer and may designate a Deputy for communication about the scheme.

## **4. Practical Arrangements**

- 4.1 Enforcement officers are permitted to issue suspension notices for immediate public safety risks provided that the enforcement officer would normally have issued a suspension notice for a taxi licensed by their own home licensing local authority under the same circumstances. Indicative examples of when a suspension notice would be appropriate are; one or more bald / illegal tyres, less than 2 functioning headlights, less than 2 functioning brake lights and dangerous bodywork (i.e. jagged or sharp edges, which in the opinion of the enforcement officer, poses an immediate public safety risk).

- 4.2. Enforcement officers are permitted to withdraw a suspension notice they have issued if circumstances require this.
- 4.3. Normally, the home licensing local authority for a licensed driver or licensed vehicle is responsible for ensuring remedial action is monitored or completed.
- 4.4. Should any decision made by an Enforcement Officer be appealed, the appeal will be dealt with by the authority employing that officer. The home authority will be expected to provide any evidence to assist the enforcing authority with the defence of the appeal. The home authority may deal with the appeal if this is agreed by all parties.
- 4.5. If a taxi driver has no badge or a defective badge, the driver should be advised that it is an offence not to display a badge, to cease trading and that the details will be reported to the home licensing local authority.
- 4.6. In the event of obstruction or conflict between a driver and an enforcement officer, the home licensing local authority should be provided with as much information as possible the next working day to allow a decision to be made.
- 4.7. Safeguarding concerns should be reported to the police immediately and the home licensing local authority should be notified as soon as practicable.

## **5. Delegation and Review**

- 5.1. Certificates of Authorisation will be issued by each participating enforcement local authority to the designated enforcement officers in the other participating enforcement local authorities in an agreed format.
- 5.2. Each participating enforcement local authority will establish their own schemes of delegation and what procedural steps are required to validly authorise enforcement activities undertaken by other participating enforcement local authorities.
- 5.3. The delegated powers within the provisions of this Memorandum of Understanding will come into force on the agreed commencement date.
- 5.4. The scheme will be reviewed by the Working Group overseeing the Scheme after 6 months from the commencement date.
- 5.5. Notwithstanding the terms and conditions in this Memorandum of Understanding, this does not prejudice the right of any participating enforcement local authority to withdraw from the delegated power scheme with 14 days' notice given to all other participating enforcement local authorities. Each participating enforcement authority undertakes not to withdraw their delegated powers prior to the Review which is due 6 months after the commencement date, unless it considers there is good reason to do so. The delegated power is not to be unreasonably withdrawn.

## **6. Functions to be delegated to the Surrey Licensing Authorities.**

### **Local Government (Miscellaneous Provisions) Act 1976**

- Section 53(3) (a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licenses
- Section 61: to suspend and revoke driver licences
- Section 68: Fitness of hackney carriages and private hire vehicles
- Section 73: Obstruction of Authorised Officer



HACKNEY CARRIAGE and PRIVATE HIRE  
LICENSING POLICY and GUIDANCE

*Runnymede Borough Council Bylaws  
Town Police Clauses Act 1847  
Local Government (Miscellaneous Provisions) Act 1976 & Other Legislation*

Valid from 2 March 2020 until 31 March 2023

**4.47. DELEGATION OF FUNCTIONS**

- 4.48. In the interests of speed and efficiency the licensing authority will, where possible, delegate licensing decisions and functions to officers.
- 4.49. Where the issue to be decided is in any way controversial then it may be referred to and decided by the Regulatory Committee. Within these general constraints, functions, responsibilities and access to confidential information will be delegated in accordance with the RBC's scheme of delegation.
- 4.50. Where it is considered beneficial, either for enforcement or for the protection of the Public, the Council will delegate powers under the following sections of The Local Government (Miscellaneous Provisions) Act 1976 part II to other Councils while also retaining the ability to exercise these functions.
- Section 53(3) (a): Driver to produce his licence for inspection
  - Section 58: Return of identification plate or disc on revocation
  - Section 60: to suspend and revoke vehicle licences
  - Section 61: to suspend and revoke driver licences
  - Section 68: Fitness of hackney carriages and private hire vehicles
  - Section 73: Obstruction of Authorised Officer

The Council will also accept similar delegated powers from those other Councils.

7. **DRAFT CHARITY COLLECTIONS POLICY 2020 - 2023 (LAW AND GOVERNANCE – CLARE PINNOCK)**

**Synopsis of report:**

**To review the Council’s policy on charitable collections, as agreed by the Committee in June 2019, and to make a number of minor amendments thereto to improve its operation in practice**

**Recommendation(s):**

- i) that the draft revised Charity Collections Policy 2020 – 2023, as attached at Appendix ‘F’, be approved for public consultation; and**
- ii) the results of the consultation be submitted to this Committee for further discussion in November 2020, prior to approving the final version of the policy, to be effective from December 2020.**

**1. Context of report**

- 1.1 In the absence of updated statutory regulations, Officers reviewed the existing Criteria and Guidance notes to applicants for Street and House to House Collections and created a new policy which was adopted by full Council in December 2017.
- 1.2 The new policy was reviewed after it had been operating for 18 months in June 2019 and is now presented for renewal for the period 2020 – 2023 and subject to public consultation so far as that is currently possible.
- 1.3 In conducting this review, Officers have taken into account guidance issued primarily by the Fundraising Regulator and the Charity Commission, have responded to informal feedback from the public and charities and have also taken into account the Fundraising Regulator’s Complaints Report 2018/19, being the most recent available.
- 1.4 The Fundraising Regulator issued a revised Code of Practice effective from October 2019. Any changes that materially affect our policy have been taken into account.
- 1.5 Members are advised that currently all charitable activity has been suspended owing to the Coronavirus Pandemic, but the Policy does not reflect this. It is assumed this is the policy we would propose to operate when the situation improves, and the ‘lockdown’ has been lifted.

**2. Report**

- 2.1 The over-arching principle of our policy is still to promote legitimate collections and safeguard the public from excessive or inappropriate appeals.
- 2.2 The proposed revised policy is attached at Appendix ‘F’.
- 2.3 The main changes and additions to the policy are set out below. Minor grammatical and other similar alterations have not been listed below but appear in the Appendix as ‘track changes’.

Policy Objectives

- 2.4 When we revised the policy in 2017 and reviewed it in 2019, we advised that the opportunity to promote equalities would be taken. For example, prioritising local groups who may represent those with protected characteristics.
- 2.5 To make this clearer, we have added paragraph 2.3 to the policy.

#### Permitted Locations

- 2.6 The only addition to this section is at paragraph 3.2 to add that donations of unwanted household items, including clothing, are included in the requirement to be licensed where no National Exemption Order is held. This has always been the case but has been added here just for clarity.
- 2.7 Key findings received by the Fundraising regulator include safeguarding vulnerable people, the use of misleading information in fundraising communications and a failure to observe 'no charity bags' when fundraising using clothing collections. There are two areas of the borough that actively discourage door to door sales and fundraising; these are the Wentworth Estate in Virginia Water and Hamm Court Estate, on the banks of the Thames between Chertsey and Weybridge. Applicants are advised not to operate in these areas, and they are both now specifically mentioned in our policy at paragraph 3.5.
- 2.8 Door to door fundraising was one of the three activities most complained about to the Regulator; although complaints specifically about clothing collections whilst still the most frequent at 22% had fallen by 55%. Two issues were raised, firstly the environmental impact of using plastic collection bags and secondly the lack of respect by delivering bags to householders against their wishes.
- 2.9 Members will be aware that this Council does not have any official no cold calling zones. However, any resident can participate in the scheme by obtaining the official stickers which are produced by the County Council and/or using the template letter on their website which states the legal position with regard to cold calling. Cold Calling is not illegal. However, the law states that a trader who ignores a resident's request to leave and not return commits a criminal offence under the provisions of The Consumer Protection From Unfair Trading Regulations 2008. Unfortunately, and as evidenced above in the regulator's findings, many collectors say they will only respect official no cold calling signs which causes annoyance to some residents. Therefore, we have changed paragraph 3.6 to read 'official and unofficial' signage to close this loophole. We also keep a stock of Trading Standards' no cold calling sticker packs available on request.

#### Application Process

- 2.10 To bring the policy up to date we have changed paragraph 4.1 to say that we will now accept applications that have been signed electronically. This is in line with the relevant legislation on the acceptability of electronic signatures and has also been changed because the majority of applications arrive by email, no longer through the post or in person. However, we still remain vigilant to checking such signatures and that they haven't just been created using a font that looks like handwriting.
- 2.11 Paragraph 4.6 re-states the wording on the application forms which guides people to read the Council's Privacy Notice prior to completing an application form. In the same paragraph we have changed 5 years to 7 years to be consistent with the Council's Document Retention Schedule.
- 2.12 The Policy has been brought up to date with a reference to social media as an acceptable means of confirming the proceeds of collections. Applicants will still be required to submit a returns schedule in accordance with the regulations. This information is published on our website in the Charity Diary.

## Appeals

- 2.13 For the sake of completeness, paragraph 7.1 adds the revocation of a street collections permit.

## Enforcement

- 2.14 There have been no changes to the enforcement regime or additional resources for enforcement. Therefore, no changes are proposed to the current wording in the policy.
- 2.15 We are encouraged by the more pro-active approach of the Fundraising Regulator and the fact that they signpost complainants to other appropriate bodies if the complaint is not within their jurisdiction. An example of this would be misconduct by those in management and control of a charity which would be referred to the Charity Commission.
- 2.16 We also aim to report any concerns by the public to other appropriate authorities where relevant and encourage people to report incidents to the Police via 101 if they suspect criminal activity.
- 2.17 We continue to work with other Licensing Officers in Surrey and beyond and maintain good relationships with local Neighbourhood Watch bodies.

## Busking/Street Entertainment

- 2.18 There have been no changes to the licensing regime with regard to busking or street entertainment. Therefore, no changes are proposed to the current wording in the policy.

## Record Keeping

- 2.19 This is a new section which just states what we already do to comply with the Council's Document Retention Schedule and has been added for greater transparency.

## **3. Policy framework implications**

- 3.1 The Council's draft Corporate Business Plan 2020-2023 contains a corporate value of being customer focussed. The welfare of our residents, promoting authorised fundraising and facilitating well run charitable appeals meets this aim.
- 3.2 The corporate theme of Supporting Local People is relevant to regulating charitable collections.

## **4. Resource implications**

- 4.1 All costs are met within existing resources. With no provision to charge for any part of the service it is better to keep the administration and paperwork in house, produced as and when necessary.
- 4.2 Advice on legal, equalities and financial matters that arise is sought from relevant Officers from time to time.

## **5. Legal implications**

- 5.1 The Charity Collections policy has to include provisions that do not contradict relevant legislation.

## 6. **Equality Implications**

- 6.1 The Council has a public sector equality duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;
- a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
  - b) to advance equality of opportunity
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.
- 6.2 We have considered the revised policy's potential impact on anyone with a protected characteristic and an Equality Impact Assessment Screening was undertaken prior to the policy being approved in 2017. An updated EIA screening is attached at Appendix 'G' which has been reviewed by the Council's Equalities Group who provided useful feedback which has been taken into account.
- 6.3 The new paragraph in the policy objectives makes our commitment to Equalities more visible.

## 7. **Conclusions**

- 7.1 The revised draft Charity Collections Policy provides a clear framework to fundraisers and the general public about how we deal with applicants, enquiries and manage a balanced programme of charitable appeals throughout the year.
- 7.2 The Committee's approval of the revised draft Charity Collections Policy 2020– 2023 is sought and the policy will then be issued for public consultation, with a view to its further consideration by this Committee in November, to be effective from 15 November 2020 – 14 November 2023.
- 7.3 Given the current circumstances reasonable adjustments will be made to the consultation process to make it as widely accessible as possible.

### **(To resolve)**

#### **Background papers**

Police Factories etc Act 1916  
Street Collections Regulations 1976  
House to House Collections Act 1939 and Regulations 1947  
Charities Act 2011  
Fundraising Regulator Code of Fundraising Practice (as revised) 2016, 2019  
Fundraising Regulator Complaints Report 2017/18  
Charity Commission CC20 Guidance checklist June 2016  
Correspondence held on Law and Governance email files



| Draft Charity Collections Policy 202017 – 20230

| Revised and updated for consultation June 2020

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## 1. Introduction

- 1.1 This policy is made in accordance with Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, the House to House Collections Act 1939, House to House Collections Regulations 1947, Section 251 and schedule 29 of the Local Government Act 1972, the Charitable Collections (Transitional Provisions) Order 1974, Charities Act 1992, 2006 (Commencement Nos. 1, 2, 3 and 4) the Transitional Provisions and Savings Orders 2007 and 2008 and Charities Act 2011.
- 1.2 This policy will be reviewed every 3 years by Officers and/or to reflect significant changes in relevant legislation or other relevant policy and practice of the Council. Any significant amendments would be subject to approval by the Regulatory Committee.

## 2. Policy Objectives

2.1 The Policy is designed to ensure that:-

- Charity collections are treated fairly and consistently to be well run and regulated
- each application is considered on its merits for people to have the opportunity to raise money for good causes
- the public is not exposed to an excessive number of appeals or unauthorised activity
- relevant objectives of the Council's Corporate Business Plan 2020 – 2023 are supported
- the obligations of the Council's Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act, advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics:
- collections are for the public benefit and line with a charitable purpose as defined by the Charities Act 2011. See Appendix 'A'.

2.2 The Council will not issue permits to an individual or organisation whose aims do not appear to be charitable or of a closely allied nature or if the collection does not appear to comply with the definition of charitable purpose under the Charities Act 2011. Applications to raise funds for the purpose of financing or sponsorship for personal expeditions are not usually permitted, even where a proportion of the funds raised is donated to charity.

2.3 Priority may be given to charitable appeals which promote one or more of the protected characteristics as defined by the Equality Act 2010. These are:

- age
- disability
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation



- [gender reassignment](#)

### 3. Permitted Locations

- 3.1 Charity Collections may take place in approved locations within the borough's 14 ward areas of Addlestone North and South, Chertsey Riverside and St Ann's, Egham Town, Egham Hythe, Englefield Green East and West, Lyne, Longcross and Chertsey South, New Haw, Ottershaw, Thorpe, Virginia Water and Woodham and Row Town.
- 3.2 Appeals for cash and/or direct debit pledges to a charity [and appeals for donations of unwanted household items for example clothing](#), cannot take place in any public place without a street collection permit or house to house collections licence [unless the charity holds a National Exemption Order](#). This includes collections which are part of a procession but does not include collections taken at a meeting or similar gathering in the open air. For example an open air religious ceremony, fair, show or sponsored walk. Each case will however be treated on its merits.
- 3.3 The organisers of collections taking place at outdoor events must abide by reasonable advice and instructions issued by the appropriate authorities such as the Police and/or Surrey County Council Highways.
- 3.4 Collections on private land require the prior permission of the relevant land owner. A public place can include private land where the public generally has unrestricted access such as a supermarket car park or similar.
- 3.5 Collections are not permitted on land owned by the Crown Estate (Englefield Green and Windsor Great Park), without their express authorisation and restrictions also apply to residential areas in Virginia Water as identified by the Wentworth Estate Roads Committee [and Hamm Court Estate on the banks of the River Thames between Chertsey and Weybridge](#).
- 3.6 All applicants and collectors are required to comply where [official and unofficial](#) 'no cold calling', 'door step trading' or similar advisory notices are displayed at a residential address or commercial property.

### 4. Application Process

- 4.1 Applications should be submitted on the forms made by Runnymede Borough Council and received at least 28 days before the proposed collection, although there is discretion to waive this where appropriate, for emergency appeals or other special circumstances. Tacit approval does **not** apply. Application forms must be signed by the applicant, electronic signatures will **not** usually be accepted. A valid licence must be in place prior to any licensable activity.
- 4.2 Each application will be considered on its merits. However, the number, [type of appeal](#) -and location of collections may be limited to avoid clashes and/or an excessive number of appeals.
- 4.3 Applications can be made at any time during the year and date(s) may be booked in advance. However, a permit or licence will not be issued earlier than 6 months before the first collection date.

- 4.4 A Charity, or an organisation acting on its behalf, which does not hold a National Exemption Order issued by the Department for Culture, Media and Sport (DCMS), must apply for a House to House Collections licence for any type of house to house fundraising activity. This includes Direct Debit and Commercial Clothing Collections and also collections made in licensed or other business premises, where more than one such premises is included in the appeal.
- 4.5 Applicants must provide adequate information in order for their application to be considered properly. This includes additional information which might lawfully be requested by the Council to that stated on the application form. Applicants are advised to read the Council's Privacy Notice before completing an application form.
- 4.6 The Council will comply with relevant Data Protection and Freedom of Information duties. Where it is lawful to do so, the Council will share and take into account information supplied by the applicant, or another enforcement body. The Council may be required by law to supply any information provided, to other bodies exercising functions of a public nature, for the prevention and detection of crime. The type of information that may be taken into account includes, the submission of a number of 'nil' returns, repeated cancellation of collections without good cause, holding an unauthorised collection or otherwise breaking the Street or House to House Collections Regulations within the last 75-years.
- 4.7 The Council will not issue permits to an individual or organisation whose collectors are paid more than it considers to be 'reasonable expenses' or who do not comply with the provisions made under the Charities Act 2006, updating the requirements of the Charities Act 1992, with regard to remuneration and solicitation statements. In accordance with the model Street Collections Regulations, there should be no payment made out of the proceeds of any collection to any collector or promoter of a collection.
- 4.8 All Collectors must display wear an appropriate badge authorising the collection; issued by Runnymede Borough Council (Street Collections), or obtain the official badge(s) from The Stationery Office (House to House Collections).
- 4.9 Within one month of the collection a 'schedule of return' must be submitted. This is an official declaration to the Council stating how much money (or equivalent value), has been collected and how much is going to be given to the charity.
- 4.10 The schedule of return should be countersigned as independent evidence that the amount raised is correct and has been paid over to the charity. This should be accompanied, where possible, with a paying in slip to the relevant bank for that charity, or other evidence of receipt by the charity.
- 4.11 Applicants are not required to pay for an advert stating the amount collected in the local newspapers; a letter to the Editor of the Surrey Advertiser (for example) thanking residents for their donations totalling £x is sufficient, or a posting on social media shared with the Council.

- 4.12 In addition to any legislative requirements, applicants must comply with relevant Codes of Practice issued by, for example, the Fundraising Regulator and the Charity Commission.
- 4.13 The Council will not usually licence Charities and/or third party fundraisers /commercial participators operating on their behalf who are not registered with the Fundraising Regulator.
- 4.14 House to House collections can only take place during daylight hours with a terminal hour of 21:00 whichever is the earlier.

5. **Supplementary guidance for House to House clothing collections.**

- 5.1 Where no National Exemption Order is held by the charity, supplementary guidance is set out below.
  - a) to avoid too many collections of a similar nature taking place at the same time the Council will usually allow one licensed commercial clothing collection per month in any one calendar year anywhere in the borough.
  - b) commercial clothing collections must avoid overlapping with nationally exempted house to house collections including clothing collections and dates will be allocated equitably at our discretion, although priority will be given to local charities
  - c) a named contact within the benefiting charity will be required to submit a statement of due diligence and confirm awareness of legal requirements, and evidence that the collection will raise the maximum possible benefit to be applied for charitable purposes
  - d) if the proportion of the proceeds allocated to the charitable purpose is clear, the Council must be satisfied that the amount given to the charitable purpose is adequate in relation to the proceeds received. The following formula may be applied: profits applied for charitable purpose = revenue generated (through sales of clothing) – total costs incurred through collections
  - e) Commercial participators are required to communicate their name and company status on both sides of the charity appeal bag. If the bag features a charity's name, it must not be given greater prominence than the name of the company undertaking the collection.

6. **Grounds for the refusal or revocation of a House to House Collections Licence**\_(derived from relevant sections of the House to House Collections Act 1939 and House to House Collections Regulations 1947 (as amended)).

- 6.1 A Licensing Authority may refuse to grant a House to House Collection licence, or, where such a licence has been granted, may revoke it, if it appears to the authority that:
  - a) the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is

inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received)

- b) remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person
- c) the grant of a licence would be likely to facilitate the commission of an offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection
- d) the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the UK of certain offences relating to dishonesty, fraud or theft
- e) the applicant or holder of the licence has failed to exercise due diligence to ensure that the collectors are fit and proper or to secure compliance with the regulations including those set by the regulating bodies for such collections or to prevent the prescribed badges or certificates being obtained by unauthorised persons
- f) the applicant has refused or neglected to furnish the authority with such information they may reasonably require for the purpose of informing themselves as to any of the matters relating to the application

## 7. Appeals

7.1 There is no statutory right of appeal against any decision made by the Council to grant, revoke or refuse a Street Collections Permit. However, if an individual or organisation/charity wishes to lodge a request for a decision to be reviewed then the matter should be submitted to the Corporate Head of Law and Governance within 14 days of the date on which notice of refusal was received by the applicant.

7.2 In respect of the refusal or revocation of a House to House Collections Licence there is a right of appeal to the Minister for Civil Society, DCMS, 4<sup>th</sup> Floor, 100 Parliament Street, London. SW1A 2BQ. An appeal must be lodged within 14 days of the date on which notice of refusal or revocation was received by the applicant, or the holder of a licence.

## 8. Fee Structure

8.1 There is no provision for the Council to charge a fee for making an application and no fee payable on being granted a street collection permit or house to house collection licence.

## 9. Enforcement

9.1 Any person who contravenes the Model Regulations for Street Collections, as attached at Appendix 'B' to this policy is guilty of an offence, which on conviction, is punishable by a fine not exceeding Level One on the Standard Scale (currently £200).

- 9.2 Any person who contravenes the Regulations for House to House Collections, as attached at Appendix 'C' to this policy, whether in their capacity as promoter or collector, is committing a criminal offence. Offences are punishable by penalties ranging from a maximum fine of £200 up to six months imprisonment and a fine of up to £1,000.
- 9.3 If anyone collecting on behalf of a charity does not give a police officer their name, address and signature when asked to, they could be fined up to £200.
- 9.4 Charities and third party fundraisers acting on their behalf must comply with the Fundraising Regulator Code of Fundraising Practice and guidance issued by other compliance related bodies such as the Charity Commission, Committee of Advertising Practice, Advertising Standards Authority and Trading Standards, in particular section 11 of the model Street Collections Regulations regarding safeguarding issues.
10. **Busking/Street Entertainment**
- 10.1 Individuals wishing to busk or provide street entertainment for a charitable purpose are asked to abide by Runnymede Borough Council's Busking and Street Entertainment Policy and Voluntary Code of Conduct, as set out at Appendix 'D' to this policy, in addition to applying for a street collection permit or house to house collection licence as appropriate. Any appropriate Licensing requirements must also be met.

## 11. Record Keeping

- 11.1 In line with the Council's Record Retention Policy, records of completed collections and other related correspondence, both electronic and on paper, will be kept for a period 7 years and then securely destroyed unless there is a reasonable reason to retain the record, for example, the detection or prevention of crime.

12. Appendices

Appendix 'A'

Charitable Purpose for the public benefit as defined by the Charities Act 2011

1. The prevention or relief of poverty.
2. The advancement of:
  - education
  - religion
  - health or the saving of lives
  - citizenship or community development
  - the arts, culture, heritage or science
  - amateur sport,
  - human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
  - environmental protection or improvement
  - animal welfare
3. The relief of those in need by reason of youth, age, ill-health, disability, disadvantage, financial hardship or other disadvantage.
4. The promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services.
5. Other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.

## STREET COLLECTION REGULATIONS

In pursuance of Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, section 251 and schedule 29 of the Local Government Act 1972, the Charitable Collections (Transitional Provisions) Order 1974 and the Charities Act 2006, Runnymede Borough Council has made the following regulations with respect to Street Collections for the benefit of charitable or other purposes.

1. In these Regulations, unless the context otherwise requires -
  - "collection" means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly;
  - "promoter" means a person who causes others to act as collectors;
  - "the licensing authority" means Runnymede Borough Council;
  - "permit" means a permit for collection;
  - "contributor" means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
  - "collecting box" means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Runnymede Borough unless a promoter shall have obtained from the licensing authority a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for doing so.
4. No collection shall be made except upon the day and between the hours stated in the permit and in the area specified in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such localities, streets or public places or such parts thereof as it thinks fit.
6. (1) No person may assist or take part in any collection without the written authority of a promoter. The licensing authority may require a copy of such permission.
  - (2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable, or member of the public.
7. No collection shall be made in any part of the carriageway of any street which has a footway. Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession or similar event.
8. (1) No collection shall be made in a manner likely to inconvenience or annoy any person.

- (2) The licensing authority may limit the frequency of collections by an organisation within its area if it considers that the number of collections proposed by that organisation is likely to inconvenience or annoy any person.
- (3) The licensing authority may prevent two or more organisations collecting in the same locality and on the same day if it considers that it is likely to inconvenience or annoy any person.

Provided that the licensing authority may, if it thinks fit, allow two or more organisations to collect in the same location and on the same day if such collections have been authorised to be held in connection with a procession or similar event.

9. No collector shall importune any person to the annoyance of such person.

10. While collecting -

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres
- (c) a collector shall not obstruct the flow of pedestrian or other traffic by display or distribution of information about their charity or organisation.

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector. Provided that the licensing authority may permit persons of fourteen years of age or more to act as collectors where it is satisfied that it is reasonable in the circumstances of a particular collection and that collectors under sixteen years of age will be accompanied by an adult.

12. (1) Every collector shall carry a collecting box, and shall wear an official badge of authorisation, where such a badge has been issued by the licensing authority.
- (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
- (3) All money received by a collector from contributors shall immediately be placed in a collecting box.
- (4) Every collector shall deliver, unopened, all collecting boxes in his possession to the promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit, nor any collecting box which is not duly numbered.



14. (1) Subject to paragraph (2) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
- (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
- (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15. (1) No payment shall be made to any collector
- (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority -
- (a) a statement in the form set out in the schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such a collection and certified by that person and either a qualified accountant or an independent responsible person acceptable to the licensing authority;
- (b) a list of the collectors;
- (c) a list of the amounts contained in each collecting box;
- and shall if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.
- (2) Details of the return for the collection stating the amount collected and any deductions made will be published on the Council's website.
- (3) The licensing authority may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (4) For the purpose of this Regulation "a qualified accountant" means a member of one or more of the following bodies:-
- The Institute of Chartered Accountants in England and Wales;  
The Institute of Chartered Accountants of Scotland;  
The Association of Certified Accountants;  
The Institute of Chartered Accountants in Ireland.
17. These Regulations shall not apply -
- (a) in respect of a collection taken at a meeting in the open air; or
- (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. If a collection is held by an organisation and the regulations contravened, the licensing authority may if it thinks fit, revoke any permits already granted for future collections by that organisation and refuse permission for future collections to be held within their area by that organisation or the individuals concerned.

HOUSE TO HOUSE COLLECTIONS ACT 1939  
House to House Collections Regulations 1947 (as amended)

The above Act and the Regulations made there under contain important provisions for THE REGULATION OF HOUSE TO HOUSE COLLECTIONS FOR CHARITABLE PURPOSES, and prescribe FINES AND/OR IMPRISONMENT for offences against the Act or the Regulations.

1. Except in the cases specified in Paragraphs 3 and 4:-

*No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Licensing Authority for the area comprising that locality, and the collectors are authorised by the promoter.*

2. Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the Act.

There is a right of Appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days from the date on which notice is given of the refusal or the revocation.

3. Where the Secretary of State is satisfied that *a person pursues a charitable purpose throughout the whole, or a substantial part, of England and Wales, and is desirous of promoting collections for that purpose*, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.
4. *If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period*, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a *Certificate* in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required, and the provisions of the Regulations (as to which see Paragraph 5 below) shall not apply to a collection made in conformity with such Certificate.
5. Regulations have been made by the Secretary of State under the Act. The Regulations include the following, amongst other provisions –
  - a) Every promoter of a collection must exercise all due diligence to secure that persons authorised to act as collectors are fit and proper persons; and to secure compliance by collectors with the Regulations.
  - b) *No promoter of a collection shall permit any person to act as a collector unless he has issued to that person –*

*i) a prescribed Certificate of Authority; (ii) a prescribed Badge; and (iii) if money is to be collected, a Collecting Box marked, or a Receipt Book (with receipts and counterfoils or duplicates consecutively numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.*

- c) In the case of a collection in respect of which a Licence has been granted, *every prescribed Certificate of Authority shall be given on a form obtained from The Stationery Office, and every prescribed Badge shall be so obtained.*
- d) No person *under the age of 16 years*, shall act or be authorised to act as a collector of money.
- e) No collector shall importune any person to the annoyance of such person or remain in, or at the door of, any house if requested to leave by any occupant thereof.
- f) The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

#### **DEFINITIONS**

6. *'Charitable Purpose'* means any charitable, benevolent, or philanthropic purpose.
- 'Collection'* means an appeal to the public, made by means of visits from house to house to give, *whether for consideration or not*, money or other property; and *'Collector'* means a person who makes the appeal in the course of such visits.
- 'Collection costs'* includes cost of purchasing bags/leaflets, distribution costs, vehicle costs including fuel, hire, insurance and other costs, collection staff and other associated staff salaries, warehouse/storage costs and any other tangible cost that can be attributed to the door to door collection.
- 'House'* includes a place of business.
- 'Proceeds'* means, in relation to a collection, all money *and all other property given, whether for consideration or not*, in response to the appeal.
- 'Promoter'* means a person who causes others to act as collectors for the purposes of the collection.

Busking and Street Entertainment Guidance and Voluntary Code of Conduct

Runnymede Borough Council welcomes activities that enhance the street scene and provide good quality entertainment to the public. Under the provisions of the Live Music Act 2011 busking and carol singing are now exempt from licensing requirements, as these activities are usually incidental to others such as shopping or in the case of carol singing undertaking a charitable collection. The Live Music Act removed the licensing requirements for live music in the following circumstances:

1. Where amplified live music is provided between 08:00 and 23:00 hours for audiences of no more than 200 people, in premises authorised under the Licensing Act 2003 to sell alcohol for consumption on the premises;
2. Where amplified live music is provided between 08:00 and 23:00 hours for audiences of no more than 200 people, in workplaces\* which are not licensed under the Licensing Act 2003 (or which are licensed only for the provision of late night refreshment);
3. Where unamplified music is provided between 08:00 and 23:00 hours in any venue; and
4. Where Morris Dancing is taking place the exemption has been extended so that all accompanying music, whether live, recorded, amplified or unamplified is exempt from licensing requirements.

\* a workplace includes the street, pub beer garden (if not included in a premises licence) and other outside non-domestic areas where people work.

The Council asks buskers to abide by a Code of Conduct which is set out below. If busking or street entertainment is being conducted for a charitable purpose a street collection permit and/or house to house collections licence may also be required. Organisers are advised to contact the Council's Democratic Services section at least 28 days in advance of the event so that the necessary licences can be applied for and issued.

When choosing a suitable location there must be due regard for the need to avoid causing any obstruction or annoyance to residents, retailers, local businesses and the general public, in consultation with Surrey Police and Surrey Highway Authority. Buskers are advised to contact local businesses near to the proposed 'pitch' to check they are content for busking near their premises.

Large events such as Addlestone Town Festival, Magna Carta Day and Black Cherry Fair, theatrical performances and similar will usually fall under the requirements of the Licensing Act 2003 as 'regulated entertainment' and organisers are advised to contact the Council's Licensing Section at least 28 days before the event so that a risk assessment can be undertaken and other necessary provisions made to facilitate their event such as giving a Temporary Event Notice if required.

### Code of Conduct for Buskers and Street Entertainers

1. Performances must not cause an obstruction to the highway (footpath), entrances/exits to shops and other premises or shop window displays occurs by entertainers or those gathering to watch. Performers must act safely at all times and not endanger themselves or others.
2. Performances in town centres are permitted between the hours of 08:00 and 23:00 hours. All de-regulated live music performances must cease at 11pm.
3. The use of amplifiers and loudspeakers is not advised so as to avoid causing a noise nuisance. Mains or generated power amplifiers are likely to present particular problems and should not be used. If music and or voices can be plainly heard at a distance of 50 metres it is too loud.
5. Performers must not dress or act in way that is likely to offend others or amounts to anti-social behaviour – likely to cause harassment, alarm or distress to members of the public or local traders. This includes performing whilst under the influence of alcohol, solvents or drugs.
6. The sale of CDs or other items is prohibited in accordance with relevant Street Trading legislation. Buskers must not cause an obstruction under the Highways Act 1980, nor cause a noise nuisance under the Environmental Protection Act 1990 (as amended by the Noise and Statutory Nuisance Act 1993). All litter/waste arising from the event must be removed from site. Any breach of these Acts and or associated legislation and regulations including the Live Music Act where appropriate, may result in the busker or street entertainer being 'moved on' and subject to appropriate enforcement action by the relevant authority.

### 13. **List of Consultees**

All charities and third party fundraisers granted a licence from 2012–2017  
Charity Commission  
Neighbourhood Watch bodies in Runnymede  
Local Residents' Associations  
Fundraising Regulator  
Other Licensing Authorities in Surrey and members of the Charity Collections  
Forum for Surrey and neighbouring districts  
All Runnymede Borough Councillors  
Trading Standards and Consumer Protection  
Surrey Police – Neighbourhood Inspector Runnymede  
RBC Community Safety  
RBC Environmental Health  
RBC Legal Services  
Egham and Chertsey Chambers of Commerce  
Runnymede and Spelthorne CAB

## EQUALITY SCREENING

Equality Impact Assessment guidance should be considered when completing this form.

POLICY/FUNCTION/ACTIVITY	LEAD OFFICER
Charity Collections Policy 2020 - 2023	Clare Pinnock

**A. What is the aim of this policy, function or activity?** Why is it needed? What is it hoped to achieve and how will it be ensured it works as intended? Does it affect service users, employees or the wider community?

The policy is designed to

- facilitate legitimate fundraising by charities and third parties including commercial participators acting on their behalf
- protect residents from an excessive number of appeals and/or inappropriate fundraising techniques
- provide clear guidance to applicants and the public on how charity collections are considered, licensed and enforced

The policy will be formally reviewed by Officers every 3 years and will be subject to a public consultation exercise of 12 weeks, when it is reviewed every three years, to ensure it works as intended. If equalities related issues are raised these will be considered and reported to the Committee.

**B. . Is this policy, function or activity relevant to equality?** Does the policy, function or activity relate to an area in which there are known inequalities, or where different groups have different needs or experience? Remember, it may be relevant because there are opportunities to promote equality and greater access, not just potential on the basis of adverse impacts or unlawful discrimination. The Protected Characteristics are; Sex, Age, Disability, Race, Religion and Beliefs, Sexual Orientation, Marriage and Civil Partnership, Gender Reassignment, Pregnancy and Maternity.

The policy is aimed to promote legitimate charitable collections whose charitable purposes are for the public benefit and in accordance with the definition of 'charitable purpose' as set out in the Charities Act 2011 (below):

1. The prevention or relief of poverty.
2. The advancement of:
  - education
  - religion
  - health or the saving of lives
  - citizenship or community development
  - the arts, culture, heritage or science
  - amateur sport
  - human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
  - environmental protection or improvement
  - animal welfare

3. The relief of those in need by reason of youth, age, ill-health, disability, disadvantage financial hardship or other disadvantage.
4. The promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services.
5. Other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.

Charitable appeals may cover persons with any of the protected characteristics and thus promotes those characteristics by licensing collections from which they will benefit.

To strengthen the Council's stated commitment to Equalities we have added a new provision in the policy objectives to prioritise applications from charities that promote any of the 9 stated protected characteristics under the Equality Act 2010.

However, the primary test is whether a charity meets the definition of charitable purpose rather than whether it promotes a particular protected characteristic. That said, Equality and Diversity is a specific charitable purpose so it could be argued that our Charity Collections Policy is by design aligned to the promotion of protected characteristics. The practical provisions of the policy will indicate that the Council's public sector duty under the Equality Act has been satisfied.

The policy does not provide for licensing appeals for 'private gain'. This could for example, exclude someone trying to raise money for an individual to pay for an operation. Therefore, someone with a protected characteristic might be affected. However, the Charities Act 2011 requires an appeal to be for public benefit so this authority does not have the power to act outside of the Act. Each application would be treated on its merits so that individual circumstances could be taken into account.

Applications are taken on a first come first served basis and priority is given to local collections and those long established national collections such as the Royal British Legion, Marie Curie Cancer Care, Royal Air Forces Association. We do take every opportunity to promote equalities; for example, by prioritising local groups who may represent those with any of the protected characteristics.

Applicants who are not holders of a National Exemption Order are required to avoid clashing with those who do have an Exemption Order. This has been strengthened in the updated policy to say that we will not (usually) licence non NEO holders to carry out commercial clothing collections at the same time as NEO charities or commercial participators working on their behalf. This may be beneficial to those charities whose purpose is relevant to someone with a protected characteristic but equally not beneficial to a charity without an Exemption Order with the same charitable purpose.

The policy seeks to protect all and especially vulnerable residents from being subject to excessive appeals. They might also have one or more of the protected characteristics and will therefore benefit from its provisions. Charities are required to comply with any relevant Code of Practice issued by clauses 4.12 and 9.4 of the Policy, which includes adherence to practices in relation to safeguarding for children. An additional clause was added when the policy was reviewed in 2019 to say that we will not (usually) licence those who are not registered with the Fundraising Regulator as an extra measure of promoting best practice.

The Policy requires charities to comply with the Fundraising Regulator Code of Fundraising Practice. This was revised, and took effect in October 2019. This contains several measures to protect the vulnerable. For example, adherence to the Fundraising Regulator Guidance about no cold calling, solicitation statements and not pressurising people (particularly those deemed as vulnerable), to donate when it is clear that they do not wish to engage with a fund



raiser. We have added an additional clause to make it clear that we require all collectors to abide by official and unofficial no cold calling signs.

In accordance with the Street Collections Regulations, Street Collections are not allowed to take place by unaccompanied children (up to and including 16 years of age by the end of school year 11) which is relevant to 'age'. Allowing children participate if they are accompanied has a positive impact on 'age'. However, no-one is barred from promoting or taking part in a charitable collection because of any protected characteristic.

If the policy, function or activity is considered to be relevant to equality then a full Equality Impact Assessment may need to be carried out. If the policy function or activity does not engage any protected characteristics then you should complete Part C below. Where Protected Characteristics are engaged, but Full Impact Assessment is not required because measures are in place or are proposed to be implemented that would mitigate the impact on those affected or would provide an opportunity to promote equalities please complete Part C.

**C. If the policy, function or activity is not considered to be relevant to equality, what are the reasons for this conclusion?** Alternatively, if there it is considered that there is an impact on any Protected Characteristics but that measures are in place or are proposed to be implemented please state those measures and how it/they are expected to have the desired result. What evidence has been used to make this decision? A simple statement of 'no relevance' or 'no data' is not sufficient.

The policy is relevant to equalities and may have an impact on people with protected characteristics. However, the effect is considered to be positive, therefore a full impact assessment is not thought to be necessary at this time. This assertion is based on the Charitable Purposes set out on the Charities Act 2011 which specifically refer to the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity. The practical provisions of the policy will indicate that the Council's public sector duty under the Equality Act has been satisfied.

A breakdown of Street and House to House Collections Licences issued in the last 3 years is given below. It can be demonstrated that it is very likely that people with protected characteristics would benefit. It should also be borne in mind that many charities have a National Exemption Order so do not need to be licensed. For example, Age UK, NSPCC, Asthma UK, Barnardo's, Children's Air Ambulance etc. so these collections will also benefit people with protected characteristics – mostly age, sex and disability. The full list of licensed and exempted collections taking place has been given for 2019/2020.

2017/2018

Royal Marines Charity, Christian Aid, 1<sup>st</sup> Chertsey Scouts Group, Leukaemia and Myeloma Research UK, The Children's Trust, The Veteran's Charity, Battersea Dogs and Cats Home, Royal Air Forces Association, Alzheimer's Research UK, Cancer Support UK, Against Breast Cancer, Royal British Legion, Troopaid, Salvation Army, RNLI, Friends of Grange School, New Haw, Chertsey Rotary Club, Egham Rotary Club, Egham Band, Great Ormond Street Hospital, Just Helping Children, Marie Curie Cancer Care, Don Bosco Ashalayam Kolkata, Enlighten the Children.

2018/2019

Christian Aid, Just Helping Children, RNLI, Battersea Dogs and Cats Home, Action Medical Research, Childlife, National Deaf Children's Society, RNIB, See Ability, Veteran's Charity, Salvation Army, Enlighten the Children, Royal Air Forces Association, Royal British Legion, Cancer Support UK, Egham Band, Chertsey Rotary Club, Egham Rotary Club, Don Bosco Ashalayam Kolkata.

2019/2020

Action for Children, NSPCC, Against Breast Cancer, Leukaemia Care, Children's Air Ambulance, Christian Aid, Just Helping Children, Tree of Hope, Battersea Dogs and Cats Home, Great Ormond Street Hospital, RAFA, Royal British Legion, Shelter, Greenpeace, PDSA, RNLI, Rotary Club of Chertsey, Egham Band, Cancer Research and Genetics, British Heart Foundation, RSPCA, Bush Fire Relief (Australian Red Cross), Barnardo's, Help for Heroes, Marie Curie, ADRA UK, Childlife, National Deaf Children's Society, Wood Green, The Animals Charity.

Owing to the Coronavirus Pandemic most charities took the sensible decision to cease all fundraising activities until further notice (March 2020) and we also issued a notice asking charities and third party fundraisers to stop operating in the borough and abide by guidance issued by Public Health England and central Government. Applicants are advised that no applications are currently being granted in the interests of everyone's safety. Those whose licences have been temporarily 'suspended' will have their collections at a later date to be confirmed.

Inevitably this has had a detrimental effect for the charities and the people they support who are likely to share a protected characteristic, including the volunteers collecting cash and working for the charities who may be in a vulnerable group. However, this is beyond our control.

This screening assessment will need to be referred to the Equality Group for challenge before sign-off.

Date completed: 29 may 2020

Sign-off by senior manager:

**8. URGENT ACTION – STANDING ORDER 42 (LAW AND GOVERNANCE – CLARE PINNOCK)**

A Copy of proforma 967 detailing action taken after consultation with the Chairman and Vice-Chairman of the Committee are attached at Appendix 'H'.

Approval has been given by the Chairman and Vice-Chairman to this urgent action by email and a copy of the signed and dated proforma will be forwarded to Officers when physically possible.

**(For information)**

**Background Papers**

None

**RUNNYMEDE BOROUGH COUNCIL****CONSULTATION WITH APPROPRIATE CHAIRMAN AND VICE- CHAIRMAN FOR URGENT ACTION TO BE TAKEN UNDER STANDING ORDER 42**

**TO:** Councillors  
Chairman and Vice- Chairman of the Regulatory Committee

**FROM:** Robert Smith Senior Licensing Officer

**OFFICER REFERENCE:**

**DATE:** 26 May 2020

**1. Synopsis of report:**

That the Committee consider the adoption of further conditions under 6.93 Permitted Vehicle Modifications of its current licensing policy to regulate the fitting of bulkhead screens in taxis hackney carriage and private hire vehicles to ensure the safety of the public and the driver during the current Covid19 pandemic.

**2. Reasons why this matter cannot wait for a Committee Decision.**

Request for the fitting of bulkhead screens may come prior to the next Committee date and we want to be in a position before then to be able to give proper instructions to the trade.

**3. Recommendation(s)**

That the Committee approve the proposed conditions in relation to the fitting of bulkhead screens in vehicles.

**4. Context of report**

This report relates to the fitting of bulkhead screens in taxis hackney carriage and private hire vehicles and conditions regarding these screens to ensure they are safe and fit for purpose.

The fitting of bulkhead screen in vehicles is allowed for within Runnymede Hackney carriage and Private Hire Licensing Policy (the 'policy'). However, there are legitimate concerns about the standards of screens themselves and the standards of fitting. Officers want to be able to ensure that any screen is properly and safely fitted, preventing any 'Heath Robinson' type contraptions which may cause danger to the public and/or the driver.

## 5. Report and, where applicable, options considered

There has, recently, been a lot of coverage in the trade press about bulkhead screens being fitted in vehicles to give some protection to drivers and passengers. The Department for Transport as part of the guidance issued on 13 May 2020 stated that the installation of protective barriers is a decision for licensing authorities, PHV operators and firm/individual operating the vehicle to make based on their own assessment of risk.

Members will understand that regarding social distancing, maintaining 2 metres separation in a vehicle is impossible and in practice only works in the larger vehicles such as the Ford Torneo and Mercedes Vito.

A bulkhead screen takes the form of a shaped piece of perspex/polycarbonate fitted between the front and rear seats. This physical barrier is not a totally sealed unit and it will allow the passenger to communicate with the driver.

Various manufacture offer supply and fitting services and the cost varies between £150 and £500 although some local drivers have been quoted £1500 it is felt this was companies making the most of a business opportunity.

It is not proposed that the fitting of screens should be compulsory, officers believe that any decision to fit them should be left to drivers, proprietors and operators. In this way we are giving them the option with clear conditions.

At the time of writing this report, many taxis and private hire vehicles licensed by Runnymede are off the road. With the relaxing of some of the social distancing restrictions, it is possible that some of the trade in Runnymede will want to fit these before they resume work. The licensing section have had very few enquiries about screen fitting and it remains to be seen how many would fit them.

There is no conclusive scientific evidence to say these type of bulkhead screens offer any more protection than the good cleaning/disinfecting of vehicles after each journey, this is something drivers would be encouraged to continue with regardless.

In the absence of any scientific evidence one way or the other, there may be a perceived feeling of being protected and providing this does not lead to drivers being lax in other respects, it may be beneficial to some and they may welcome being given the choice. A similar argument applies to any passengers.

Drivers and operators may also wish to consider:

- Eliminating the use of face-to-face passenger seating
- Use of ventilation
- Reducing occupancy to individual passengers in the back left-hand seat for vehicles that do not enable 2 metre separation and considering reducing occupancy in a larger vehicle

Runnymede's 'policy' allows for the fitting of bulkheads subject to conditions, the relevant sections are copied below with the specific sections highlighted in grey. Parts 6.82(i) and 6.99(a) specifically refer to safety and the fitting of bulkheads.

Our main concern would be ensuring we had evidence that the item was fitted professionally, it was fit for purpose and did not endanger the safety of the passenger or driver, did not interfere with any of the vehicles safety systems such as air bags and seatbelts and it did not invalidate any insurance- the insurance question is already covered in 'the policy' at 6.103.

It is requested that the following conditions be authorised for the fitting of any screens in vehicles –

1. Any screen fitted to separate the driver from passengers must be professionally installed and certified by a competent installer. Such documentation must be provided by the vehicle proprietor and held on file. Officers may request the vehicle to be presented for inspection at any point."
2. Any screen fitted must be fit for purpose and did not endanger the safety of the passenger or driver
3. Any screen fitted must not interfere with the operation any of the vehicles safety systems such as air bags and seatbelts
4. Any screen fitted must constructed of clear material to allow the driver a clear view of the road behind
5. Any screen fitted as a social distancing measure during the Covid19 pandemic must be removed once social distancing regulations have been relaxed and the screen is no longer considered necessary.

**6.93. Permitted vehicle modifications**

6.94. The licensing authority recognises that some modifications to vehicles can enhance performance, efficiency and the service offered to customers, as well as provide for enhanced safety and/or revenues for vehicle proprietors and/or drivers. Accordingly, subject to all other requirements being met, the licensing authority may permit the following (or similar) modifications to vehicles.

- (a) Removal or installation of mobile communications equipment e.g. radios;
- (b) Removal or installation of mobile computer consoles (or similar) for communication and allocation of jobs with an operator;
- (c) Removal or installation of additional seats (and seat belt mechanisms);
- (d) Conversion of interim steps to running boards (and vice-versa);
- (e) Conversion to or installation of enviro-friendly/green features;
- (f) Change to and installation of a suitable taximeter;
- (g) Removal or installation of credit/debit card payment systems;
- (h) Change of vehicle colour/paintwork; \_
- (i) Installation of personal safety features;**
- (j) Reasonable adjustments or adaptations for disabled drivers (where appropriate).

6.95. Subject to all other requirements being met and, subject to conditions, where these may be appropriate, ancillary modifications, may be undertaken by and using the products of a third party (e.g. installation of credit/debit card payment systems). However, where appropriate, the licensing authority may require ancillary modifications to be certified by a competent person as being legally compliant and/or safe.

6.96. However, to ensure that vehicles continue to conform to a recognised safety standard, any modifications to any vehicle or its component parts, that may reasonably be considered integral to the vehicle, may affect vehicle integrity or otherwise affect any vehicle safety feature (e.g. seat belts), must normally –

- (a) be undertaken using parts of the same (or equivalent) specification of the original manufacturer, converter or approved agents; and/or
- (b) be compatible with the original vehicle type approval; and/or
- (c) be subject to a satisfactory Voluntary Individual Vehicle Assessment (DVSA individual vehicle type approval) (or suitable equivalent), that certifies the safety of the vehicle as a whole and the modifications made.

**6.97. Modifications to enhance personal safety in vehicles**

6.98. As it considers it best left to the judgement of individual vehicle drivers/proprietors, the licensing authority will generally not require specific security measures (e.g. CCTV systems) to be installed within licensed vehicles.

6.99. In recognition of their lone worker status, together with the risks to which they can be exposed in providing a public service, the licensing authority will, subject to all other requirements being met, generally look sympathetically on the installation and use of in-vehicle security measures that provide some personal protection for vehicle drivers. It will therefore, subject to conditions, where these may be appropriate, normally allow one or more of the following (or similar) modifications to vehicles –

- (a) Installation and use of a suitable bulkhead (where not otherwise required);**
- (b) Installation and use of a suitable CCTV camera system This is an area of considerable controversy regarding privacy and data protection and any driver/operator considering installing cctv must seek guidance from the Information Commissioners Office (ICO).
- (c) Systems that provide for a secure driver cell;

- (d) Installation and use of a GPS tracking system;
- (e) Installation of a panic alarm system (or similar).

**6.100. Relevant considerations in respect of vehicle modifications**

6.101. While the licensing authority will normally look sympathetically on vehicles that offer enhanced environmental standards, in-vehicle security or provide for additional income etc., the licensing authority will not normally authorise any proposed feature or modification that detracts from or otherwise affects the ability of the vehicle to comply with its vehicle specification, licence conditions and/or licensing objectives. For example, modifications that may affect the ability to carry luggage, ramps and other equipment (e.g. installation of alternative fuel storage tanks) and/or may affect safety (e.g. installation of CCTV cameras that become a headroom hazard etc.). For these reasons, vehicle proprietors seeking to modify their vehicles in any way are encouraged to discuss their proposals with the licensing officer first. Vehicle modifications undertaken without prior approval are made at the vehicle proprietor's own risk and, where appropriate, and be removed if not suitable.

**6.102. Notification of vehicle modifications to insurers and others**

6.103. The licensing authority notes that some vehicle modifications are subject to declaration and/or may affect the validity and extent of vehicle insurance. The licensing authority asserts that it remains the responsibility of the vehicle proprietor to make all relevant declarations and/or notify all relevant parties of any changes as may be appropriate. For these reasons, the licensing authority will, where appropriate, expect suitable verification with / from any relevant party concerned (e.g. vehicle insurance company).

## 6. Policy framework implications

It is proposed that the 'policy be amended by the addition of the proposed conditions for hackney carriages and private hire vehicles as follows.

- 6.99. In recognition of their lone worker status, together with the risks to which they can be exposed in providing a public service, the licensing authority will, subject to all other requirements being met, generally look sympathetically on the installation and use of in-vehicle security measures that provide some personal protection for vehicle drivers. It will therefore, subject to conditions, where these may be appropriate, normally allow one or more of the following (or similar) modifications to vehicles -
- (i) Installation and use of a suitable bulkhead (where not otherwise required), with the following conditions-
  - (ii) Any screen fitted to separate the driver from passengers must be professionally installed and certified by a competent installer. Such documentation must be provided by the vehicle proprietor and held on file. Officers may request the vehicle to be presented for inspection at any point."
  - (iii) Any screen fitted must be fit for purpose and did not endanger the safety of the passenger or driver.
  - (iv) Any screen fitted must not interfere with the operation any of the vehicles safety systems such as air bags and seatbelts.
  - (v) Any screen fitted must be constructed of transparent material to allow the driver a clear view of the road behind.
  - (vi) Any screen fitted as a social distancing measure during the Covid19 pandemic must be removed once social distancing regulations have been relaxed and the screen is no longer considered necessary.

## 7. Financial and Resource implications (where practicable)

There are no financial implications and any inspections of vehicles can be carried out within the existing inspection regime.

## 8. Legal implications

There are no legal implications the process for amending the 'policy' has been followed as per the Councils constitution.

## 9. Equality implications

None of the protected characteristics are affected by the introduction of bulkhead screens.

Drivers, operators and proprietors will be informed in the usual manner by email and letter. A notice will be placed on the Councils website giving information for the public and trade.

## 10. Other implications

Nil

## 11. Background papers

Department for Transport guidance issued on 13 May 2020.

<http://www.instituteoflicensing.org/media/1gqe5efp/20200513-taxi-phv-q-a-and-letter.pdf>

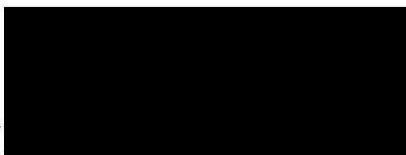
Hackney Carriage and Private Hire Licensing Policy 2020 to 2023

<https://www.runnymede.gov.uk/article/14534/-Hackney-Carriage-and-Private-Hire-Licensing-Policy>



12. **Chief Officer(s) Decision**

Signature of authorised officer ....



I have been consulted and am in agreement with the above

Signature(s) and position(s) of  
other relevant Chief Officer, Corporate Heads or authorised representatives

.....Corporate Head of Environmental Services.....

**NB:** this must include the Assistant Chief Executive or his authorised representative where the decision involves expenditure, loss of income, or future implications for budget or financial forecast.

13. **Chief Executive's Decision**

Signature of Chief Executive



I have been consulted and am in agreement with the above

14. **Chairman and Vice-Chairman Comments**

I concur in the Chief Officer's decision

Signed \_\_\_\_\_

Date \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

I have the following further comments:

Further information may be obtained from Robert Smith

on Ext. 5722

The completed copy is to be returned by the Councillors to the Corporate Head of Law and Governance (John Gurmin) who will send a copy to the Chief Officer and report to the relevant Committee for information.

**9. EXCLUSION OF PRESS AND PUBLIC**

If Members are minded to consider any of the foregoing items in private, it is the

**OFFICERS' RECOMMENDATION that -**

**the press and public be excluded from the meeting during discussion of the report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the relevant paragraphs of Part 1 of Schedule 12A of the Act.**

**(To Resolve)**

**PART II**

**Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.**

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)