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Democratic Services

LICENSING AND PLANNING POLICY COMMITTEE

Tuesday 26 September 2023 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Online access to this meeting is available on YouTube: Link to online broadcast

The members listed below are summoned to attend the Licensing and Planning Policy Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Steven McCormick (Chair)
Councillor Peter O'Donovan (Vice-Chair)
Councillor Steve Bridger
Councillor Shanice Goldman
Councillor Julie Morris
Councillor Phil Neale
Councillor Kieran Persand
Councillor Clive Woodbridge

Yours sincerely

Chief Executive

For further information, please contact democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the Council's website. The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for this Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions and statements from the Public

Up to 30 minutes will be set aside for questions and statements from members of the public at meetings of this Committee. Any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough may ask a question or make a statement on matters within the Terms of Reference of the Committee.

All questions must consist of one question only and cannot consist of multiple parts. Questions and statements cannot relate to planning or licensing committees matters, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chair are defamatory, offensive, vexatious or frivolous will not be accepted. Each question or statement will be limited to 3 minutes in length.

If you wish to ask a question or make a statement at a meeting of this Committee, please contact Democratic Services at: democraticservices@epsom-ewell.gov.uk

Questions must be received in writing by Democratic Services by noon on the third working day before the day of the meeting. For this meeting this is **Noon, 21 September**.

A summary of statements must be received by Democratic Services by noon on the working day before the day of the meeting. For this meeting this is **Noon, 25 September**.

For more information on public speaking protocol at Committees, please see Annex 4.2 of the Epsom & Ewell Borough Council Operating Framework.

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Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

AGENDA

1. QUESTION AND STATEMENTS FROM THE PUBLIC

To take any questions or statements from members of the Public.

2. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

3. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 16)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on **19 January 2023** (attached) and the Minutes of the Meeting of the Committee held on **15 June 2023** (attached) and to authorise the Chair to sign them.

4. UNPAUSING THE LOCAL PLAN (Pages 17 - 40)

Public consultation on the Draft Local Plan (2022-2040) was undertaken between 1 February 2023 and 19 March 2023. Following the closure of the public consultation an extraordinary Council meeting was held on the 22 March 2023 where the decision was made to pause the Local Plan to allow specified tasks to be undertaken.

This report seeks the recommendation of the committee to Full Council that work on the local plan is un-paused, to enable all necessary work to be progressed, so that the Local Plan can be submitted for examination within the transitional arrangements set by the government.

5. 2024/25 BUDGET TARGETS (Pages 41 - 46)

This report informs the Committee of the Council's revenue budget targets presented to the Strategy & Resources Committee in July. The report seeks guidance on the preparation of the Committee's service estimates for 2024/25.

6. RESPONSE TO THE LEVELLING-UP AND REGENERATION BILL: CONSULTATION ON IMPLEMENTATION OF PLAN-MAKING REFORMS

(Pages 47 - 68)

The Department for Levelling Up, Housing and Communities (DLUHC) has published a consultation titled 'Levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms'. The consultation was published on 25 July 2023 and comments are invited by the end of 18 October 2023.

The consultation seeks views on the government's proposals to implement the parts of the emerging Levelling-up and Regeneration Bill that relate to plan making.

The consultation document is split into 15 Chapters and contains 43 questions.

It is important to note that there will be a transition phase and the consultation document makes it clear that the government's intention is that all Local Plans submitted for examination on or before 30 June 2025 will be examined under the current system rather than the proposed new system that is the subject of the consultation document.

7. TAXI AND PRIVATE HIRE EMISSIONS POLICY (Pages 69 - 238)

On 15 June 2023 the Licensing and Planning Policy Committee agreed in principle the proposal for amending the Hackney Carriage and Private Hire Licensing Policy to phase in a requirement that licensed vehicles meet the same emissions requirements as the London Ultra-Low Emissions Zone. A 6-week public consultation ran from 19 June until 30 July 2023, and the Committee are asked to consider the responses and approve a revised policy which can be recommended for adoption by Full Council.

8. AUTHORITY MONITORING REPORT 2022/23 (Pages 239 - 254)

The Authority Monitoring Report (AMR) is a factual report that has two purposes; to monitor progress towards new Local Development Documents and to monitor the effectiveness of key policies set out in Local Development Documents.

Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE held at the Council Chamber, Epsom Town Hall on 15 June 2023

PRESENT -

Councillor Steven McCormick (Chair); Councillor Peter O'Donovan (Vice-Chair); Councillors Steve Bridger, Julie Morris, Phil Neale, Kieran Persand and Robert Leach (as a substitute)

Absent: Councillor Shanice Goldman and Councillor Clive Woodbridge

Officers present: Rod Brown (Head of Housing and Community) ((Items 1-4 only)), Justin Turvey (Interim Head of Place Development), Sue Emmons (Chief Accountant), Ian Mawer (Planning Policy Manager), Tim Richardson (Democratic Services Manager), Paul Holliday (Principal Licensing Officer) ((Items 1-4 only)) and Phoebe Batchelor (Democratic Services Officer)

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33 QUESTION AND STATEMENTS FROM THE PUBLIC

No questions or statements were received from the Public.

34 DECLARATIONS OF INTEREST

No declarations of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting were made by Members.

35 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on **30 January 2023** and authorised the Chair to sign them.

36 TAXI AND PRIVATE HIRE EMISSIONS POLICY

The Committee received a report asking them to agree in principle the proposal for amending the Hackney Carriage and Private Hire Licensing Policy and to authorise public consultation.

The following matters were considered:

a) **The Council's stance on ULEZ.** A Member of the Committee asked if the report contradicts the Council's stance on the ULEZ expansion and queries how consistent it is with previous communication from the Council

on ULEZ. The Principal Licensing Officer responded to state that this proposed policy is not dependent on the decision to expand the ULEZ zone so therefore if the ULEZ expansion does not take effect then this policy could still take effect. The Principal Licensing Officer reminded the Committee that this report is to go to public consultation on an emissions policy for licensed vehicles and it will then be up to the Committee to decide what standard of emissions policy is introduced for licensed vehicles, based on the information garnered from the public consultation. The Principal Licensing Officer sets out that there are advantages of adopting ULEZ standards as there is already the infrastructure in place for vehicle owners to easily find out if they are ULEZ compliant and the ULEZ standards are backed by scientific research. A Member of the Committee reminded members that the letter written to oppose the ULEZ expansion was in the interests of residents and the additional cost being imposed upon them, it was not in opposition of cleaner air in the borough.

b) **Borough Air Quality.** A Member of the Committee asked if the policy is necessary if our air quality is already good within the borough. The Principal Licensing Officer responded to state that further improvements to the air quality in the borough would be beneficial to all, particularly those with breathing difficulties or those with young children, so is readily supported.

c) **Additional Cost for Taxi Drivers.** A Member of the Committee asked if imposing extra costs onto people running lawful businesses is worth it when it will affect a relatively small number of vehicles. The Principal Licensing Officers informs the committee that all but two Hackney Carriage in the borough are Diesel engines and a large percentage are higher polluting vehicles so there is a definite benefit to imposing new standards for emissions despite the cost to the trade. There is already recognition within the trade that something has needed to be done when it comes to emission standards and this public consultation will be to understand and reach a balanced proposal for emissions standards which takes into account the addition cost imposed on licence holders as well as public health. It has not been recorded for licensed PHV if they are diesel or petrol engines, therefore, it is hard to say with any certainty how they would stand with the standards and ULEZ policy.

d) **Imposed onto small number of vehicles.** A Member of the Committee asked if there is any point enforcing this emissions policy when it is being put forward to affect such a small percentage of cars in the borough. The Principal Licensing Officer informed the Committee that Hackney Carriage Vehicles do 95% of journeys within the borough so it will have an impact on pollution. The Principal Licensing Officer lays out that the report is part of a wider holistic strategy for improving air quality in the borough and that can be partially achieved through licensing vehicles that contribute to pollution in the local area.

e) **Individual Discretion.** A Member of the Committee asked if there will be some level of discretion when it comes to moving this policy forwards and

enforcing it on licensed vehicle drivers. The Chair clarifies that this report is to bring the policy forward to public consultation and then it will come back to the committee, therefore there is leeway on what is proposed as the final policy. The Principal Licensing Officer informs the committee that an inflexible policy cannot be adopted as it would be grounds for legal challenge, therefore every policy adopted has to allow for exceptional criteria.

Following consideration, the Committee unanimously resolved to:

(1) Agree in principle the proposal for amending the Hackney Carriage and Private Hire Licensing Policy to phase in a requirement that licensed vehicles meet the same emissions requirements as the London Ultra-Low Emissions Zone, as set out in section 8 of the report.

(2) Agree the policy be subject to public consultation with the results of the consultation and any policy modifications being brought back to the Committee prior to recommendation to full Council for adoption.

37 PLANNING FEE INCOME REPORT

The Committee received a report identifying the adverse variance in planning-related fees for the financial year 2022/23 and outlining measures to address reduced forecast planning income and mitigation options.

The following matters were considered:

a) **Budgeted Income Projection for 23/24.** A Member of the Committee asked what the Budgeted Income Projection is for Development Management Service for 2023-2024. The Chief Accountant confirmed the figure is £660,000 for 2023 to 2024 as of the 1st of April 2023.

b) **Variance of Income.** A Member of the Committee asked how such a Variance of Income was produced between 2022/23 and 2023/24. The Interim Head of Place Development explained that the Council cannot predict how many planning applications will be received nor generate more for themselves to deal with, they are entirely reliant on the market and people submitting applications to the Council. The Chief Accountant explains that due to Development Management having fixed costs, it must also have fixed budgets. The Council does budget to increase the charges year on year by a set percentage, this is currently set at 6% for the 2023/24 financial year. The planning application income budget, currently set at £456,000, has stayed the same since the 2018/19 financial year. That was the year the government increased charges for planning applications, so it was set in line with those changes. The fees and charges for planning applications are set by central government and therefore, we do no increase that budget year on year. The 2019/20 financial year, the budget was exceeded by £65,000 and the year before that it was exceeded by roughly the same amount so traditionally there

wasn't this budgetary issue we are currently seeing. Planning Application numbers haven't recovered since COVID, in terms of budget, if we wanted to reduce income budget then we need to fund that somehow and we need to create more income somewhere else or reduce costs, so when there is a fixed cost base, there needs to be a fixed budget so that explains why things have gotten out of kilter. For the income budget to be cut, there would need to be cuts made elsewhere to enable this. The Chair confirms that there will be more coming to the committee on Budget Targets over the coming meetings.

c) **Mitigation and shortfall.** A Member of the Committee raised that all mitigation strategies are long-term and asked whether short-term mitigations should be introduced if changes to the framework from central government are still a long way off. The Interim Head of Place Development informs the committee that central government hopes to introduce changes by summer of 2023. The Chair confirms that any changes will be brought back to this committee.

Following consideration, the Committee;

Resolved (5 for, 1 abstained, and the Chair not voting) to:

(1) Agree that the reasons for the reduction in planning related fees is for reasons outside of the Council's control.

Unanimously resolved to:

(2) Note the reduction in planning-related fees and the measures taken to address this, noting the limited opportunities for mitigation measures for income that is market led.

(3) Agree that future budget setting will take into account the outcome of government's technical fee consultation and officer knowledge of development in the pipeline.

38 LOCAL PLAN UPDATE

Public consultation on the Draft Local Plan (2022-2040) was undertaken between 1 February 2023 and 19 March 2023. Following the closure of the public consultation an extraordinary Council meeting was held on the 22 March 2023 where the decision was made to pause the Local Plan to enable specified tasks to be undertaken.

The Committee received a report providing an update on the work undertaken following the decision on the 22 March by Council and made recommendations on the work that can progress prior to a decision being made at a future committee on a revised timetable for producing the Local Plan.

The following matters were considered:

a) **Member Briefings.** The Chair confirmed that several briefings on the Local Plan will be scheduled for members to attend, enabling returning and new Councillors to be brought up to speed on the Local Plan.

b) **Greenfield sites.** A Member of the Committee expressed support for the direction of the Local Plan, particularly with the efforts to look at more Brownfield sites rather than Greenfield sites, in order to meet housing targets but protect Greenfield land.

c) **Consultation Comments.** A Member of the Committee asked for a confirmation date on the publishing of the Consultation Comments. The Chair confirmed that they would be published by the 30th of June 2023. A Member of the Committee asked if Consultation Comments that have been submitted using a template response will still be considered and published. The Planning Policy Manager confirmed that any comments submitted by an independent individual or organisation during the consultation period, and through one of the designated channels, will all be processed, recorded, and published.

d) **2018 Data - Epsom and Ewell Future Housing Numbers.** A Member of the Committee asked what the achieved outcome is now that the 2018 data has been analysed. The Chair informed the Committee that they are driven by policy and requirements to use the 2014 data. The Planning Policy Manager informed the Committee that it is the Government who set and decide the standard method and all local authorities throughout England are also bound to use the 2014 data. In the report, the 2018 data has been set out to show what would happen if more up to date data could be used and the Government did not change any other methodology.

e) **Housing Targets.** A Member of the Committee asked if the housing targets will be able to be achieved using 2014 data. The Chair responded to inform the Committee that non-greenbelt sites are still being looked for, the call for sites is still open and further workstreams are progressing, however, it is looking unlikely at present that housing targets will be achieved. A Member responded to ask, if there is an understanding and acceptance about not reaching housing targets, can a commitment be made by the Council not to build on any greenfield sites. The Chair confirmed that the Council cannot commit to not building on greenfield sites at present but that there would be further opportunities for a wider discussion at Member Briefings concerning spatial strategy. The Planning Policy Manager informed the Committee that creating a Local Plan is about finding balance and that the draft Local Plan included both greenfield and brownfield sites which were all put out to public consultation.

f) **Biodiversity Net Gain (BNG).** A Member of the Committee raised the potential impact of mandatory BNG on development. The Planning Policy Manager explained that the source of BNG was the 2022 Environment Act, which requires mandatory biodiversity net gain from new developments, this comes into force for major developments in November 2023 and minor developments in April 2024. The Planning Policy Manager explained that DEFRA produced a set assessment to determine BNG, which lay out that the site must be assessed before development to determine the baseline biodiversity value. After development, it must be shown that there is at least a 10% net gain of biodiversity. The Council are still awaiting secondary legislation from government to give more detail as to what exactly contributes towards a biodiversity net gain. In terms of mitigation, ideally this net gain can be delivered on site, however, it can also be delivered offsite, and both are being considered within the borough.

g) **Kiln Lane and Longmeade sites.** A Member of the Committee asked what percentage of land over the Kiln Lane and Longmeade sites is owned by the Council. The Planning Policy Manager agrees to find out and provide that statistic to the Committee. A Member of the Committee responded to ask what barriers are being experienced over development on the Kiln Lane and Longmeade sites. The Chair explains that the primary barrier is around land becoming available and being put forward in the call for sites to be considered in the Local Plan, if it is not brought forward, then it cannot be considered. The Planning Policy Manager confirmed that, as set out in pages 34 and 35 of the report, the key constraint at the moment is land availability within the Kiln Lane and Longmeade area, therefore, in order to comprehensively consider them, there must be a level of certainty that the land will become available. He further explained that as set out in paragraph 2.4, subject to land coming available on those sites, there will be an opportunity to look at mixed use proposals providing there is no loss of employment. The Planning Policy Manager informed the Committee that the Council and other landowners have been written to about their landownership and they are awaiting any further submissions through the call for sites process. The Chair informed the Committee that the call for sites closes on the 31st of July.

h) **Updating the Local Plan.** The Planning Policy Manager informed the Committee that Epsom and Ewell Borough Council's current Local Plan exists of three documents, all of which are currently more than 5 years out of date. He further explained that the risks of not having an up-to-date Local Plan in place, are predominantly a lack of 5-year housing land supply and making it more difficult when it comes to defending planning applications and appeals. Therefore, having an up-to-date Local Plan in place, gives the Council and its residents up-to-date policies to determine planning applications against.

i) **Unpausing the Local Plan.** A Member of the Committee expressed concern about the lack of a concrete date for unpausing the Local Plan and suggested that a motion is brought to Full Council to unpause the

Local Plan. The Chair informed the Committee that a Special Meeting of the Licensing and Planning Policy Committee could unpause the Local Plan without the need to go to Full Council.

Following consideration, the Committee unanimously resolved to:

(1) Agree to the progression of specific workstreams prior to a revised Local Development Scheme (Local Plan timetable) being considered at a future committee meeting and note the work that has been undertaken since and in line with the decision by full Council to pause the Local Plan.

(2) To note that Officers have written to the Council in its capacity as landowner to check the availability of additional sites for promotion through the call for sites process.

(3) Agree to request additional information regarding the deliverability of the Council owned Town Centre sites in preparation of Regulation 19 Local Plan.

(4) Agree to pause with progressing the Local Heritage List in parallel to the Local Plan whilst Officers prioritise workloads and consider any implications.

The meeting began at 7.45 pm and ended at 9.00 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)

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Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE held at the Council Chamber, Epsom Town Hall on 19 January 2023

PRESENT -

Councillor Steven McCormick (Chair); Councillor Nigel Collin (as nominated substitute for Councillor Councillor Peter O'Donovan); Councillors Steve Bridger, Liz Frost, Rob Geleit, Julie Morris, Phil Neale, Peter Webb and Hannah Dalton (as nominated substitute for Councillor Neil Dallen)

Absent: Councillor Peter O'Donovan, Councillor Neil Dallen and Councillor Barry Nash

Officers present: Victoria Potts (Interim Director of Environment, Housing and Regeneration), Ian Mawer (Planning Policy Manager), Sue Emmons (Chief Accountant) and Dan Clackson (Democratic Services Officer)

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23 ELECTION OF MEMBER TO PRESIDE AS VICE-CHAIR

In the absence from the meeting of Councillor Peter O'Donovan (Vice-Chair), the Committee elected to appoint Councillor Phil Neale to preside as Vice-Chair of the meeting.

24 QUESTION TIME

The Committee received eleven oral questions from members of the public. The Chair provided an oral response to each question.

Eight supplementary oral questions were asked. The Chair, the Interim Director of Environment, Housing and Regeneration, and the Planning Policy Manager provided oral responses to seven of the supplementary questions. The Chair confirmed a written reply would be provided for one of the supplementary questions.

25 DECLARATIONS OF INTEREST

No declarations of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting were made by Members.

26 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 27 October 2022 the Minutes of the Special Meeting of the Committee held on 21 November 2022 and authorised the Chair to sign them.

27 FEES AND CHARGES 2023/24

The Committee received a report recommending fees and charges for which the Committee is responsible, with the new charges being effective from 1 April 2023.

Prior to debate, the Chair highlighted two amendments to be made to the report:

a) That paragraph 3.2 of the report be amended to read, *"…completely overhauled to simplify them…"*, in order to correct a typing error.

b) That paragraph 5.6 of the report be amended to remove reference to *"the budget report included on this agenda"*, on account of there being no such report on the agenda.

These amendments were noted and agreed by the Committee.

The following matters were considered by the Committee:

a) **Statutory Fees:** Following a question from a Member, the Interim Director of Environment, Housing and Regeneration explained that the statutory fees don't fully cover the service costs and is a national issue affecting all Local Planning Authorities. She confirmed there is currently no commitment from the Government to increase the fees.

b) **Discretionary Fees:** In response to a question from a Member, the Interim Director of Environment, Housing and Regeneration explained that the statutory fees are set externally and are outside the control of the Council. She explained that the discretionary fees however, as reflected in the appendices of the report, have been reviewed and set to a level to cover the costs involved in providing the service.

c) **Pre-Application Charges:** Following a question from a Member, the Interim Director of Environment, Housing and Regeneration explained that the Council has started working in partnership with the Planning Advisory Service who have offered to review the Council's pre-application charges to make sure of their fitness and robustness going forward. The Chair explained that a Planning Advisory Service review is planned, with a view to bringing the outcome of the review to a future meeting of the Committee.

d) **Inflationary Uplift:** In response to a question from a Member, the Chief Accountant explained that the Heads-of-Service, when reviewing service charges increases, are taking into account what the market will bear in terms of uplift in order to keep volume of service usage up, whilst being mindful of the current inflationary pressures affecting the Council and the current cost-of-living crisis affecting residents. She confirmed that the Committee is responsible for its fees and charges and is able to review them at any time.

e) **Tracking Discretionary Service Usage:** Following a question from a Member, the Interim Director of Environment, Housing and Regeneration explained that purchases of discretionary services and transactions are logged and that monthly budget check-in reports will be produced in order to track and monitor service usage.

f) **Dog-Walking Licensing:** The Committee considered as a possibility the Licensing of dog-walking, in particular the walking of large numbers of dogs, as a means of assuring that dog-walkers are capable of walking dogs safely and responsibly. The Chair suggested that the matter be taken away and referred to Licensing Officers.

g) **Pre-Planning Advice:** Following a question from a Member, the Interim Director of Environment, Housing and Regeneration explained that not much Pre-planning advice has been sought so far, and the effectiveness of the service will be reviewed when there is more data.

Following consideration, the Committee unanimously resolved to:

(1) Agree the fees and charges for 2023/24 as set out at Appendices 1 and 3 of the report.

The meeting began at 7.30 pm and ended at 8.29 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)

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UNPAUSING THE LOCAL PLAN

Head of Service:	Justin Turvey, Interim Head of Place Development
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Council Motion 22 March 2023 Appendix 2 – Local Development Scheme (November 2022)

Summary

Public consultation on the Draft Local Plan (2022-2040) was undertaken between 1 February 2023 and 19 March 2023. Following the closure of the public consultation an extraordinary Council meeting was held on the 22 March 2023 where the decision was made to pause the Local Plan to allow specified tasks to be undertaken.

This report seeks the recommendation of the committee to Full Council that work on the local plan is un-paused, to enable all necessary work to be progressed, so that the Local Plan can be submitted for examination within the transitional arrangements set by the government.

Recommendation (s)

The Committee is asked to:

(1) To recommend to Full Council that work on the Local Plan is un-paused.

(2) Note the work that has been undertaken since and in line with the decision by full Council to pause the Local Plan.

(3) Note that a decision to progress (un-pause) work on the Local Heritage List update will be considered at a future meeting of this committee.

1 Reason for Recommendation

1.1 The Council is required by legislation to review its Local Plan every five years. The Council's current development plan consists of three Epsom and Ewell Borough Council documents all of which were adopted more than five years ago. The Epsom and Ewell Core Strategy (2007) and Plan E (2011) both predate the introduction of the National Planning Policy Framework and National Planning Practice Guidance. In the absence of an up-to-date Local Plan, there is risk to the Council, including the continued absence of a 5-year housing land supply and the additional measures introduced through the Housing Delivery Test. The NPPF's presumption in favour of sustainable development is currently engaged.

1.2 A substantive delay to the Local Plan timetable risks missing the transitional arrangements that are likely to feature as part of a revised NPPF that is anticipated due to be published in Autumn of this year (originally expected in Spring 2023).

1.3 The government have recently re-iterated their intention that any Local Plans being are being prepared under the 'current system' will need to be submitted to the Planning Inspectorate for Examination by 30 June 2025 and must be adopted by 31 December 2026. However, these dates are contingent upon Royal Assent of the Levelling Up and Regeneration Bill, as well as Parliamentary approval of the relevant regulations. It is therefore recommended that work continues developing the Local Plan and its supporting evidence.

2 Background

2.1 The current Epsom and Ewell Development Plan consists of three locally produced documents detailed below:

- Core Strategy 2007-2022 (adopted 2007)
- Plan E Area Action Plan (adopted 2011)
- Development Management Policies (adopted 2015)

2.2 It is important to note that two of the above development plan documents adopted by the borough pre-date the introduction of the National Planning Policy Framework and Planning Practice Guidance, which have been updated several times since their introduction. Local Plans must be prepared to be in general conformity with National Planning Policy.

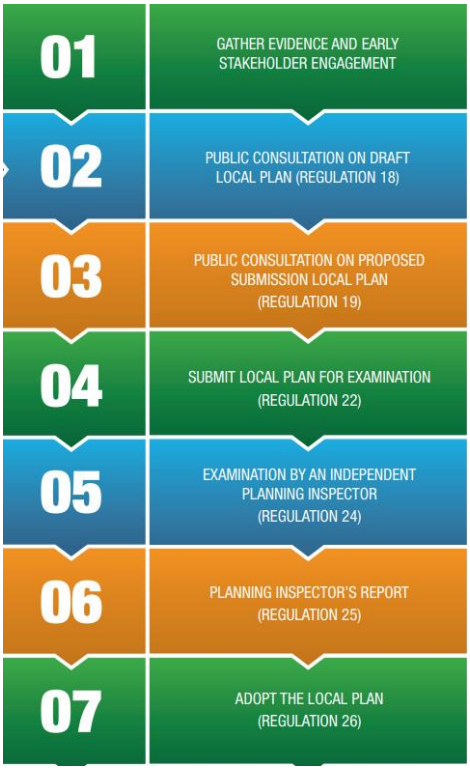
2.3 The Government introduced a legal requirement for all local planning authorities to review their local plans at least every five years in January 2018. The Council's existing Development Plan documents are therefore considered to be out of date which has implications for the determination of planning applications in the borough.

Consultation on the Draft Local Plan

2.4 Following agreement by this committee on the 30 January 2023, consultation on the Draft Epsom and Ewell Local Plan (2022-2040) was undertaken between the 1 February and 19 March 2023.

2.5 The Draft Local Plan contained the strategy and sites to guide how the borough will change and develop over the plan period up until 2040 as well as detailed development management policies. This formed stage 2 of the 7-stage process to adopting a Local Plan (see figure 1).

Figure 1 – 7 Stages of Local Plan Preparation



2.6 The draft Local Plan that was consulted on between 1 February 2023 and 19 March 2023 set out a proposed growth strategy for the borough, to provide a minimum of 5,400 homes over the Local Plan Period (average of 300 dwellings per annum).The proposed growth strategy contained within the Draft Local Plan reflects the need to balance the provision of new homes (including affordable housing) with environmental and policy constraints such as land designated as Sites of Special Scientific Interest, Sites of Nature Conservation Importance, Local Nature Reserves and Green Belt.

2.7 The consultation received responses from 1,736 individuals or organisations, including statutory consultees (Surrey County Council, Neighbouring Authorities and Sport England), residents, land owners and other interested parties. All responses received during the consultation period have been published on our consultation platform, however it is important to note that any comments that were inflammatory, offensive or otherwise inappropriate have been redacted.

2.8 A Consultation Statement will be published alongside the next version of the Proposed Submission Local Plan (Regulation 19) that will provide a summary of the main issues that have been raised and how they have been taken into account.

The Council Motion

2.9 At an Extraordinary meeting of the council on Wednesday 22 March 2023, a motion was considered under CR 14 of Part 4 of the Council's Constitution (Appendix 1). The motion that was Carried was that the Council agrees that:

i) Other than for the purpose of analysing the responses of the public consultation to capture residents' views and any new information, the Local Plan process be paused to enable:

a) further work on brown field sites, including information arising out of the Regulation 18 consultation

b) further options to be considered that do not include green belt sites

c) an analysis of Epsom and Ewell's required future housing numbers based on 2018 data

d) a clearer understanding of the Government's legislative intentions in regard to protections for the green belt and the current mandatory target for housing numbers.

ii. Write to the MP for Epsom and Ewell calling on him to use his influence to get the Government to abandon its use of 2014 data to calculate housing need and accept that all planning and housing policies must reflect the latest data if they are to be effective as well command the respect of the people they affect.

Work undertaken since the motion was carried

2.10 The report considered by this committee on the 15 June provided a comprehensive update on the work undertaken up until that point that was in accordance with the Local Plan pause and some additional workstreams that could commence.

2.11 The core change since this report is the close of the call for sites process at the end of July 2023. The call for sites opened alongside the Draft Local Plan consultation on 1 February 2023 and during this five-month period 13 new sites were submitted. In addition, a small number of revisions to previous call for site submissions were received (for example minor amendments to boundaries or confirming the availability of land for a particular use).

2.12 These additional sites now need to be considered as to whether they are suitable for development and warrant inclusion in the next iteration of the Local Plan. This will be through an update to the Land Availability Assessment and a review of the reasonable alternatives considered through the Interim Sustainability Appraisal that supported the Draft Local Plan.

Limitations of the Motion of Plan Making

2.13 The Council motion is prescriptive of the work that officers can undertake in preparing the Local Plan and as a result until there is a formal decision to un-pause, we are unable to progress the Local Plan to Regulation 19 (Pre-Submission Stage).

2.14 It is only once the Local Plan has been formally un-paused that we will be able to produce a revised Local Plan timetable (the Local Development Scheme) for consideration by this Committee and progress other key pieces of evidence to support a future version of the Local Plan.

2.15 In addition, it is only following the un-pausing of the Local Plan that we will be able to progress work in relating to site selection (see para 2.12) which will inform the spatial strategy and site allocations of the next iteration of the Local Plan.

National Legislative / Policy Changes

2.16 The Levelling up and Regeneration Bill continues to progress, currently being at Report stage in the House of Lords (correct as of 06/09/23), and if implemented will radically change how Local Plans are produced in the future, for example Local Plans are likely to be more streamlined focusing on the spatial (what, where and when) as opposed to detailed development management policies, a significant number of which are proposed to be set out in a National Development Management policies.

2.17 As with all substantive changes to national planning policy and legislation there will be transitional arrangements in place. The government have recently re-iterated their intention that any Local Plans being are being prepared under the ‘current system’ will need to be submitted to the Planning Inspectorate for Examination by 30 June 2025 and must be adopted by 31 December 2026.

2.18 The transitional dates set out in paragraph 2.17 above are contingent upon Royal Assent of the Levelling Up and Regeneration Bill, as well as Parliamentary approval of the relevant regulations. At time of writing, it is unclear if Royal Assent will be in place prior to the end of the current parliamentary session in November when the King will open the new parliamentary year (on 7 November 2023). Officers therefore seek confirmation from Members as to what to do next as there is a need to progress the Epsom and Ewell Local Plan if we are to meet the timescales for submission by the transitional deadline on 30 June 2025. The failure to do so will significantly delay the production and subsequent adoption of a Local Plan in the borough, increasing the risk of speculative development with the presumption of sustainable development applying.

2.19 The report considered before this committee on 15 June 2023, highlighted that the timetable for preparing the Local Plan (the Local Development Scheme) was no longer achievable and that a new Local Development Scheme will therefore need to be considered by this committee if full Council agree to un pause the Local Plan.

2.20 The table below provides an indicative timetable for preparing the Local Plan on the assumption that the Local Plan is un-paused and a new timetable agreed by this committee by the end of 2023 and that a spatial strategy to be contained within the Regulation 19 version of the Local is agreed in early 2024.

Stage	**November 2022 LDS**	**Potential Revised Local Plan Timetable**
Publication of Regulation 19 Local Plan	February / March 2024	January - February 2025
Submission and Examination of Local Plan	June 2024	May 2025
Adoption	Spring 2025	Spring 2026

2.21 The indicative timetable above demonstrates that there is minimal contingency for delay if we are to submit by 30 June 2025 for the transitional arrangements to apply.

2.22 As part of the governments Levelling up-and regeneration Bill: reforms to national policy consultation that were published for consultation in December 2022, a track changed version of the NPPF was consulted upon with the government due to respond to this consultation and publishing the framework revisions by Spring 2023.

2.23 A minor update to the NPPF was published on the 5 September 2023, however the amendments relate to renewable energy development only. No other potential changes set out in the government's consultation in December 2022 on the draft NPPF have been made.

2.24 The latest information from the government is that a focused update to the NPPF will be published in Autumn 2023. Whilst this delay does provide a degree of uncertainty, as set out in previous reports to this committee the draft changes that were consulted upon earlier in the year predominantly clarified national policy rather than introduced new requirements. It is important to note that the proposed changes did not amend the standard methodology for calculating housing needs which is currently based on 2014 data.

Options for progressing the Local Plan

2.25 We consider that there are two options for progressing the Local Plan which are detailed below along with the advantages and potential risks for each.

Option 1 – Un-pause the Local Plan (Recommended Option)

Advantages

- Officers will be able to commence all work to progress the Local Plan, including developing the spatial strategy to determine what the councils preferred strategy may look like to inform a future version of the Local Plan. It is important to note that any changes to the Local Plan, including the Spatial Strategy, must be justified and supported by the evidence underpinning the Local Plan.

- Evidence base will remain up-to date.

- Dependent upon the timing of the publication of the revised NPPF, we will be able to respond to the changes. The revised NPPF is due to be published in Autumn 2023.

- The Local Plan could be submitted within the transitional arrangements (see indicative timetable above) if timely decisions are made upon local plan content, including the spatial strategy.

- Up to date local plan in place to determine planning applications reducing the risk of speculative development and planning by appeal.

- The timely adoption of the Local Plan will enable the delivery of other corporate objectives, such as affordable housing delivery.

- Availability of resource to progress the Local Plan as the Planning Policy Team is currently dependent upon two fixed term contract posts that were approved by the Strategy and Resources Committee on the 30 March 2021.

Risks

- Delays to the government publishing a revised National Planning Policy Framework will impact our ability to respond to changes and potentially submitting the Local Plan under transitional arrangements.

- Lack of agreed position on the spatial strategy will delay progression on the Local Plan, including evidence base required to support the Proposed Submission Local Plan.

- Delays in agreeing a spatial strategy shortly after a decision to un-pause of the Local Plan will impact the timescales for progressing the Local Plan and could result in the authority missing the deadline for submitting the Local Plan under the transitional arrangements.

- If substantial changes are made to the Local Plan, including the Spatial Strategy, compared to that contained in the Regulation 18 Draft Local Plan, that are not justified by evidence or through national policy / legislative changes, there is a risk that the Local Plan will not be found sound at examination. This will have financial and reputational impacts for the local authority. In addition, it will significantly delay the introduction of an up to date development plan for the borough.

- Staff retention remains a risk due to the national shortage of planners and the fact that two members of the planning policy team are on fixed term contracts. There is a risk that they will leave before their contracts expire.

Option 2 – Local Plan remains paused.

Advantages

- This will provide the council with greater certainty over reforms to the national legislation (emerging levelling up and Regeneration Bill) and subsequent substantive changes to national planning policy (including the introduction of national development management policies) and revisions to national guidance.

- Local Plan to be prepared under the new planning system as we will not be able to meet the submission date for transitional arrangements to apply.

- Potential short term cost savings in developing the Local Plan towards submission stage (e.g. evidence base development) which could be utilised in the future to progress a Local Plan under the 'new' system of plan making.

Risks

- Delays to the Levelling up and Regeneration Bill receiving royal assent and subsequent updates to national planning policy could delay work commencing on the Local Plan.

- Evidence becoming out of date and the availability of resource (staff or funding) to produce the evidence base required from the new planning system (note the government have stated their intention to streamline the amount of evidence required).

- Resourcing – availability of staff to progress the Local Plan. Staff retention remains a risk due to the national shortage of town planners and the fact that two members of the planning policy team are on fixed term contracts. There is a risk that they will leave before their contracts expire and that other members of the planning policy team may move on to new roles to gain additional experience.

- Potential risk of government intervention to progress the Local Plan, specifically considering that the Core Strategy was adopted in 2007 to guide development over the period up until 2022.

- Speculative development and planning by appeal in the absence of an up-to-date Local Plan.

2.26 Whilst we acknowledge that several other planning authorities have 'paused' their Local Plans, including Mole Valley and Spelthorne, it is important to note that Mole Valley and Spelthorne are further along in the plan making process and are at the Examination Stage (having submitted their Local Plans to the Planning Inspectorate). We are at a much earlier stage of the Local Plan development and for the reasons set out above, it is recommended that the Local Plan is un-paused.

Local Heritage Listing

2.27 It is proposed that the Local Heritage List remains on pause and that the decision to progress this work is considered at future meeting of this committee once Full Council have considered the recommendation contained within the report.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 An Equality Impact Assessment (EqIA) of the Draft Local Plan was published as part of the consultation materials. The purpose of the EqIA is to ensure that the plan promotes equality and does not discriminate. The EqIA concluded that there the Draft Local Plan will not impact negatively on specific groups.

3.2 Crime & Disorder

3.2.1 None arising from this report.

3.3 Safeguarding

3.3.1 None arising from this report

3.4 Dependencies

3.4.1 The delivery of key corporate objectives/actions are dependent on progressing the Local Plan, including:

- Actions identified in the Affordable Housing Audit
- Homelessness and Rough Sleeper Strategy and supporting action plan
- Climate Change Action Plan

3.5 Other

3.5.1 None arising from this report

4 Financial Implications

4.1 The budget envelope for the delivery of the Local Plan was agreed by Strategy & Resources in March 2021. Any delay in delivering the Local Plan is likely to have budgetary implications.

4.2 **Section 151 Officer's comments**: The Council has previously agreed that progress of the Local Plan programme will be reported twice yearly to Licensing & Planning Policy Committee.

4.3 In considering whether to recommend un-pausing the Local Plan, members are asked to weigh-up the advantages and risks in this report – including potential future plan making reforms on the horizon – to satisfy themselves (or otherwise) that progressing the Local Plan would be an effective use of the Council's limited resources.

5 Legal Implications

5.1 There are no direct legal implications as a result of this report. The Local Plan must be prepared within the legal planning framework.

5.2 **Legal Officer's comments**: It is important that any decision recommended to Council is mindful of the risks and benefits set out in this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities**: The new Local Plan will contribute towards delivering the Council's Vision and priorities in its Four-Year Plan.

6.2 **Service Plans**: The matter is included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations**: The Local Plan will play a key role in implementing our Climate Change Action Plan.

6.4 **Sustainability Policy & Community Safety Implications**: The Local Plan itself has a key role in delivering sustainable development.

6.5 **Partnerships**: The Council has a duty to cooperate with relevant stakeholders in the preparation of a Development Plan. The Council notified Duty to Cooperate bodies of the Draft Local Plan consultation and invited comments on the draft document.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Licensing and Planning Policy Committee 15 June 2023 – Local Plan Update
- Licensing and Planning Policy Committee 30 January 2023 – Epsom and Ewell Local Plan 2022-2040
- Licensing and Planning Policy Committee 21 November 2022 – Local Plan – Revised Local Development Scheme

Local Development Scheme

(Timetable for preparing the Local Plan)

November 2022

Epsom & Ewell Borough Council

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1.0 Introduction

1.1 Epsom and Ewell Borough Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).“(2) The scheme must specify—

a) The local development documents[1] which are to be development plan documents[2].

b) The subject matter and geographical area to which each development plan document is to relate;

c) Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities

d) Any matter or area in respect of which the authority has agreed (or propose to agree) to the constitution of a joint committee under section 29.

e) The timetable for the preparation and revision of the development plan documents”.

Planning and Compulsory Purchase Act 2004 (Section 15)

1.2 The LDS is a project plan that sets out the timetable to produce new or revised Development Plan Documents which will form the Council’s statutory Development Plan[3]. This LDS, which supersedes all previous versions, sets out a planning work programme for the Council over a three-year period to 2025. It will be reviewed annually through the Authority Monitoring Report which can found here.

2.0 The current adopted Development Plan

2.1 The current adopted statutory development plan for Epsom and Ewell Borough Council is made up of:

- Epsom & Ewell Core Strategy 2007
- Plan E Epsom Town Centre Area Action Plan 2011
- Epsom & Ewell Development Management Policies Document 2015
- Surrey Waste Plan 2008
- Surrey Minerals Plan Core Strategy 2011

1 As defined in Regulation 5 of The Town and Country Planning (Local Planning) (England) Regulations 2012. E.g., Local Plan, Supplementary Planning Document, Area Action Plan

2 Development Plan Documents are for example Local Plans, Area Action Plans. They refer to the development and use of land, the allocations of sites and development management and site allocation policies.

3 The statutory Development Plan is made up of all adopted Development Plan Documents, e.g., any local plan, area action plan both at the borough level and at the county level.

3.0 Other relevant documents

Statement of Community Involvement

3.1 The current Statement of Community Involvement (SCI) was adopted in July 2022 to support the preparation of the Local Plan. The Statement of Community Involvement (SCI) describes how the public, businesses and interested groups within Epsom and Ewell Borough can get involved in the creation of local planning policy, neighbourhood planning and the planning application decision making process.

Authority Monitoring Report

3.2 The Council publishes up-to-date authority monitoring information on its website. This focusses on assessing progress against the LDS and current planning policies that include annual numbers for new homes (including affordable homes). It also includes information about Neighbourhood Plans, the Community Infrastructure Levy (CIL) and the Duty to Co-operate.

3.3 The Authority Monitoring Report webpage can be viewed here.

Policies Map

3.4 Finally, the Council is required to produce a Policies Map which shows the location of proposals in all current, adopted local development documents on an ordnance survey-based map. The map is web based and is kept up-to-date and reflects current adopted policies within the borough.

Community Infrastructure Levy (CIL)

3.5 The Community Infrastructure Levy (CIL) raises funds from new development for essential infrastructure. It primarily replaces the older system of financial contributions and planning obligations (‘Section 106 agreements’). Under the CIL regulations limitations have been placed on the ability of councils to use S106 monies to provide for infrastructure beyond the mitigation of specific developments.

3.6 The Council adopted its CIL charging Schedule on the 29 April 2014 with an implementation date of 1 July 2014. The CIL charging rates are supported by evidence of development viability.

Supplementary Planning Documents

3.7 Although part of the development framework, Supplementary Planning Documents[4] (SPDs) no longer need to be identified in the LDS. The Council currently has the following SPD's.

- Upper High Street, Depot Road and Church Street Development Brief 2012
- Revised Developer Contributions Supplementary Planning Document 2014
- Parking Standards for Residential Development 2015
- Revised Sustainable Design Supplementary Planning Document 2016.

4.0 The emerging Development Plan

Local Plan 2040

4.1 The Local Plan 2040 will set the vision and framework for future development of the borough to 2040. This will include addressing local housing need, the economy, environmental considerations, community infrastructure as well as strategic infrastructure needs. The geographical area covered by the Local Plan 2040 is the borough of Epsom and Ewell.

Stages of Local Plan 2040 preparation

4.2 There are several key stages in the preparation of the Local Plan, each are subject to the Strategic Environmental Assessment (SEA) Directive[5] which will be incorporated into the Sustainability Appraisal[6]:

Pre-publication stage (Regulation 18)

This initial stage involves extensive evidence gathering, engaging with the local community, businesses and stakeholders on emerging issues and options, consulting with statutory environmental consultees on the scope of the sustainability appraisal, and infrastructure providers with regards to development options. This is scheduled for February – March 2023.

Publication of Submission Draft Local Plan (Regulation 19)

Following Regulation 18, the next stage is for the Council to publish a draft version of the Local Plan 2040 and invite representations in accordance

[4] Supplementary Planning Documents are a type of Local Development Document, but they only concern any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land. Anything else is a Development Plan Document.

[5] The SEA Directive applies to a wide range of public plans and programmes (e.g., on land use, transport, energy, waste, agriculture, etc.). An SEA is mandatory for plans/programmes which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning, or land use. An SEA can be summarized as follows: an environmental report is prepared in which the likely significant effects on the environment and the reasonable alternatives of the proposed plan or programme are identified.

[6] A sustainability appraisal is a systematic process that must be carried out during the preparation of local plans and spatial development strategies. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic, and social objectives.

with Regulation 19. These representations will be based on whether the draft plan is legally compliant and/or sound when assessed against the requirements contained in the National Planning Policy Framework (NPPF). This is scheduled for February – March 2024.

Submission and Examination of the Local Plan (Regulation 22)

Following Regulation 19 stage, the next stage is for the Council to formally submit the draft Local Plan 2040 and evidence base to the Planning Inspectorate for examination on behalf of the Secretary of State. An Independent Planning Inspector will assess the Plan against the tests of soundness contained in the NPPF, taking account of any representations (comments) received. This is scheduled for June 2024.

Adoption

If the Plan is found to be 'sound', the Council may adopt the Plan as soon as practicable following receipt of the Inspector's report unless the Secretary of State intervenes. Once adopted, the Local Plan 2040 will form the main part of the statutory development plan for the borough. This is expected by Spring 2025.

4.3 The complete timetable and 'key milestones' to produce the Local Plan 2040 are set out in Appendix 1.

Neighbourhood Plans

4.4 There is currently one Neighbourhood Plan Area Designation in the borough. Once adopted, Neighbourhood Plans form part of the Development Plan. These are not programmed by the local authority and therefore are not included within this LDS project timetable. More information can be found here.

5.0 Delivery and Implementation

Joint working - The Duty to Co-operate

5.1 The Council has a proven track record of working with neighbouring authorities (including those outside the County) and with Surrey County Council. Where appropriate, inter-authority working groups will be established during the preparation of the Local Plan 2040. The Council will work in partnership with neighbouring authorities where necessary to prepare various evidence base documents.

Resources available for the production of the Local Plan

5.2 In preparing the Local Plan, the Council's Planning Policy Team will utilise 'specialist officers', and other strands of expertise from within the Council, other organisations and bodies as appropriate.

5.3 The Council also makes provision for the need to use certain expert consultants to assist in producing various elements of the technical background work. This may occur where either the necessary expertise is not available within the Council or insufficient resources exist to be able to bring forward the necessary work within

the required timescale. Consultant facilitators may also be used to assist with focus group work and community participation exercises.

Council Procedures

5.4 For matters relating to the new Local Plan, the following reporting protocols will apply:

- Licensing and Planning Policy Committee will be responsible for the preparation, production, and completion of the draft local plan (Regulation 18); and
- Full Council will be responsible for the Proposed Submission Local Plan (Regulation 19) and the formal adoption of the local plan following consultation and examination.

Risk Assessment

5.4 The production of a local plan requires consideration of the potential risk involved in its preparation. These vary from local matters, such as changes in staffing levels or political/administrative changes, to those of national significance including revised government guidance.

5.5 In preparing this LDS, it was found that the main areas of risk relate to:

Problems with joint working or compliance with the duty to co-operate: Close working with other authorities and organisations will continue to detect issues early in the process.

Capacity of the Planning Inspectorate (PINS) and other agencies to cope with demand nationwide: Advance notification of our programme will be given to assist in the development of PINS/other agencies work programmes' to address the requirements of the LDS.

Revisions to national planning policy and guidance: Revisions are anticipated to the NPPF. Changes to national planning policy and guidance at a more advanced stage in local plan preparation can cause delay. Close monitoring of national changes will be required alongside liaison with the Department for Levelling Up, Housing and Communities (DLUHC) where required.

Full Council fails to agree Local Plan: Officers will work closely with all Councillors to raise awareness of the Local Plan and seek to achieve 'buy-in' of its proposals at an early stage.

Programme Slippage: An exceptionally high level of response during public consultation on a Development Plan Document could lead to programme slippage.

Legal Challenge: The Council will aim to minimise this by ensuring that Development Plan Documents are 'sound' and founded on a robust evidence base and well-audited stakeholder and community engagement processes**.**

Monitoring and Review

5.6 The Council's Monitoring Report will monitor the progress of the LDS on an annual

basis.

5.7 The Monitoring Report will monitor the delivery of policies when they have been adopted.

6.0 Appendix 1 - LDS timetable

6.1 Local Plan 2040- timetable to 2025/26

2022/23	Q3	Oct	
		Nov	
		Dec	
	Q4	Jan	
		Feb	Reg 18 - Public Consultation
		Mar	
2023/24	Q1	Apr	
		May	
		Jun	
	Q2	Jul	
		Aug	
		Sep	
	Q3	Oct	
		Nov	
		Dec	
	Q4	Jan	
		Feb	Reg 19 - Public Consultation
		Mar	
2024/25	Q1	Apr	
		May	
		Jun	Reg 22 – Submission of document
	Q2	Jul	
		Aug	EIP
		Sep	
	Q3	Oct	
		Nov	
		Dec	
	Q4	Jan	
		Feb	
		Mar	
2025/26	Q1	Apr	R
		May	A
		Jun	
	Q2	Jul	
		Aug	
		Sep	

Key

	Regulation 18 - Evidence base gathering, early engagement, and initial consultations
	Regulation 19 - Public Consultation – Publication of draft Local Plan
	Regulation 22 - Submission of document; EIP - Examination hearings; R - Inspector's final report
A	Adoption of Local Plan

EPSOM & EWELL BOROUGH COUNCIL

Motions to Council

Motion 1	
Proposer	Cllr Eber Kington
Seconder	Cllr Christine Howells
Motion	This Council notes that: 1. Extensive green areas, especially the green belt, and the absence of high-level development in our urban areas makes Epsom and Ewell a distinctive, green and an excellent place to live. 2. Under the existing legislation Local Planning Authorities are being required to draft Local Plans on the basis of out of date, 2014, data that does not reflect Epsom and Ewell's housing need, as shown in more recently available 2018 data. 3. The Government's recently proposed legislative changes to the planning process, whilst welcome in several aspects, are not yet enacted and the current legal position has not changed. These factors suggest that a pause in progressing the Draft Local Plan in its current form would provide an opportunity to assess the Government's draft proposals as well as the 2018 data on housing need in the borough. This Council therefore agrees that: i. Other than for the purpose of analysing the responses of the public consultation to capture residents' views and any new information, the Local Plan process be paused to enable:

	a) further work on brown field sites, including information arising out of the Regulation 18 consultation b) further options to be considered that do not include green belt sites c) an analysis of Epsom and Ewell's required future housing numbers based on 2018 data d) a clearer understanding of the Government's legislative intentions in regard to protections for the green belt and the current mandatory target for housing numbers. ii. Write to the MP for Epsom and Ewell calling on in him to use his influence to get the Government to abandon its use of 2014 data to calculate housing need and accept that all planning and housing policies must reflect the latest data if they are to be effective as well command the respect of the people they affect.
Relevant Committee and Chair of the Committee	Licensing and Planning Policy Committee Chair: Councillor Steven McCormick

2024/25 BUDGET TARGETS REPORT

Head of Service:	Brendan Bradley, Head of Finance
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	None

Summary

This report informs the Committee of the Council's revenue budget targets presented to the Strategy & Resources Committee in July. The report seeks guidance on the preparation of the Committee's service estimates for 2024/25.

Recommendation (s)

The Committee is asked to:

(1) Note the implications of the budget targets presented to Strategy & Resources Committee on 13 July 2023.

(2) Consider how additional income or savings can be generated to address the projected Council wide funding gap of £1.1m in 2024/25, rising to £2.5m by 2027/28.

(3) Note that owing to the Council's projected budget deficit, any additional new revenue growth items (i.e. service enhancements resulting in increased net expenditure) supported by Policy Committees will need to be fully funded from existing budgets.

1 Reason for Recommendation

1.1 The recommendations will provide a clear framework for officers to develop a balanced budget for 2024/25, which is a statutory requirement.

2 Background

2.1 Local authorities face a great deal of financial planning uncertainty over the medium term. This is mainly because central government funding settlements have tended, since the pandemic, to be limited to one-year only. In addition, the economic environment remains highly challenging and difficult to forecast, with elevated inflation impacting demand for services, and the cost of delivering those services.

2.2 At its meeting on 13 July 2023, Strategy and Resources Committee agreed the budget targets and workstreams to enable the Council to work towards setting a balanced budget for 2024/25 and over the next Medium Term Financial Strategy four year-period.

2.3 The committee noted that excluding any new growth in expenditure, additional annual income/savings of £1.1 million are projected to be needed to achieve a balance budget for 2024/25, increasing to £2.5m by 2027/28.

3 Full Proposals

3.1 For financial planning purposes, latest forecasts show that the Council faces a projected budget deficit of £1.1m in 2024/25, rising to £2.5m by 2027/28.

3.2 To address this deficit, Strategy & Resources Committee agreed that the following workstreams should be progressed by Directors and Heads of Service:

3.2.1 Officers to be tasked with identifying further efficiencies, although these are becoming harder to achieve after over a decade of austerity.

3.2.2 A base review, which entails reviewing the year end position for 2022/23, identifying any potential savings, additional cost pressures and areas where savings can be developed.

3.2.3 Service Reviews focusing primarily on discretionary services to be undertaken over the next four years with the aim of increasing efficiencies and effectiveness whilst reducing cost.

3.2.4 Review of existing asset utilisation, to realise cost reductions in Council operational buildings and increased income from investment properties.

3.2.5 Investigate income streams to maximise revenue from new and existing services, such as invest to save opportunities. Ensure any new powers are considered to generate additional income for the Council, such as the pending new charging policy for waste.

3.2.6 Undertake a review of reserves, providing a justification for the level of reserves retained.

3.2.7 A target to increase fees and charges income by 6% in both 2024/25 and 2025/26 (as previously agreed by S&R in July 2022), then by CPI+1% for both 2026/27 and 2027/28. Heads of Service review fees and charges annually to ensure increases are achievable and report fees and charges to policy committees for approval.

3.2.8 To maximise external funding and partnership opportunities.

3.3 Officers will maintain engagement with policy chairs and members throughout the budgeting process, and budget forecasts and assumptions will continue to be reviewed and updated throughout the process.

3.4 Furthermore, owing to the Council's projected budget deficit, for any additional new revenue growth items (i.e. service enhancements resulting in increased net expenditure) supported by policy committees, the committee or Council will need to identify how these can be fully funded from existing budgets.

4 Risk Assessment

Legal or other duties

4.1 Equality Impact Assessment

4.1.1 None for the purposes of this report.

4.2 Crime & Disorder

4.2.1 None for the purposes of this report.

4.3 Safeguarding

4.3.1 None for the purposes of this report.

4.4 Dependencies

4.4.1 None for the purposes of this report.

4.5 Other

4.5.1 The Council has a statutory duty to set a balanced budget each year, demonstrating how planned expenditure on services will be fully funded.

4.5.2 Should the Council not progress the proposed budget strategy and fail to achieve a significant net reduction in its cost of services, there is a clear risk that reserves will continue to diminish with the Council eventually becoming unable to set a balanced budget.

4.5.3 Financial risk assessments will be completed with service estimates for this Committee in January 2024 and for Council in February 2024.

5 Financial Implications

5.1 Financial implications are set out in the strategic financial planning report to Strategy & Resources Committee of 13 July 2023.

5.2 **Section 151 Officer's comments**: It is important that the budgets target recommendations be agreed to maintain the future financial health of the Council.

6 Legal Implications

6.1 The Council has a statutory responsibility to set a balanced budget each year.

6.2 **Legal Officer's comments**: None for the purposes of this report.

7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities**: The following Key Priorities are engaged: Effective Council.

7.2 **Service Plans**: The matter is included within the current Service Delivery Plan.

7.3 **Climate & Environmental Impact of recommendations**: None for the purposes of this report.

7.4 **Sustainability Policy & Community Safety Implications**: None for the purposes of this report.

7.5 **Partnerships**: None for the purposes of this report.

8 Background papers

8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Strategic Financial Planning report to Strategy & Resources 26 July 2022
- 2024/25 Strategic Financial Planning report to Strategy & Resources 13 July 2023

Other papers:

- Budget Book 2023/24

- Medium Term Financial Strategy 2020 to 2024

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DRAFT RESPONSE TO THE LEVELLING-UP AND REGENERATION BILL: CONSULTATION ON IMPLEMENTATION OF PLAN-MAKING REFORMS

Head of Service:	Justin Turvey, Interim Head of Place Development
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1: Draft Response to the Levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms

Summary

The Department for Levelling Up, Housing and Communities (DLUHC) has published a consultation titled 'Levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms'. The consultation was published on 25 July 2023 and comments are invited by the end of 18 October 2023.

The consultation seeks views on the governments proposals to implement the parts of the emerging Levelling-up and Regeneration Bill that relate to plan making.

The consultation document is split into 15 Chapters and contains 43 questions.

It is important to note that there will be a transition phase and the consultation document makes it clear that the government's intention is that all Local Plans submitted for examination on or before 30 June 2025 will be examined under the current system rather than the proposed new system that is the subject of the consultation document.

Recommendation (s)

The Committee is asked to:

(1) Approve the principle of the draft response to the levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms.

(2) To note, if changes are recommended by this committee due to insufficient time to bring it back to committee it will be dealt with under the urgency provision in the constitution set out at Paragraph 3.1 of appendix 2 and the decision to approve the final draft response will be taken by the relevant director in consultation with the Chair of this Committee.

1 Reason for Recommendation

1.1 The consultation 'Levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms'. The consultation was published on 25 July 2023 and comments are invited by the end of 18 October 2023.

1.2 The proposed changes are likely to have significant impact on the preparation of Local Plans in the future. Transitional arrangements are set out in the emerging Levelling-up and Regeneration Bill which mean that Local Plans submitted for examination on or before the 30 June 2025 will be examined under the current system.

1.3 Whilst it is anticipated that the Epsom and Ewell Local Plan (2022-2040) will be examined under the current planning system it is important that the Council responds to the consultation to set out its views on the proposals which will impact future iterations of the Local Plan.

2 Background

2.1 The consultation document is split into 15 Chapters which are detailed below along with a headline summary of the changes proposed:

<u>Chapter 1: Plan Content</u>

- Plans to be simpler, shorter and more visual.
- To contain a locally distinct vision that provides the strategic direction for the plan.
- To focus on locally important matters, with no need to repeat national development management policies that will be introduced (separate consultation to be undertaken).

<u>Chapter 2: The new 30-month timeframe</u>

- 30 month timeframe for plan preparation, which will not include some early preparation time including scoping the content of the plan and will only start once the council formally announces the start of plan preparation.
- Vision developed early with public consultation.

Chapter 3: Digital Plans

- More detail on how digital local plans could be implemented and the forms of standardisation that could be implemented.

Chapter 4: The Local plan timetable

- New form of local plan timetable in a digital format to replace the Local Development Scheme (LDS). Will require identification of when specific stages are anticipated to be met.

- Replacement timetable no longer to be required to go through formal processes (such as a committee) for sign off to enable them to be updated more easily (at least every 6 months). However, governance arrangements could include 'accelerated sign off' my members.

Chapter 5: Evidence and the Tests of soundness

- The government will set clearer expectations of evidence through national policy and guidance, with increased standardisation of key evidence and data and enabling the 'freezing' of evidence base at certain points of the plan making process so that they do not need to be updated prior to examination.

- Government still considering whether to remove the 'justified' soundness test which will be confirmed through future changes to the NPPF.

Chapter 6: Gateway Assessments during plan-making

- New mandatory gateway assessment introduced during the preparation process, purpose to reduce time spent examining Plans and to speed up the process.

- Three gateways are proposed during the 30-month period, two of which are advisory with the final one being a mandatory check that the plan is ready to proceed to Examination.

- The outcome reports following the gateway are to be published publicly.

Chapter 7- Plan Examination

- More efficient Local Plan examinations, taking no longer than 6 months (or 9 months if additional consultation required on changes), but flexibility for more complex plans.

- Inspectors can 'pause' the examination, this is proposed to be for a maximum of 6 months. If issues not resolved by the end of this period, the Inspector would recommend that the plan is withdrawn.

Chapter 8 – Community Engagement and Consultation

- Greater emphasis on community engagement, more time for consultation and engagement and a greater use of digital engagement such as that piloted through the consultation on the Town Centre Masterplan in September 2022. This example is cited in para 134 of the consultation document.

- Retention of two mandatory consultation periods as part of plan making process.

- Requirement to produce a Statement of Community Involvement to be removed, with details of how we will consult set out in a Project Initiation Document published at the early engagement stage. The PID will be assessed by a government appointed examiner at the first Gateway.

Chapter 9 – Requirement to assist with certain plan making

- New requirement for earlier engagement, including with statutory bodies, to ensure input throughout the process and identification of issues early on.

- The requirement to assist is reserved for cases where planning authorities are not getting the engagement / information they need from public organisations.

Chapter 10 – Monitoring of Plans

- New light touch approach to be introduced to the monitoring of plans, with light touch annual returns required and then a more detailed return required by 4 years after the Local Plan has been adopted.

Chapter 11 – Supplementary Plans

- Supplementary Planning Documents and Area Action Plans will not feature in the new planning system. The consultation confirms that supplementary planning documents will remain in force until local authorities adopt a new style local plan.

- There will be scope to introduce Supplementary Plans which will have the same weight as a Local Plan following adoption but will need to be independently examined.

- The focus is to include all necessary policies in the Local Plan with Supplementary Plans being used to deal with exceptional or unforeseen circumstances relating to a site or to enable the implementation an authority-wide design code.

Chapter 12 – Minerals and Waste Plans

- Confirms minerals and waste plan will continue to form part of the development plan. The minerals plan and waste plan will continue to be prepared by Surrey County Council.

Chapter 13 – Community Land Auctions

- Pilot initiative, which will only be implemented for planning authorities who actively volunteer.

- Purpose is to drive land sale price down so that it is not such a high proportion of a site's Gross Development Value (GDV). In doing so, developers will be better able to meet their planning obligations (for example, paying for infrastructure and affordable housing).

- Will dovetail into the local plan process. In that, as part of the site identification process, rather than simply putting land forward, landowners will be asked to "bid" to have their site allocated in the local plan, thereby revealing the price they are willing to sell their land for.

- If bid successful, landowner enters into a legally binding "option agreement" with the Council.

- Following the local plan process, if the site gets allocated in the local plan, the Council can then sell the option to a developer and spend receipts in line with Community Land Auction (CLA) regulations, exercise the option, pay for the land and sell to a developer (also spend in line with CLA regulations) or develop the land itself. Each of these options would in theory mean that the Council better captures the land value uplift that arises from development, for the benefit of the community.

Chapter 14 – Approach to roll out and Transition.

- Confirms (subject to royal accent of the Levelling up and Regeneration Bill) that the latest date Local Plans could be submitted through the current system is 30 June 2025 and that plans will need to be adopted by 31 December 2026.

- Confirms that there will be approximately 10 front runners to test the new system from autumn 2024.

- Local authorities will be allocated a 6-month plan making commencement window, within which plan making should start to manage resources are available to deliver gateway assessments, with the government seeking views on providing flexibility to start earlier.

Chapter 15 – Saving existing plans and planning documents

- Confirms existing Development Plan Documents (e.g. the Local Plan) will remain in force until a new-style Local Plan is adopted.

- Local Development Schemes (the Local Plan timetable) and Statement of Community Involvement will also remain in force where they are supporting a plan being prepared under the current system until the Local Plan is adopted.

2.2 The 'Levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms is published with 43 questions which the government is inviting views on. The Council's draft response is to be set out in Appendix 1.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None arising from this report which relates to potential national planning policy changes.

3.2 Crime & Disorder

3.2.1 None arising from this report.

3.3 Safeguarding

3.3.1 None arising from this report.

3.4 Dependencies

3.4.1 None arising from this report.

3.5 Other

3.5.1 None arising from this report.

4 Financial Implications

4.1 On the basis that the Epsom and Ewell Local Plan (2022-2040) is submitted to the planning Inspectorate on or before 30 June 2025, it is not considered that there will be any financial impacts arising until the council commences preparation of a new style local plan.

4.2 **Section 151 Officer's comments**: None arising from the contents of this report.

5 Legal Implications

5.1 None arising from the contents of this report.

5.2 **Legal Officer's comments**: None arising from the contents of this report None arising from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities**: None arising from this report.

6.2 **Service Plans**: The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations**: None arising from the contents of this report

6.4 **Sustainability Policy & Community Safety Implications**: None arising from the contents of this report

6.5 **Partnerships**: None arising from the contents of this report.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms published on the government's website on 25 July 2023.

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Draft Response

Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms

Chapter 1: Plan content

Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?

We agree with the core principles, although we would suggest that our emerging Local Plan, guided by the existing NPPF and NPPG, already incorporate them and we question whether reforms are needed to make local plans incorporate them.

Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?

We consider that Local Plans should contain a locally distinct vision as is currently required by Part 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012, NPPF and NPPG.

We note the aspiration for the vision to be the golden thread of plan making but have some concerns about how this would be implemented given the proposed process for producing a Local Plan as set out in Figure 1, specifically the fact that the diagram identifies that developing the vision becomes before the evidence gathering stage.

In contrast, we note that paragraph 26 (bullet 2) states that '*the vision should set out measurable outcomes for the plan period, underpinned by the planning authority's evidence base, which are actively monitored following adoption of the plan*'. Paragraph 32, bullet 2 goes onto state that '*the vision itself will need to be linked to the planning authority's evidence base*'.

We consider that clarity needs to be provided on the role of evidence base in informing the vision as the local plan progresses. We consider that there is a high level of risk that visions developed with the community (prior to the production of evidence base) may conflict with evidence base produced at a later stage of plan making. It is currently unclear how this would be addressed if the regulations were to require '*the vision to serve as a "golden thread" through the entire local plan, with policies and allocations linking directly to delivering the outcomes set out in the vision'.*

Question 3: Do you agree with the proposed framework for local development management policies?

In principle, we do, however, it is difficult to say much more without seeing more detailed proposals and having a clearer understanding of the likely content and wording of national development management policies. However, we consider that the proposed principles which underpin the local DM policies seem to reinforce principles we already adhere to and come under the test of soundness in the NPPF (i.e., reasonable and justified).

We note that the national development management policies, the scope, and content of which have previously been consulted on will be subject to further consultation.

Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?

We consider templates would have limited impact on the ability of local authorities (such as EEBC) to prepare Local Plans, but we can see the benefit for the government's desire for a standardised approach. We are re-assured by the statement in paragraph 36 that *'templates will be designed to provide sufficient flexibility, for example to allow for individual local circumstances and to enable local innovation, whilst ensuring that key standards are met*'. We consider that a future consultation should be held on the contents of the templates.

Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?

We are not responsible for minerals and waste planning and therefore we have no comments to make on this matter.

Chapter 2: The new 30 month plan timeframe

Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?

We welcome the aspiration to speed up the development of local plans and note that scoping and early participation stage are excluded from the 30-month timeframe. However, we wish to highlight that the proposed timeframe fails to consider a number of variables that can impact progress with plan making, such as staffing, election cycles, changes of leadership, planning reform proposals, sufficient time/resources/capacity of key stakeholders (including statutory consultees) or local communities to respond during the formal consultation periods.

In addition, the timeframe of the examination stage would, to a large degree, be out of LPAs control.

We would also welcome further information on the potential consequence of not meeting the 30-month timeframe would be if there were genuine reasons for delay (such as those detailed above).

Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?

We do agree that project initiation documents could be a useful tool to support the plan making progress. We expect that most planning authorities prepare detailed project plans supported by project initiation documents to support the development of their local plans which are used internally.

We note that this stage is to be commenced before the 30-month time limit for plan making commences in the scoping and early participation stage and that the PID will effectively replace the Statement of Community Involvement that local authorities are currently required to prepare.

There is a risk that that developing the PID and refining it post consultation will take longer than envisaged and could delay commencing the work on the local plan itself. It is unclear, as to whether the PID should be updated as the plan progresses or whether it will remain 'static' following the 1st Gateway check for the rest of the plan development cycle.

Chapter 3: Digital plans

Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?

We consider that there is the opportunity to standardise data required for the following documents:

- Land Availability Assessments
- Green Belt Assessments
- Strategic Flood Risk Assessments (SFRA) - Level 1

Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?

We wish to emphasise that Digitisation/automation/standardisation should not be seen as a panacea to speed up plan making, and it is questionable whether all of the

challenges identified could benefit from digitisation (such as the political nature of plan making).

There are clear benefits to digitisation which Epsom and Ewell have embraced in our early consultation on the Epsom Town Centre Masterplan, the obvious areas of digitisation in plan making is through the use of public consultation / consultation platforms and through the digitisation of evidence base documents (see response to Q8).

Consultation Platforms (including those developed by Prop-Tech providers) can be utilised during public consultations, however, currently this is an additional cost burden placed on LPAs. Once systems are in place, there is usually annual fees/renewals. In addition, some consultees may prefer to use more traditional formats of communication or do not find digital formats accessible.

We consider that interactive mapping is beneficial although we wish to highlight that there can be issues with copyright that need to be considered.

Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?

We agree with opportunities identified, some being more effective than others depending on what the goal is – e.g. transparency, accessibility or efficiency. We welcome the opportunities to utilise digital technology in plan making and we have recently utilised prop tech funding (see response to Q9).

There are a wide range of tools that exist both in the UK and overseas, which will meet their aims of improving the efficiency of local plan making, and it is just a matter of choosing or signposting. We consider that there may be opportunities for using remote area sensing for Local Plan evidence base development.

Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?

We consider that the development of open-source consultation platforms would be beneficial in addition to AI platforms to process comments received during Local Plan consultations. The processing of local plan comments can take a significant amount of time and delay progress with work on the Local Plan.

Chapter 4: The local plan timetable

Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?

We agree with the milestones that are to be reported on and consider that this will provide interested parties with the core information they need.

The proposal to review the timetable at least every 6 months or once a key milestone is reached is welcomed, in addition to the removal of the current requirement for the Local Plan timetable (currently the Local Development Scheme) to be formally adopted through the democratic process which will enable more timely updates to be undertaken. We consider that it is important that members are kept updated on amendments to the Local Plan process and note that there is discretion for local authorities to put in place the governance and / or delegation arrangements in place for this.

Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?

This would be dependent on local circumstances but could include where the responses received during consultations require additional information to be sought or unforeseen delays in evidence base development (such as the transport assessment).

Chapter 5: Evidence and the tests of soundness

Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?

We agree, though are disappointed that there is not more detail in this consultation document. We do however note that further consultation on these matters will be undertaken in the future.

Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?

Yes, we consider that the following evidence could be standardised:

- Land Availability Assessments
- Green Belt Assessments

- Strategic Flood Risk Assessments (SFRA) - Level 1

Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?

Yes, we consider this will provide greater certainty for planning authorities in progressing their Local Plans.

We consider that the three options for 'freezing' could work in different circumstances dependent upon the type of evidence base being produced. For example, the freezing of input data could benefit evidence relating to development needs and this may be beneficial early in the process alongside defining the methodology for evidence relating to development needs.

Question 17: Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?

Yes, we would support regulations for this alongside clearer guidance on the evidence that is required to support the examination of a Local Plan.

Chapter 6: Gateway assessments during plan-making

Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?

Yes, we are supportive of the core principles.

Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?

Yes, we are supportive of the introduction of the three gateways, the first two of which are advisory, however we have some reservations about these requirements being introduced through regulations which could result in plan development becoming too process driven.

In addition, we consider that it would be beneficial if all three gateways could be undertaken or overseen by a planning inspector(s) to ensure continuity through the process as far as reasonably possible.

Question 20: Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?

We note that further work is planned to develop a detailed working model for gateways and we are generally supportive of the preparation of a short report on a digital template for each Gateway stage. However, we consider that there is the risk that the approach as defined may be too prescriptive, such as identifying up to five issues which pose a soundness issue and or legal or procedural issues at Gateways 1 and 2. It may be better to remove the size limit or if it is to remain provide flexibility for more than 5 issues in exceptional circumstances.

Question 21: Do you agree with our proposal to charge planning authorities for gateway assessments?

The current Local Plan examination process is expensive for local authorities, specifically in a time of reduced local authority budgets alongside the increased costs of delivering services. We are concerned that the costs of the three gateway assessments, alongside the examination could be a significant burden for local authorities, specifically small authorities such as Epsom and Ewell.

We consider that government funding should be available to support the gateway process, preferably to cover all of the associated costs.

Chapter 7: Plan examination

Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?

We agree with the aspiration to speed up Local Plan examinations and the emerging proposals are generally supported; however, we wish to emphasise that adequate resourcing of the planning inspectorate is crucial to the timely examination of Local Plans.

We consider that the proposals for examination could be seen to demonstrate double standards, by not requiring a 6 month turn around examination on the one hand and mandating a 30-month local plan preparation period on the other. The justification that there may be complicated matters that come up at Examination is just as valid at the Local Plan preparation stage, if not more so.

Question 23: Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?

We agree.

Chapter 8: Community engagement and consultation

Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?

We note that the Bill removes the requirement to prepare a Statement of Community Involvement and that the proposal is that the approach and ambitions towards engagement are to be set out in the Project Initiation Document which will be considered at the first Gateway.

We are generally supportive of detailing how the council will consult on the plan making as part of the PID process to replace the SCI but consider that any national requirements to be contained within in a future digital toolkit and guidance should not be prescriptive and should provide flexibility for planning authorities select appropriate consultation methods. There is the risk that prescribing how planning authorities undertake consultation could increase the risk of challenge.

We consider it is unclear whether the PID contents, relating to engagement will be subject to examination in addition to the proposals for them to be reviewed at Gateways 2 and 3.

Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?

We are generally supportive of the proposals to notify stakeholders (specifically statutory consultees) early in the plan making process to obtain information that could help shape the Local Plan, we are concerned that introducing a requirement in regulations could delay plan making with local authorities becoming stalled at this 'scoping and early participation stage' prior to the 1st Gateway assessment.

The proposals will result in three formal consultation stages within a relatively tight period which could run the risk of consultation fatigue and will have resource implication for local authorities.

We wish to highlight that the current system enables local authorities to undertake multiple regulation 18 consultations to develop their plans, often starting with a high-level options consultation before moving onto a more detailed draft Local Plan.

We note that para 144 of the consultation states that this consultation stage '*could include, as a minimum, seeking views on drafting a vision which will be required to anchor the local plan, initial principles, or other matters such as overall approaches*

to engagement'. We wish to reiterate our concerns raised in Question 2, about developing a vision at this stage prior to the production of evidence base.

Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?

Under the current system Statements of Community Involvement are subject to public consultation and we consider that the engagement components of the PID could be subject to consultation, for example identifying individuals or organisations preferred consultation method, for example digital consultation platforms or more traditional in person drop in events. However, from experience limited responses are received to consultations on draft statements of community involvement (in effect we are consulting on how we will consult). In addition, the comments received on draft SCIs tend to focus on development management consultations as opposed to local plan consultations.

As noted in an earlier response, it is unclear how frequently the PID will be updated, a written it appears that the PID will be fixed following the first Gateway.

We consider that the messaging will be key during an early consultation stage, for example what is it that stakeholders can influence or what are they being asked to provide.

Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?

We agree that that the role and purpose of the two consultations falling within the 30-month plan making period should be clearly defined.

Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?

We agree.

Chapter 9: Requirement to assist with certain plan-making

Question 29: Do you have any comments on the proposed list of prescribed public bodies?

No comment.

Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.

We consider that the approach seems reasonable given the occasional difficulties in obtaining information from public bodies and utilities providers at the early stages of plan making. We consider that the government should clearly set out the implications of an organisation failing to comply with a 'require to assist request'. If there are no penalties, there is no incentive to provide information in a timely manor (if at all).

Chapter 10: Monitoring of plans

Question 31: Do you agree with the proposed requirements for monitoring?

We agree.

Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?

We agree with the proposed metrics which are minimum requirements and provide planning authorities with the option to do more. From experience the quantitative components of Local Plans (such as housing delivery) are those that can be monitored effectively.

Chapter 11: Supplementary plans

Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are 'nearby' to each other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?

Yes, we agree with the proposed considerations as to whether two sites are located 'nearby' to each other, including the geographical distance between sites.

Question 34: What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? e.g. Design: design review and engagement event; large sites: masterplan engagement, etc.

The consultation stages for Design Codes are detailed in the Nation Model Design Code – Part 1 and therefore we do not consider additional information is required. In

terms of other supplementary plans, the type of engagement would depend upon the content and therefore we do not consider any requirements should be prescribed and that these should be left to local discretion.

Question 35: Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required?

We agree that a single formal stage of consultation is sufficient for a supplementary plan. The national model design code – Part 1 may need to be reviewed to reflect such a change coming into force in the future.

Question 36: Should government set thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such as environmental or heritage.

We consider that guidance would be welcomed on the examination route to follow, however rather than defined thresholds, the decision could be made by the examiner having regard to the issues raised during the formal consultation stage.

Question 37: Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this?

Yes

Chapter 12: Minerals and waste plans

Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?

No comment

Chapter 13: Community Land Auctions

Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?

Whilst we note the intention for local authorities to volunteer to pilot the CLA process for a time limited period and that the draft CLA regulations on will be consulted on in future. It is unclear how the CLA process will work alongside traditional site selection methods, for example will every site being promoted for development in a pilot authority be required to 'bid' to have their site selected in a Local Plan? If not, it is unclear how site selection could be undertaken consistently or how a planning authority could assess a highly sustainable development site where the site owner as un-willing to set out the price they will sell their land for.

Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?

The current process requires planning authorities to consider social, environmental, and economic impacts when assessing sites for allocation through the sustainability appraisal process. In addition, viability studies are key pieces of evidence base to support Local Plan policy requirements by ensuring that local plan policies do not make development unviable.

Whilst we recognise the aim of CLAs is to capture uplift in land values, which in turn could enable local authorities to deliver additional infrastructure, we are concerned that adding in a financial measure to the site selection may tip the balance away from selecting the most sustainable locations to those where the authority will capture the most uplift.

It is also unclear how the CLA process would apply to local authorities that own land which they are promoting for development, specifically given the need to secure best value for disposals of public land.

Chapter 14: Approach to roll out and transition

Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?

We have no preference on the options at this time, but the capacity of the planning inspectorate to support local authorities in their plan making is critical, specifically given the proposed introduction of the three Gateways in addition to the Examination Stage.

Chapter 15: Saving existing plans and planning documents

Background

Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?

Yes.

Equalities impacts

Question 43: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

No comment

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TAXI AND PRIVATE HIRE EMISSIONS POLICY

Head of Service:	Rod Brown, Head of Housing & Community	
Wards affected:	(All Wards);	
Urgent Decision?(yes/no)	No	
If yes, reason urgent decision required:		
Appendices (attached):	Appendix 1	Proposals consulted on
	Appendix 2	Consultation responses
	Appendix 3	Consultation responses received after consultation period
	Appendix 4	Notes from meeting with representative of licensed trade
	Appendix 5	Equalities Impact Assessment
	Appendix 6	Amended Hackney Carriage and Private Hire Licensing Policy

Summary

On 15 June 2023 the Licensing and Planning Policy Committee agreed in principle the proposal for amending the Hackney Carriage and Private Hire Licensing Policy to phase in a requirement that licensed vehicles meet the same emissions requirements as the London Ultra-Low Emissions Zone. A 6-week public consultation ran from 19 June until 30 July 2023, and the Committee are asked to consider the responses and approve a revised policy which can be recommended for adoption by Full Council.

Recommendation (s)

The Committee is asked to:

(1) Consider the responses to the public consultation,

(2) Agree the changes to the Hackney Carriage and Private Hire Licensing Policy as follows; -

a) From 1 July 2024 licences will normally only be granted to vehicles being licensed for the first time that meet the TFL Ultra Low Emission Zone requirements (Petrol: Euro 4, Diesel: Euro 6). An exception will be allowed until 1 January 2025 for proprietors of licensed Euro 4 diesel vehicles that are replacing them with Euro 5 diesel vehicles.

b) From 1 January 2025 licences will not normally be renewed in respect of any licensed diesel vehicle that does not meet or exceed Euro 5 emission standards.

c) From 1 July 2026, licences will normally only be granted to vehicles (including renewal of existing licences) that meet the TFL Ultra Low Emission Zone requirements (Petrol: Euro 4 Diesel: Euro 6).

d) Vehicles that have been specially adapted [i.e., post manufacture] to carry wheelchair users will be exempted from the emission requirement.

e) Vehicles used for the completion of home to school transport under contract from a County Council will be given a one-year extension to each of the phased emission requirements.

f) All hackney carriages must be wheelchair accessible. Hackney Carriages are no longer required to be purpose built/London style 'black' cabs. All non-purpose-built hackney carriages will be required to display a 'Taxi' sign of a minimum width of 76.2cm with lettering of a minimum height of 12.7cm and bearing the words 'Licensed by Epsom & Ewell Borough Council', capable of being illuminated, to be mounted across the roof of the vehicle.

(3) Agree that the Hackney Carriage and Private Hire Licensing Policy as set in Appendix 6 is recommended for approval at Full Council

1 Reason for Recommendation

1.1 To help address Climate Change and improve local air quality by introducing an emissions standard to the Hackney Carriage and Private Hire Licensing Policy.

2 Background

2.1 The report to the Licensing and Planning Policy Committee of 15 June 2023 set out the background to the proposal, an explanation for how emissions are measured, and the current position of licensed vehicles within the Borough. This report is available as a background paper.

3 Consultation

3.1 On 15th June 2023 the Licensing and Planning Policy Committee agreed in principle the proposal for amending the Hackney Carriage and Private Hire Licensing Policy to phase in a requirement that licensed vehicles meet the same emissions requirements as the London Ultra-Low Emissions Zone. A copy of the proposal consulted on is attached at Appendix 1.

3.2 A 6-week public consultation ran from 19 June until 30 July 2023, and the Committee are asked to consider the responses and approve a revised policy which can be recommended for adoption by Full Council.

3.3 A total of 19 respondents replied to the consultation within the consultation period. Copies of these responses are attached at Appendix 2. A further 3 responses were received slightly outside the specified period for consultation, copies of these responses are attached at Appendix 3.

3.4 A copy of the notes from a meeting held with the representatives of the licensed trade to discuss the proposals on 21 July 2023 are attached at Appendix 4.

4 Analysis of responses to the consultation

4.1 Each response has been considered, with key subject areas identified, and grouped into themes shown in bold below.

4.2 Responses that emission limits for licensed vehicles are not necessary.

4.2.1 Consultation responses included reference to their being inadequate or unreliable evidence of pollution in the Borough, that the Borough, and more widely the UK, has good air quality, and that that the proposed changes would have an insignificant impact on air quality or the wider environment.

4.2.2 Data on air pollution can be presented in a variety of forms, but one of the clearest is provided by the Governments Public Health Outcomes Framework. This includes data on 'Fraction of Mortality attributable to particulate air pollution'. This shows a measure of pollution that includes all emissions e.g. from log burners, bonfires, etc. as well as vehicle emissions.

4.2.3 The fraction of mortality attributable to particulate air pollution in Epsom & Ewell is given as 6.0. The value for England as a whole is 5.0, and for the South East region the value is given as 5.4, whilst the value for the London region is given as 6.5. This shows that Epsom & Ewell Borough, notwithstanding the presence of pleasant green spaces and the Downs within the Borough, has higher levels of mortality attributable to particulate emissions when regional or national comparisons are made. This is to be expected given the closeness of the Borough to London and the relative higher levels of urbanisation.

4.2.4 The table below shows these levels with respect to Districts and Boroughs in Surrey. This shows that Epsom & Ewell has one of the higher levels of mortality attributable to particulate pollution within Surrey.

	fraction of mortality attributable to particulate air pollution
Spelthorne	6.1
Elmbridge	6.0
Epsom & Ewell	6.0
Runnymede	6.0
Woking	6.0
Surrey Heath	5.9
Guildford	5.7
Reigate & Banstead	5.6
Mole Valley	5.5
Waverley	5.3
Tandridge	5.2

All of these district and boroughs except Runnymede and Tandridge have either an age or emissions standards for licensed vehicles.

4.2.5 The picture on a national level is that in 2021 the UK was found to have ‘systematically and persistently” breached its own national air pollution limits (source: BBC)

4.2.6 Given that licensed vehicles make up a relatively small proportion of the total contributors to air pollution, it must be conceded that the net impact of the proposed emissions standards to local pollution levels in unlikely to be measurable. However, there are no safe levels of pollution, and it can be argued the Council has a community leadership role to effect change. Phasing out the licensing of the most polluting vehicles will demonstrate the Council’s intentions with respect to air quality and climate change.

4.2.7 The proposals for an emissions standard for licensed vehicles represent a step change to addressing pollution on a local level and addressing the wider climate change emergency. These proposals are only one part of the collective action needed, and it is recommended that they are not disregarded only because in isolation the impact of these measures cannot be significantly measured.

4.2.8 In taking steps to address emissions from license vehicles, it is recommended the removal Euro 4 diesel vehicles should be the priority: The Euro 5 standard made diesel particulate filters mandatory, reducing 99% of particulate matter emissions when compared with older models (source: RAC).

4.3 Responses that the emissions requirements for licensed vehicles will lead to applying ULEZ to all vehicles (private and commercial) in Epsom.

4.3.1 It has never been the intention or hope that the proposed emission limit for licensed vehicles might eventually lead to these standards being applied to other vehicles.

4.3.2 The ULEZ expansion is clearly a highly emotive subject, and any reference to it was likely to be contentious with a section of the public. However, if the Committee wants licensed vehicles to play a role in improving air quality, an emissions standard based on the Euro Emissions Standards for different engine types would be the most effective method. The alternative of setting a flat age limit for vehicles would not be recommended as it would not take into account the different amounts of pollution that different engine types produce (e.g., an eleven-year-old hybrid engine produce a lot less harmful emissions than an eleven-year-old old diesel). If then an emissions standard is to be set based on the Euro Emissions Standards, it is recommended that the same standard as set for the London ULEZ for the following reasons: -

- The ULEZ emissions standard is based on the principles of removing the vehicles producing the most harmful emissions. Whilst the Euro Standards are set with respect to petrol and diesel vehicles at the same time, they set different standards for petrol and diesel engines due to the different types of emissions they make. Since 2002 there have been growing concerns connecting diesel emissions, and their higher production of particulate matter ('PM', or soot) and Nitrogen Oxides (NOx), with respiratory problems. For this reason, the ULEZ standard requires petrol vehicles to be Euro Standard 4 (generally those first registered with the DVLA after 2005), whilst diesel vehicles need to be Euro standard 6 (generally those first registered with the DVLA after September 2015).

- The ULEZ is clear, well publicised, and it is simple for people to find out whether a vehicle meets the required standard using a online checker on the TFL website: Check your vehicle (tfl.gov.uk)

- Epsom & Ewell Borough borders the ULEZ following the recent expansion, and Epsom & Ewell licensed vehicles entering this zone in the course of business will be entitled to pass this extra cost onto the passenger. This would likely create inconsistency in the charging between those vehicles compliant with the standard and those that are not, thereby creating an unfair charging environment that may affect confidence in using locally licensed vehicles.

4.4 Responses that licence holders will be unable to comply with the requirement/there will be an unreasonable financial burden on licence holders.

4.4.1 Consultation responses included reference to the prohibitive cost of replacing vehicles that some licence holders would struggle to meet, as well as the absence of any financial support from the Council. There was also reference to the lack of supply of vehicles that would meet the proposed standard, and the need for more time to replace vehicles.

4.4.2 It is recognised that there will be a monetary impact on those licence holders who will need to replace their vehicles as a result of any introduction of a meaningful emissions standard. This can in part be mitigated by phasing in the requirements within a reasonable timescale. Having considered the responses to the consultation, it is recommended that the implementation of the emissions standard be extended over a longer timeframe than originally proposed to reduce the financial impact on licence holders as follows;-

	Proposed implementation date in consultation	Recommended revised proposed implementation date
All vehicles being licensed for first time must be at least Euro 4 (petrol) or Euro 6 (diesel)	1 January 2024	1 July 2024
Vehicle licences will not be renewed unless they are Euro 4 (petrol) or Euro 5 (diesel)	1 July 2024	1 January 2025
Vehicle licences will not be renewed unless they are Euro 4 (petrol) or Euro 6 (diesel)	1 July 2025	From 1 July 2026

4.4.3 Any proposals agreed by the Committee would need be approved at Council on 12th December 2023 before becoming policy. The revised timeline for implementing an emission policy would now give at least 6 months' notice of the new emissions requirements with respect to the licensing of vehicles for the first time. As new driver applications are required to be completed with 6 months, this would give sufficient notice for new entrants to the trade.

4.4.4 The revised timetable would give owners of Euro 4 diesel vehicles (generally those registered before 1 January 2011) a minimum of one renewal application for an annual licence before their licensed vehicles could no longer be renewed. It is acknowledged this would still present a financial challenge to some proprietors, and so it is recommended that the initial proposal that all vehicles being licensed for the first time must met the ULEZ requirements be amended so that proprietors of licensed non-compliant Euro 4 diesel vehicles may until 1 January 2025 replace their vehicle with a Euro 5 diesel. By also extending the timeframe for requiring diesel vehicles to be Euro 6 compliant, this will support proprietors of Euro 4 vehicles to replace their vehicle with a Euro 5 standard vehicle as an interim step.

4.4.5 The revised timescale for requiring all diesel vehicles to be Euro 6 standard would allow a minimum of two and half years before a Euro 5 diesel vehicle would not be relicensed. This should allow sufficient time for proprietors to plan for the replacement of their vehicle that will be by then at least ten years old.

4.5 Responses that licensed trade are being treated unfairly.

4.5.1 At the meeting with representative of the licensed trade it was asked whether all the vehicles operated by the Council met the proposed emissions standard for licensed vehicles. It was also asked whether all the Committee members own vehicles were ULEZ compliant.

4.5.2 Enquiries have found that the Council currently operates five vehicles that are not ULEZ complaint.

4.5.3 Two of these vehicles are wheelchair accessible vehicles used by Community Services. The proposal for an emissions standard with respect to licensed vehicles already included an exemption for wheelchair accessible vehicles and so these vehicles would meet the proposed emissions standard for licensed vehicle.

4.5.4 However, there are three Meals-on-Wheels vehicles operated by the Council that are not ULEZ complaint and would not meet the proposed emissions standard to be applied to licensed vehicle. There are plans to replace these vehicles with electric vehicles, or failing that with ULEZ compliant diesel vans, however due to budgetary pressures this is subject to funding grants being approved. The lead in time for replacing these vehicles is likely to be at least one year, possibly longer depending on how long decision relating to the grant take.

4.5.5 It is recommended that the Committee extend the implementation dates for proprietors of non-ULEZ vehicles being required to replace in accordance with the timeline shown in para. 4.4.2, with an aim of ensuring all Council operated vehicles meet the ULEZ emissions standard within the same timeframes.

4.5.6 As there is some uncertainty as to exactly when the Meals on Wheels vehicles will be replaced with ULEZ compliant vehicles, the Committee may want to consider whether to delay the implementation of the emissions policy with respect to licensed vehicles to avoid the risk of the Council applying a standard to the licensed trade that it does not currently meet with respect to all of the vehicles it operates.

4.6 Responses on the potential unintended negative consequences on the wider public of introducing an emissions limit for licensed vehicles.

4.6.1 Consultation responses included reference to the cost of replacing vehicle being passed onto passengers through higher charges, to a resultant reduction in the number of licensed vehicles reducing access to services for older or more vulnerable people, and a wider impact on the local economy.

4.6.2 Most licensing authorities have an age or emissions requirement for their licensed vehicles, and there is no evidence that a phased introduction of a reasonable emissions standard should have any significant impact on transport provision within the Borough.

4.6.3 There was also reference to the negative impact on Special Education Needs ('SEN')/home to school transport provision. It has been widely reported that this sector is facing particular challenges, with an increase in demand combined with a shortage of drivers (see for example BBC and Surrey Live reports).

4.6.4 Discussions with the Surrey School Travel & Assessment Team (part of Children, Families & Lifelong Learning) at Surrey County Council have indicated that they fully appreciate the need for licensing authorities to take steps to meet environmental commitments and that things will have to change, however they are conscious that it will have an impact on costs. They have particularly acknowledged that the exemption proposed for specially adapted wheelchair accessible vehicles will be helpful to them meeting the demands on their service.

4.6.5 It is recommended that in addition to the extended timeline for phasing in the emission requirements shown above, proprietors of licensed vehicles who can provide evidence that the vehicle is being used under contract with a County Council for a home to school run should be given an additional year to comply with each of the specified dates for phasing in the requirement. It was indicated by one of the consultation responses that this should give a reasonable time frame for operators of home to school contracts to meet the proposed emission requirements.

4.6.6 Some of the consultation responses said that the emissions requirements would push licensed vehicle into getting licensed elsewhere, resulting in a loss of revenue to the Council. All neighbouring licensing authorities already have in place age or emissions limits for their licensed vehicles, and it considered unlikely that a phased introduction of a reasonable emissions standard would result in any significant loss of control with respect licensing local vehicles. The Council sets fees with aim of full cost recovery so reference to lost revenue is not a relevant consideration.

4.7 Responses that the consultation was inadequate.

4.7.1 Responses included references to the proposal not being adequately consulted on, either by not notifying residents or by the consultation being rushed.

4.7.2 The consultation included the following methods of notifying the public and licence holders of the proposal and how feedback could be provide; -

- A public notice at the Town Hall,
- Information on the ‘Consultations’ page of the Epsom & Ewell Borough Council website,
- Letters to all hackney carriage and private hire driver licence holders,
- E-mails to all licensed private hire operators and all licensed drivers who we held an e-mail address for,
- Posts on via the Councils’ official Facebook, Instagram and Twitter accounts (9 posts in total),
- A media release, which was also published on Members News, attracting in the following coverage;-
  - https://www.taxi-point.co.uk/post/ev-push-epsom-ewell-council-plans-to-drop-need-for-purpose-built-wheelchair-accessible-taxis

- https://radiojackie.com/epsom-and-ewell-council-is-renewing-a-commitment-to-tackling-climate-change-and-pollution/
- https://epsomandewelltimes.com/stretching-epsom-taxi-ulez-exemption
- The Chair of the Licensing and Planning Policy Committee being interviewed on BBC Radio Surrey on Thursday 29 June,

- An in-person meeting with representatives of the licensed trade (10 licence holders attended) and an online meeting (zero attended), to which all licence holders who the licensing team held an e-mail address for were invited,
- E-mails to Age Concern, the management of Swail House, and The Surrey Coalition of Disabled People (which resulted in an online discussion with representatives of this group).

4.7.3 Whilst the number of responses from licence holders to the consultation is relatively small, it is inarguable that that those directly effected were notified of the proposed changes and had the opportunity to input into the process. The responses received from the wider public appeared to draw on clear common themes, and it is questionable whether a further consultation would assist the Committee with their decision.

4.8 Responses relating to the proposed removal of the requirement that hackney carriage be purpose build taxis.

4.8.1 One of the licensed hackney carriage drivers raised concerns that the taxi ranks in the Borough were not suitable for non-London style purpose built black taxis, as only these vehicles have side entry wheelchair ramps. The view was that other types of wheelchair accessible hackneys provide rear ingress and egress for wheelchair users, and that the taxis ranked on the stand would not allow sufficient space for passengers to be loaded or unloaded.

4.8.2 However, discussions with the Surrey Coalition of Disabled People showed there was strong support for allowing the licensing of hackneys with rear wheelchair access, due to gradient of the side ramp causing difficulty manoeuvring the wheelchair, whilst rear entry allowed for users to be front facing when in transport (rather than side facing, which was considered less comfortable and less safe).

4.8.3 It is noted that most District and Boroughs in the country do not require London style purpose build black taxis, and manage, with a degree of co-operation from taxi drivers, to provide sufficient space for wheelchair accessible vehicles with rear access.

4.8.4 In meeting representatives of the taxi trade it was evident that hackney drivers take pride in driving black cabs, and were not particularly in support of this requirement being removed, even if this deregulation was intended to support them replacing their non-emissions complaint vehicles with a less costly alternative model. However, the numbers of locally licensed hackney drivers has been in steep decline in recent years, and it could be argued that the higher costs of purchasing a modern purpose built low emissions black cab would create an unnecessary barrier to entry to the trade.

4.8.5 It is recommended that the requirement that hackney carriage be purpose build taxis be removed as proposed.

4.9 Responses relating to the proposal to allow the licensing of up to five non-wheelchair accessible electric hackney carriages.

4.9.1 As electric wheelchair accessible hackney carriages are more expensive than non-wheelchair accessible vehicles, it had been proposed that the introduction of 5 non-WAV electric hackneys would encourage the use of electric vehicles more widely until market factors resulted in more affordable electric wheelchair accessible versions.

4.9.2 Three respondents raised notably similar concerns about the safety of electric vehicles, the ethics around how their components are resourced, and the actual 'green' benefits of these vehicles.

4.9.3 The proposal to allow up to five non-wheelchair accessible electric hackney carriages was intended to support and encourage the transition to zero emission vehicles, in the spirit of the Governments 2035 plan. No evidence was provided to support the negative comments concerning electric vehicles, and no reason can be found not to encourage the licensing of these vehicles.

4.9.4 However, the Surrey Coalition of Disabled People saw any potential reduction in the number or percentage of hackney carriages that were wheelchair accessible as unacceptable.

4.9.5 Government statistics on accessibility are that in England 55% of all taxis were wheelchair accessible. In London, all taxis were wheelchair accessible, whilst in the rest of England 39% of taxis were wheelchair accessible. Currently all Epsom & Ewell BC licensed hackney are WAV, and it had been considered that allowing a small percentage of non-WAV electric hackneys could be accommodated whilst still providing accessible hackneys at a higher percentage than nearly everywhere else in the Country, outside major metropolitan areas.

4.9.6 Having thoroughly reflected on the consultation responses, it is recommended that the proposal to allow the licensing of up to five non-wheelchair accessible electric hackney carriages should not be adopted at this time. This is in light of the strong opposition of the Surrey Coalition of Disabled People, combined with the sharp decline in local hackney carriage numbers in recent years, and the risk that the introduction of an emissions policy could further deplete the number of hackney carriages licensed in the short term (despite attempts to mitigate this risk).

4.9.7 If the recommendation to the Committee is accepted to remove the requirement that hackney carriage must be the more costly purpose build taxis, this may lead to the current decline in hackney numbers being reversed. If this happens the Committee could in a later policy review decide whether there is any merit in allowing the licensing of non-wheelchair accessible electric hackney carriages, as a smaller percentage of a larger total number of wheelchair accessible hackneys licensed.

4.10 Responses suggesting amendments to the proposals.

4.10.1 Consultation responses included reference to older drivers who would struggle financially to replace their vehicle given their expectation to retire soon, and it was proposed that exemptions could be made for older drivers. However, it would be unlawful for the Council to discriminate based on age. It is recommended that the extended timeline for phasing in the emission requirements shown in in para. 4.4.2 would allow more time for drivers to replace their vehicle, regardless of their age. These proposals would give a minimum of two and a half years for all vehicles to fully comply with the proposed emissions standard.

4.10.2 One of the consultation responses asked if proprietors could relicense their vehicles early, ahead of the proposed timeframes for refusing to renew the older Euro standard vehicles. Depending on when in the year their licence was due for renewal this could potentially give almost another year to a vehicle being licensed. It is reported the Transport for London allowed this practice when introducing their emissions standards, and unless the Committee amend the policy to exclude this practice, officers would allow it in this Borough.

4.10.3 One of the consultation responses requested a special exemption from the emission policy for limousines, referencing similar provision within the Transport for London policy. Officers have not been able to find reference to this exemption, and despite requesting further details from the respondent, have not been provided them. Whilst wanting to encourage the licensing of novelty or speciality vehicles, it is not at this stage evident that there is justification for including in the emissions policy a blanket exemption for these vehicles. It is recommended that non-compliant limousines are treated on a case-by-case basis, with request to be treated as an exemption to the policy being referred to a sub-committee for determination where appropriate.

5 Conclusion

5.1 The Council has already set in place a number of measures to address air pollution in the Borough, including for example the Ewell High Street Air Quality Management Area and the anti-idling awareness campaign. The introduction of an emissions policy with respect to licensed vehicles will further support the Council's vision for the future and help improve air quality.

5.2 Having considered the consultation responses it is still recommended that an emissions standard for licensed vehicles mirroring the TFL ULEZ standard should be introduced. However, it is recommended that this requirement be phased in over a slightly longer period to reduce the impact on licence holders who are already struggling with the cost of living. If the new standards are implemented too quickly it could result in significant hardship for the licensed trade, and if substantial numbers of licence holders leave the trade as a result of too fast an implementation, then this could affect service provisions, ultimately creating a risk to public safety.

5.3 It is recommended that the requirement that hackney carriages must be purpose-built taxis is removed from the policy as proposed, as this requirement represents an unnecessary barrier to entry to the trade, and an unnecessary financial burden to those replacing their vehicles with lower emissions vehicles.

5.4 It is recommended that the proposal to allow the licensing of up to five non-wheelchair accessible electric hackney carriages is not progressed at this time, as it may not be compatible with the Council's equalities obligations. If total numbers of wheelchair accessible vehicles substantially increase in the future, then this proposal could be revisited at that time. If not before, the Council's Hackney Carriage and Private Hire Licensing Policy is due for review in 2027 and this will include a review of the licensed vehicle emissions standards.

5.5 The Licensing Team will apply the policy as agreed by the Committee, but where circumstances justify it, may refer applications to a Sub-Committee

for Members to exercise their discretion, and they may grant a licence as an exemption to the policy when appropriate.

6 Amended Hackney Carriage and Private Hire Licensing Policy

6.1 The Hackney Carriage and Private Hire Licensing Policy has been updated to reflect the recommendation shown in the body of this report. A copy of the amended policy is attached as Appendix 6. This copy of the amended policy highlights changes by means of the 'Track Changes' function, however the published version following adoption will not highlight the marked changes.

6.2 In addition to introducing the emissions standards, the amended policy also provides some minor changes to the policy, as follows:-

- Para 3.9.2 – the consultation held on adopting the current licensing policy explicitly stated that the Council would require medical re-assessments for licensed drivers to match the DVLA Group 2 standard for vocational drivers, and this was accepted by the Committee. Whilst the revised policy correctly made drivers over 65 require annual medicals, as an oversight drivers under 45 were not exempted from the requirement for a 5 yearly medical report as also consistent with the DVLA group 2 standard. This is now corrected in para. 3.9.2.

- Para 4.31.1 - Following the UK leaving the European Union two new standards for vehicle type approval have been introduced, and the policy has been updated accordingly.

- Appendix K Scheme of Delegations - Revocation of a Drivers Licence following a complaint, conviction, endorsement, etc – this is now delegated to the Principal Licensing Officer where there is an urgent need to revoke in order to protect the public. This change is necessary to ensure that an appropriate authorised officer is available in urgent situations.

7 Legal or other duties

7.1 Equality Impact Assessment

7.1.1 An Equality Impact Assessment has been completed and updated in response to the consultation. A copy of this assessment is attached at Appendix 5. This indicates that the proposal to allow the licensing of up to five non-wheelchair accessible electric hackney carriages may not be compatible with the Council's equalities obligations, and for this reason it is recommend this proposal is not accepted.

7.2 Crime & Disorder

7.2.1 If hackney carriage numbers reduced significantly as a result of a revised policy on emissions this could result in users of the night-time economy not being able to immediately hire a vehicle, increasing the risk that a vehicle not licensed locally could be used.

7.2.2 This risk is mitigated by having a phased approach to the introduction of an emissions standard, in combination with removing the requirement that all hackneys are London style black cabs, thereby reducing a cost barrier for new entrants into the trade.

7.3 Safeguarding

7.3.1 None identified

7.4 Dependencies

7.4.1 None identified

7.5 Other

7.5.1 None identified

8 Financial Implications

8.1 Owners of vehicles that do not meet the recommended requirements may licence a new vehicle ahead of schedule, bringing forward the related licence fee, or may decide not to renew their licence. Should the emissions proposals become policy licence fee recovery would need to be kept under review, however it is likely the impact of these changes will be negligible.

8.2 **Section 151 Officer's comments**: None arising from the contents of this report.

9 Legal Implications

9.1 The Local Government (Miscellaneous Provisions) Act 1976 allows any person aggrieved by the refusal to grant a vehicle licence, or by any conditions specified in such a licence, a right of appeal to magistrates' court under sections s48(7) for Private Hire Vehicles and 47(3) for Hackney Carriages, and Sections 48 and 60 of the same Act provides an appeal against the refusal to renew a vehicle licence. A person aggrieved by the refusal of a hackney carriage licence may appeal to the Crown Court.

9.2 Policies may be challenged by judicial review, which must be brought no later than 3 months after the grounds to make the claim first arose. Grounds for judicial review include illegality (if the decision-maker did not have the legal power to make that decision), procedural unfairness (e.g., bias, or a failure to give someone the chance to make representations before deciding on their case) or irrationality (if a decision is so unreasonable that no reasonable person, acting reasonably, could have made it).

9.3 **Legal Officer's comments**: None further to the content of this report.

10 Policies, Plans & Partnerships

10.1 **Council's Key Priorities**: The following Key Priorities are engaged:

10.1.1 Green & Vibrant: If implemented the proposal will help reduce the impact of licensed vehicle on the environment.

10.1.2 Safe & Well: If implemented the proposal will help improve the air quality for residents and visitors to the borough.

10.2 **Service Plans**: The matter is included within the current Service Delivery Plan.

10.3 **Climate & Environmental Impact of recommendations**: The purpose of the recommendations is to benefit the climate and local environment. Phasing out the licensing the most polluting vehicles represent a step change to addressing pollution on a local level and addressing the wider climate change emergency.

10.4 **Sustainability Policy & Community Safety Implications**:

10.4.1 If accepted the recommendation would increase the use of vehicles that were less impactful on the environment.

10.4.2 If access to suitable licensed vehicles (e.g., WAV) reduced significantly because of a revised policy on emissions this could increase the risk that a vehicle not licensed locally could be used, or access to services by vulnerable people reduced.

10.4.3 This risk is mitigated by having a phased approach to the introduction of an emissions standard, in combination with removing the requirement that all hackneys are London style black cabs, thereby reducing a cost barrier for new entrants into the trade.

10.5 **Partnerships**: None identified

11 Background papers

11.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Licensing and Planning Policy Committee 15 June 2023

Other papers:

- None

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Consultation on proposed emissions standard for licensed vehicles

Details of Proposals

1. EEBC will phase in a requirement that all licensed private hire and hackney carriages meet or exceed the same emissions standards as the Ultra-Low Emissions Zone as follows; -

   a) From 1 January 2024 licences will normally only be granted to vehicles being licensed for the first time that meet the TFL Ultra Low Emission Zone requirements (Petrol: Euro 4 (NOx) Diesel: Euro 6 (NOx and PM). This policy will apply to vehicles replacing existing licensed vehicles. The requirement that new private hire vehicle must be under 6 years old unless in exceptional condition will remain.

   b) From 1 July 2024 licences will not normally be renewed in respect of any licensed diesel vehicle that does not meet or exceed Euro 5 emission standards (Euro 5 compliant being registered on or after 1 January 2011).

   c) From 1 July 2025, licences will normally only be granted to vehicles (including renewal of existing licences) that meet the TFL Ultra Low Emission Zone requirements (Petrol: Euro 4 (NOx) Diesel: Euro 6 (NOx and PM).

2. EEBC will provide an exception to the emissions requirements for the licensing of vehicles that have been specially adapted [i.e., post manufacture] to carry wheelchair users.

3. The EEBC requirement that new hackney carriages be purpose built/London style ‘black’ cabs will be removed. It will remain a requirement that hackney carriages must be wheelchair accessible. To help with the identification of these new vehicles as hackney carriages they will be required to display an illuminated roof box displaying ‘‘Taxi - licensed by Epsom & Ewell Borough Council’

4. EEBC will allow the licensing of up to 5 electric hackney carriages that will be exempt from the requirement to be wheelchair accessible.

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Remove Watermark Now

Paul Holliday

Subject: FW: [WARNING EXTERNAL] Feedback on proposed emissions policy for licensed vehicles

From: respondent 1
Sent: Thursday, June 29, 2023 2:59 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Feedback on proposed emissions policy for licensed vehicles

To licensing people
I am not happy your thinking to put ulez in epsom and ewell area am disabled with Adptation to my car and will NOT change or readapt another car just to suit ulez my neighbours on road as diesel car with young family can't afford to change there car we will NOT change our cars to suit the pollution everyone in epsom cars are in good condition I service n mot my car every year and it pass my neighbours service n mot her car every year she 3 young kids there a lot on my road got old cars and on cornet road with classic cars or old diesal cars u putting stress on disabled n young family trying to force us to update our car to suit the coverment it is worse we in epsom imprisonment out of london n inner london now u want us to feel more imprisonment putting ulez camera up I speed on behafe or my neighbours and epsom NOT to take our freedom away by putting the ulez camera up and makeing us pocketless we will not change our car and we all stand agent ulez on Facebook so don't take our freedom away Many thanks

respondent 1

pdfelement

Remove Watermark Now

Paul Holliday

Subject: FW: [WARNING EXTERNAL] Taxi rank

From: respondent 2
Sent: Tuesday, July 11, 2023 11:59 AM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Taxi rank

Hi just letting you know, not all vehicles with be suitable replacement taxi at Epsom because must wheelchair access vehicles load from the back and this would no good in a taxi rank for obvious reasons ..
Sent from Yahoo Mail on Android

pdfelement

Remove Watermark Now

Paul Holliday

Subject: FW: [WARNING EXTERNAL] Taxi meeting

From: respondent 2A
Sent: Monday, July 24, 2023 9:41 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Taxi meeting

The best thing to do for the Epsom taxi service in my experience is to follow T F L ,everything is done to meet the country's clean air policy, if you want to drive a car work for UBER,and what 5 drivers would you let have a car? Would the cars be allowed in bus lanes?they are not London taxi.
As for other wheelchair accessible vehicles most of them only load from the back so this would be no good in a taxi rank...(there is no space between the taxi to load the wheelchair)and again there's the bus lane problem..After the ULEZ ,TFL is going to move to road charging when Epsom council stopped shadowing TFL..a good few years ago,all the drivers kept there old taxis because they could, some of the drivers have bought new taxi to do school runs in,the older drivers in there mid 70s don't want to get new taxi because they ony want to work for a year or so..they are only thinking of themselves not the future of taxi in Epsom...so there you have it in a nut shell... thank you respondent 2A
Sent from Yahoo Mail on Android

Click <a href='https://www.mailcontrol.com/sr/MZbqvYs5QwJvpeaetUwhCQ==>here to report this email as spam.

pdfelement

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] Feedback on proposed emissions policy for licensed vehicles

From: respondent 3
Sent: Tuesday, July 11, 2023 11:53 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Feedback on proposed emissions policy for licensed vehicles

I think the plans look excellent and would be a great step for local health as well as helping in some small way to fight climate change.

respondent 3 (a local resident and taxi user)

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Paul Holliday

Subject: FW: pho consultation: Emissions restrictions for taxis and private hire

From: respondent 4
Sent: Wednesday, July 12, 2023 8:14 AM
To: Licensing <licensing@epsom-ewell.gov.uk>
Cc: Keith Baxter-Russell <keith.baxterrussell@surreycc.gov.uk>
Subject: [WARNING EXTERNAL] RE: pho consultation: Emissions restrictions for taxis and private hire

Hi Paul,

Many thanks for the email.

You did pre-warn me that this proposal was in the pipeline, so appreciate the heads up.

I have also copied Keith Baxter-Russell into this reply, Keith is our contracts Manager at Surrey County Council and this could obviously have a major impact on how Home to School Transport is provided in the Borough.

It potentially has a major impact on our business and also our owner drivers.

We also forwarded this proposal onto all of our drivers, asking for feedback and any points they would also like raised.

pdfelement

We'd appreciate if the below points could be taken into consideration and would ask that we can get some answers to the questions raised please.

Business View

Currently 12 out of 29 of our fleet vehicles aren't compliant (2 are exempt) this is around 32% of our fleet and 50% of these non-compliant vehicles are made up of 7/8 seater buses that are used to transport SEN children on home to school transport contracts.

6 new 7/8 seater buses start in the region of £40,000 plus, this is a potential outlay of at least £240,000.
Not only will this have a major impact of the financial side of the business in replacing these vehicles, it could also impact those children within Surrey in providing transport for them.

6 new vehicles start in the region of £20,000 plus, this is a potential outlay of at least £120,000.

The financial impact this would have on not only our business but also those owner drivers, is frightening.
Surely drivers will give up this job, leading to less licensed vehicles on the road, less revenue for the Borough and those that do purchase vehicles then job prices would have to increase

Owner Drivers View

I'm very worried if i need to purchase any new vehicle. If managed to get hire purchase for a new vehicle it would be another big amount i would have to find monthly and not guaranteed my school run to be returned the following year could put me in a very difficult position.
If purchasing an electric vehicle ,living in a 1st floor flat would be unable to charge the vehicle again costing me money and time

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My present vehicle is MOT tested twice a year passing emission requirements serviced every 3000 miles

Whilst I understand the reasoning behind the emission reduction I think they need to give you/us more time
There just aren't the vehicles available to buy new or used for every non-compliant vehicle to be replaced and the prices are extortionate
The waiting lists for new vehicles is months and there are few suitable vehicles being produced now, none of the mainstream manufacturers build a people carrier anymore, they do make 7 seat SUVs but these don't afford the space required for our additional needs children . This will result in more vehicles being needed to take the ever increasing number of children to school resulting in more vehicles on the road more emissions (although lower per vehicle) more cost, more school parking ,more drivers PA s etc and will the council pay for this and have the infrastructure in place in the proposed time scale ?

In theory what is proposed is a good idea but the practicality of rolling this out in 18 months is unrealistic if not impossible
I certainly cannot afford to purchase a new vehicle and run it in the current situation and I doubt I am alone so this may result in many drivers giving up and seeking alternative employment so where will SCC get drivers from to take our children to school
With the cost of living and council cutbacks I can't see how this proposal is affordable

Questions

1. What is Chris Grayling view on this proposal? Mr Grayling is an advocate supporter of local businesses and must be concerned on how this change will impact all local businesses.

2. Are Epsom & Ewell Borough the only one participating in this or are all other local Borough's looking to do this?

3. What are the current emissions pollution levels in the Borough?

4. Will a scrappage scheme be implemented for those vehicles not compliant? If not, why not.

5. The TFL position was based on statistics regarding air pollution and alleged effects on health. Where is the information that highlights the problem in the Borough, it's full of greenery, has no heavy industry and no excess deaths due to respiratory disease. If it has, where are the figures, what is the source?

6. No one bought these vehicles with the intent of polluting the planet, they were bought in good faith as a means of earning a living. The common denominator between the vehicles and the owners is age, they are both getting on in years. Why not let these vehicles come to the end of their useful work lives, which will more than likely coincide with the owners retirement. In other words the new regulations apply to new owners/drivers or new vehicles, this will enable the current owners to slip into history gracefully.

7. Do they have any data on the number of vehicles affected? If not, why not?

8. Will there be more charging points be put into the Borough?

Look forward to hearing back from you.

Many thanks,

respondent 4

pdfelement

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Paul Holliday

Subject: FW: Feedback on proposed emissions policy for licensed vehicles

---

From: respondent 5
Sent: Saturday, July 15, 2023 7:48 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Feedback on proposed emissions policy for licensed vehicles

Don't agree with this proposal, it'll be the thin end of the wedge. As to political promises not to expand the requirement to all vehicles, I've yet to see any political promise outlast the next election.

respondent 5

Sent from Outlook for Android

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pdfelement

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Paul Holliday

Subject: FW: Response from Surrey Coalition of Disabled People

From: Yasmin Broome <yasmin.broome@surreycoalition.org.uk>
Sent: Monday, July 17, 2023 5:10 PM
To: Paul Holliday <PHolliday@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Response from Surrey Coalition of Disabled People

Hi Paul

Further to our meeting on Friday here is the response from our members to the consultation.

1. Many wheelchair users prefer rear entry vehicles to side entry due to the gradient of the ramp and wheelchair control.
2. Most councils now ask drivers to pass a BTEC Course before being given a license – this applies across the Board. We think Epsom and Ewell Borough Council should also implement this.
3. Vehicles should take powered wheelchairs but some refuse.
4. Rear entry vehicles available - just a couple of examples Citron Berlingo Peugeot Partner Renault Kan goo Peugeot Van Side entry.
5. The members present felt the proposal for 5 electric vehicles not to be wheelchair accessible is appalling – wheelchair users want to be part of the future and have the right to be. Disabled people are taxpayers too therefore they should be able to access all services.
6. When licencing taxis for wheelchair use, if only a manual wheelchair user can be carried, the rating should be different from a fully accessible vehicle which would carry all types of wheelchairs and especially powered wheelchairs. Only those willing or able to carry powered wheelchairs should be given the All Accessible rating.
7. To find an address by a taxi driver, especially for rural areas, use What 3 Words. It will take you to a 3 metre square either at the end of a driveway or the entrance door, whichever is most appropriate.
8. Clamping points and seat belts in taxis. All chairs must be clamped into the vehicle using the clamping points on the chair. If the driver is unsure of the clamping points as some of the rear clamping points are a single bar to which two clamps are fitted.
9. Only webbing clamps should be used, never metal ones.
10. Assistance Dogs or other assistance animals (as not only dogs are used for assistance) to be carried without a fuss. The passenger should not be left behind and made to either miss an appointment or made to feel humiliated and degraded by the experience. It must be made clear that refusing Assistance animals is against the law.

pdfelement

11. It would be good for a central point for reporting taxi issues, so that these can be addressed as well as seeing if there is a trend in one particular area or another.

Kind regards

Yasmin

Yasmin Broome

Involvement Lead

the coalition
Surrey Coalition of Disabled People

Mobile: 07455 267424

Office: 01483 456 558

Web: surreycoalition.org.uk

Address: Surrey Coalition of Disabled People
Astolat, Coniers Way,
Burpham, Guildford,
Surrey GU4 7HL

Join us on Social Media:

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Latest News:
surreycoalition.org.uk/news/coalition-news/

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pdfelement

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Paul Holliday

Subject: FW: Meeting at Town Hall to discuss proposed emissions policy

From: respondent 7
Sent: Sunday, July 23, 2023 3:51 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Re: Meeting at Town Hall to discuss proposed emissions policy

To Paul Holliday
I attended the meeting regard the changes to the Taxi 's on Epsom rank. You have not given us very much notice, also you have not offered any help to the drivers to update their taxis. At the meeting we were told that Epsom was one of the worst areas for pollution I would like to see proof of this claim. We were also told that all other areas where also bring in theses changes. I have been to Leatherhead Taxi rank at Leatherhead Station and spoken to one of the Hackney Licensed drivers. He has heard nothing about a changes being implicated by Mole Valley Council. This leads me to think you are just railroading these changes with no thought to how the drivers are going to afford them. There have been Black London Taxis n Epsom rank as long as i can remember and I am in my seventies.

Yours Sincerely

respondent 7

pdfelement

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] Epsom Council Taxi Proposals

From: respondent 8
Sent: Wednesday, July 26, 2023 4:45 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Epsom Council Taxi Proposals

Paul

Thank you for instigating the consultation at Epsom Town Hall on Friday 21st July 2023 regarding the proposed alterations to the qualifying status of PHV and HC vehicles, hopefully it will be constructive and be given due consideration, unlike the ULEZ debacle under the auspices of TFL.

Firstly the information that the council have used as a criteria was not readily available unless requested, I would like to think that this is an oversight, not a deliberated attempt at obfuscation, not everyone is computer literate or has English as a first language.

Early on in the meeting the question was raised on the amount of emissions regarding the number of affected PHV & HC in proportion to the amount of privately owned or commercial vehicles in the borough. The answer was 'insignificant'. Let me emphasise that again, emissions proportionally 'insignificant'.

pdfelement

It was brought to our attention that other Surrey boroughs had more stringent environmental standards than EEBC, but nothing was verbally mentioned about the four boroughs, two of which border ours, that have no emissions guideline, these could continue to operate in the borough with impunity I imagine? In fact I could register my vehicle, get an operators and drivers licence in Runnymede and Tandridge and carry on as usual, which would mean that EEBC received zero income from me, but my capacity to operate was unhindered. I would be astonished if I was the only one in this position.

There is a general feeling that we are the subject of victimisation. No proposals for restrictions of privately owned vehicles (one way to lose an election), businesses of all types from florists to builders to distribution, all gleefully go about their business day to day totally unaffected by this, so the inevitable question is 'why us', and the glaring obvious answer is, 'because we can'.

So what we have is a relatively small number of people within the borough will have there livelihoods compromised to achieve an 'insignificant' effect on the overall well being of the borough's population to appease the councils wish to be seen to be Green. It is noted that no scrappage scheme is envisaged and no restrictions are to be imposed on vehicles entering the borough so 'Why us?' Is a more than relevant point.

I appreciate that EEBC wishes to emulate sister boroughs in having a similar climate friendly agenda, but surely the framework should be spread to encompass more than one small part of the local economy? If need be, perhaps Surrey County Council should instigate a generic code, but they are a bit busy challenging ULEZ in the High Court, never the less, worth thinking about.

Nobody bought their vehicles with the intention of polluting the planet or endangering children's lives, in fact we were actively encouraged by the government of the day to purchase diesels as they were deemed to be more environmentally friendly. To replace my Vito as an electric car with the same specification as I have now would be in the region of £55.000, we won't go into range limitations or charging points. Petrol and Euro 6 variants are a a premium price wise and availability is meagre, the rules of supply and demand have seen to that. Please let me know how someone with a high mortgage or extortionate rent, with two kids, in the middle

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of a cost of living crisis is going to be commit to that level of finance? Giving a grace period would be seen as a hollow gesture, unless it's accompanied by a general economic upturn.

I shall state at this point that these circumstances are not my own, I am in the twilight of my working life, but that does not stop me being concerned for future generations.

The impact of these measures being implemented in their present form would see an increase in unlicensed vehicles, a not inconsiderable reduction in licensed PHV and more out of borough vehicles operating within the confines of Epsom and Ewell. This will reflect in a lack of service to borough residents and that blame will be placed squarely at the councils feet. Naturally, if there are less vehicles to license, it will mean less income, which could result in examination of staffing levels within the appropriate departments.

Having made my points as succinctly as possible, I appreciate that the council needs to be seen to be aware of the climate situation, so therefore I would respectfully suggest that instead of the current proposals, which I believe I have highlighted the drawbacks, the following criteria was used as a framework for discussion.

From 1st January 2024, all vehicles newly registered as PHV must be Euro Six Compliant

From 1st January 2024 any new driver shall not be permitted to work past the age of 76.

From 1st January 2024,:no vehicle registered as a PHV will be able to operate more than 15 years after its initial registration date at the DVLA.

Any drivers or vehicles currently registered operate as they do currently until one or the other retires. Any current driver who upgrades/changes his vehicle has to adhere to the new guidelines.

What this would achieve would be clarity for any new driver and a condition for current drivers and vehicles to be accommodated until they retire or the car does, it also give companies some leeway in planning for the future.

It's a proposal, date and numbers can be changed, caveats may be needed to be introduced, but hopefully I have managed to convey the depth of concern this has caused and offer a suitable alternative for debate?

Await you reply with interest, we may only be taxi drivers, but we provide an essential service within the borough and are resentful at being picked on, just because we can!

Thanks for your time and please confirm receipt of this email by return.

respondent 8

pdfelement

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] Taxi Emissions

-----Original Message-----
From: respondent 8A
Sent: Sunday, July 30, 2023 8:53 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Taxi Emissions

Paul, I am having a problem with my IPad, for some reason it keeps crashing the keyboard, no doubt I am doing something wrong, but could you please ignore the last email I sent as a reply to yours and just use this one as a reference? That's if you received it, I'm not sure what happened to be honest!

Paul

Thank you for replying and apologies for the delay in getting back to you, I have just returned from a family holiday.

The context in which it was spoken was in direct reference to the amount of CO2 emissions generated by the general public to that generated by EEBC PHV's. The answer was 'insignificant', I am sure that's in the minutes of the meeting or you can always seek clarification from others present. I know it's not easy speaking to an audience from personal experience and total recall is a rare gift, but I think in this instance I am correct.

pdfelement

You asked for suggestions and alternatives and I have tried to form a basis for discussion, not a series of hard and fast rules, the suggestion that the higher standard was instituted on vehicle compliance was earlier than in your proposals was to horse trade for the longevity increase in vehicles presently.

Perhaps I am missing a trick, but I fail to see how our vehicles going into an area of another local authority has any relevance to the standards that are being proposed for Epsom.

I am aware that it is illegal to discriminate on the basis of age, you did mention in your address that some drivers continued into their nineties, this I would imagine is a very small number and in my proposals the vehicles would cease to function years before then and cost considerations would make vehicle purchase highly unlikely.

Let me state at this point that there is no personal advancement for me on these proposals, in fact the first point would move things forward a year for me, it's the overall injustice, lack of meaningful consultation and lack of thought that concerns me most.

If you find yourself unable to present any of the proposals to the relevant council committee I am more than willing to do it myself.

Once again, thanks for the opportunity and apologies for the delay in replying, but it is still within the deadlines stipulated.

respondent 8A

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Paul Holliday

Subject: FW: Meeting at Town Hall to discuss proposed emissions policy

From: respondent 9
Sent: Thursday, July 27, 2023 11:34 AM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] FW: Meeting at Town Hall to discuss proposed emissions policy

To whom it may concern,

I am writing in response to the recent proposals regarding changes to emissions standards for vehicles licensed by Epsom and Ewell Council.

We at x are committed to improving the emissions produced by our vehicles both through more efficient transport planning and renewing our fleet of older vehicles.

We have successfully operated our first EV minibus on a regular school route, something we are investigating more proactively now to assess operational viability. Unfortunately EV minibuses are not suitable for many of our routes currently due to distances involved and drivers having suitable charging facilities. With this in mind, we are still heavily reliant on traditional diesel combustion engine minibuses.

Having assessed our current fleet of vehicles, numbering 288, we have produced a list of vehicles based on category, that would not meet the new Euro 6 standard. I am sorry to say that it is a rather large list, mostly as a result of difficulties in the supply chain "post Brexit" and "post COVID". As an example, we placed an order for 10 brand new, standard spec, Renault Traffic 8 seater MPV minibuses last November (2022) which we still have not received. In fact, we are not likely to see the first one until this September and the rest from October onwards.

pdfelement

What I am pleased to report however is that the majority of our vehicles in the relevant category are Euro 5 and above. We are currently prioritising replacement of the older Euro 4 models.

Based on currently identified vehicles (52) not meeting the Euro 6 standard I can confirm the following:

1. Total replacement cost to new like for like models – approx. £1.5 million – this is simply not affordable given the multitude of financial challenges facing businesses in the UK and in particular transport operators.
2. Even if we were able to fund these new vehicles, there simply is not enough time given delays in manufacturing and supply.

In short, we are committed to improving vehicle emissions but would kindly ask for longer timescales to be considered.

Please do not hesitate to contact me if you would like to discuss these points further.

Kind regards

respondent 9

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Paul Holliday

Subject: FW: Meeting at Town Hall to discuss proposed emissions policy

---

From: respondent 9
Sent: Thursday, July 27, 2023 3:32 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: RE: Meeting at Town Hall to discuss proposed emissions policy

Dear Paul,

With regards to the replacing the Euro 4 vehicles in the relevant category; fortunately we only have 8 of these left on fleet, and plan to replace them all by the end of 2024 at the latest, which is only 6 months beyond your proposed July 2024 target.

As for replacing the remaining vehicles with Euro 6; this is slightly more difficult to pin a definite timeline to. There would be a further 44 in total to replace; the issue we have is that many are still in very good working order, a large number (approx. 25) are from the last year of Euro 5 production. Another big issue is what to do with these vehicles when they are replaced. There is a measurable environmental impact in scrapping vehicles in place of newly produced ones.

In order to answer your question, I can only offer a broad estimate of needing a minimum of 3 – 4 years to replace all relevant vehicles to Euro 6 spec.

Many thanks

respondent 9

pdfelement

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Paul Holliday

Subject: FW: Emissions restrictions for taxis and private hire

From: respondent 10
Sent: Thursday, July 27, 2023 4:21 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Emissions restrictions for taxis and private hire

I object to this proposal. Anything that aligns with the London ULEZ is a ridiculous position for the council to take. The impact of the ULEZ on local people and businesses is immense, particularly when it is coupled with the punitive changes to rail fares. To seek to match ULEZ with licensed vehicles is to tacitly agree with and support the ULEZ expansion itself. The 'deaths from pollution' figure is grossly overstated.

Epsom has a reasonable nightlife. This will hit people in the pockets. The cost of new vehicles will be reflected in fare prices and people will go out less or not at all. If you want a ghost of Christmas future take a look at Sutton. Sutton once had small and large nightclubs, a cinema and a range of both independent and chain pubs and restaurants. Epsom isn't booming, but it is starting to recover and is a great place to go out. It won't take much to ruin that. You have already done your best to destroy it with the ridiculous Epsom Station redevelopment and the banishment of black cabs in favour of app-operated big business from out of the area.

Your timeline indicates that, much like the ULEZ, the decision has already been made and the consultation is nothing more than performative art. I would urge you to be really careful as this will lead to a town centre than is anything but 'vibrant' which is, ironically, contrary to the council's own stated key priorities.

respondent 10

pdfelement

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] Re: pho consultation: Emissions restrictions for taxis and private hire

From: respondent 11
Sent: Friday, July 28, 2023 1:51 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Re: pho consultation: Emissions restrictions for taxis and private hire

Hi Paul,

I hope you're well.

Thanks for sending this over in regards to emissions.

my industry fits in a unique catorgory being a novelty vehicle. Limousines in this country are all around 14+ years old. Most councils and TFL allow us to be exempt from age related policies and emmission related policies.

TFL make exemptions for all existing licensed vehicles and I hope you would adapt the same policy.

My Chrysler limousine is Ulez compliant and does not have to pay but the Lincoln does pay Ulez.

I'm a small business and heavily rely on being able to trade to pay my mortgage, childcare fees and every other bill I have which is quote substantial.

If the policy excluded me from trading it would have a detrimental impact on me and my family's life.

We are a service in high demand, so it would also have an impact on the public who want to use our service for their special occasions.

I look forward to hearing back from you in due course.

Thank you.

Kind regards,

respondent 11

pdfelement

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] ULEZ

From: respondent 12
Sent: Friday, July 28, 2023 4:16 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] ULEZ

I object wholeheartedly to a ULEZ style policing of taxis and private hire vehicles in the Epsom and Ewell area. This will only be the beginning to your expanding this to include every vehicle moving in our area.

For Gods sake. We've got Epsom Downs less than a couple miles away. Look to you positions come the next round of local elections.

pdfelement

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Paul Holliday

Subject: FW: Objection to the Ulez PHV vehicles 29.07.23
Attachments: Consultataion.odt

From: respondent 13
Sent: Saturday, July 29, 2023 8:42 AM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Objection to the Ulez PHV vehicles 29.07.23

Dear Licensing,

I must object to the ulez for PHV.

My objections are in the word document.

Please take these into consideration now surrey cc has lost their Ulez contest in the high court

Kind regards

respondent 13

pdfelement

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1. No Public consultation you have to write to licencing so not being able to put a yes or no answer if you agree with it.
2. The consultation was done at the council in the middle of the day when most people were working so I would imagine it was a poor turnout.
3. A few hundred vehicles being removed will not make a difference to air quality or the climate.
4. Why not make all vehicles subject of Ulez not just PHV.
5. If my car will be stopped being registered for Private Hire, I can still drive my car in Epsom which makes no sense.
6. By 2025 more vehicles will be Ulez compliant so just give the older vehicles an exemption until they are replaced.
7. Allow all of the private Hire vehicles that do school runs for Surrey County Council an Exemption.
8. Additional needs children will have no access to school transport.
9. Lost Revenue to the council.
10. No scrappage scheme.
11. Less vehicles to take older people to Hospital's etc.
12. Drivers and Passenger assistant's out of work.
13. Who makes these decision's.
14. Cost of living crisis
15. People can't afford to replace their vehicles.
16. Epsom and Ewell are against Ulez as in their statement.
17. Epsom is run by the resident's association so it's the public that have the decision in the consultation.
18. Manchester Scrapped Ulez due to the public anger and that is a city not a council trying to get a few hundred vehicles off the road.
19. The U.k is second in the world for meeting target's due to emissions.
20. In Epsom we have clean air, Ulez was brought in to clean up the air in central London.
21. If more people object to the consultation it then needs to be scrapped.
22. As most of the vehicles are registered in Epsom they will still be used if the emissions comes into force.

pdfelement

Remove Watermark Now

Paul Holliday

Subject: FW: [WARNING EXTERNAL] ULEZ Expansion for Taxi and Private Hire : Consultation on Proposed Taxi and Private Hire Emissions Policy.

From: respondent 14
Sent: Saturday, July 29, 2023 12:52 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] ULEZ Expansion for Taxi and Private Hire : Consultation on Proposed Taxi and Private Hire Emissions Policy.

Dear Sirs

My first concern is that this consultation paper, to the best of my knowledge, was never *really* made public, despite updates from time to time from our local MP. Most of these documents either arrive with just a few days to comment, or, as in this case, is shared by a member of the public who only discovered it at the eleventh hour.

I do not consent to these proposals you have raised in the above proposal, because:

1) From impartial reports, it appears that TFL data, from which these proposals have arisen, was misleading and in some cases erroneously represented, based on challenges to ULEZ policies by members of the public.
2) The data is not circulated adequately. Why was a notice not sent to every household from early June? I only heard today, and have no time to read the documents.
3) The number of businesses which will be forced to close because of the need to buy new vehicles will likely have a severe impact on the economy of the town, as well as on the owners of the vehicles in question and their families.
4) This may be an attempt to open the ULEZ tax to privately owned vehicles in the near future. The public is already suffering. Who is really on THEIR side? Who really benefits from these changes?
5) What guarantee is there that fares will not rise, to further compromise Taxi and Private Car Hire? The public is wary of U turns. There is little confidence in situations like these. Corporations always seem to take precedence over people.
6) We know that electric vehicles are not the answer, in that they are unstable, short lived and have been seen to explode unexpectedly; additionally, some components are very costly, involve illegal child labour and Earth's resources.
7) The ***stealth*** with which these decisions are made, long before there is any public consultation (which invariably misses most of the population by accident or deliberation), is a concern. It is undemocratic and unacceptable.

In hope of betterment, and trusting each of you to look into your hearts, and into the eyes of your much loved children, before you pledge to do your best for the population of Epsom and Ewell, in acting in utmost honour in bestowing the finest legacy of honest , civic representation and a more ethical and open world. Your children will inherit the results of the efforts you make for the people of Epsom and Ewell. Make them the best you can.

Yours faithfully,

respondent 14

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] Response to Consultation on Proposed Taxi and Private Hire Emissions Policy

From: respondent 15
Sent: Saturday, July 29, 2023 4:30 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Response to Consultation on Proposed Taxi and Private Hire Emissions Policy

Dear Sir or Madam

As council taxpayers, we wish to make the following response to the above consultation.

- This appears to be a covert attempt to impose ULEZ policies and conditions by the back door. There are multiple grounds on which to subject these policies to significant challenge, including the highly questionable data on which they have been based, and the fact that the mayor of London disgracefully ignored the results of the poll in which the majority of respondents disagreed with the expansion of the ULEZ zone.
- We have no reason to be confident that identical conditions will not be imposed by EEBC on private vehicles at any point, regardless of whether the ULEZ zone officially expands to encompass surrounding counties or not. In other words, we see this as potentially the 'thin end of the wedge'.
- There is a serious risk that these measures will prove unaffordable for taxi and private hire operators, resulting in a raft of negative repercussions such as business closures, fewer vehicles being available and the ultimate inevitability of fare hikes that would be unaffordable to the average user. This will affect pensioners, the disabled, late night train passengers and have a detrimental, possibly terminal, effect on Epsom's pubs, restaurants and clubs.
- What risk assessments regarding the above at-risk groups have been carried out prior to these proposals? We are not informed.
- In no way are we reassured by the answer to the final question in the Q+As, that there are 'no additional increases to the fare chart planned'.
- We are concerned about any coercion of taxi and private hire operators to rely increasingly on electric vehicles. We fundamentally disagree with the notion that electric vehicles are 'green', notwithstanding any issue of emissions. We are still heavily reliant on fossil fuels for electricity and any serious investigation into this issue leads to the inescapable conclusion that this is not likely to change any time soon, regardless of the government's net zero goals. In addition, the government's goals for establishment of electric charging points are fully ten years behind schedule. We do not currently have the grid capacity to service a significantly expanded network of charging points, even if this were not the case. Electric vehicles also carry a risk of combustion and there are extremely concerning ethical and humanitarian issues regarding the mining of lithium for batteries.
- Finally, we find extremely disturbing the secretive and underhanded manner in which this consultation has been launched and run with absolutely no publicity whatsoever. This is wholly unacceptable. Consultation on new policies that affect a town's population is a council's **statutory duty** and under these conditions it has **not** been adequately or appropriately carried out. This falls woefully short of the standards required from publicly funded and accountable bodies.

Yours faithfully
respondent 15

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] Feedback on proposed emissions policy for licensed vehicles

Importance: High

From: respondent 16
Sent: Saturday, July 29, 2023 4:30 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Feedback on proposed emissions policy for licensed vehicles
Importance: High

Dear Sir/Madam,

I had not heard about this consultation until late yesterday when three friends separately informed me of it by email. All three had also not heard of the proposal until yesterday. I've heard nothing about it at all from EEBC. No email, no leaflet, no letter through the post and no public notices as far as I can see. Two people I spoke to in my building this morning had heard nothing about it either. I imagine there are many more. I do not have time today or tomorrow to write a properly considered objection. I demand that the deadline is extended by at least another 30 days so that everyone in the borough has time to consider and respond. Considering the public uproar caused by the ULEZ it is essential that everyone in the borough is fully and properly informed asap preferably by all four methods described above. And why not host a public debate on local radio! In the meantime I have read the proposal and object to it.

I look forward to hearing from you that the extension has been granted!

Regards,

respondent 16

parliament

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] Licensing consultation

From: respondent 17
Sent: Saturday, July 29, 2023 11:19 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Licensing consultation

I discovered this consultation paper through a friend, who knows that I am against the ULEZ expansion for many reasons. I am wondering why it has not been made more publicly visible? As it is for the residents of Epsom and Ewell to give their views, surely a bit more advance warning would be useful so there are a greater range of views to consider. A leaflet delivered to all residents with the details of this proposal would have been a better idea so people can deliberate and have time to share their views.

I do not consent to these proposals you have raised in the consultation document because:

1) There is some doubt over the data taken from TFL for this proposal as there are legal challenges going through the courts with conflicting data given by impartial sources.

2) The number of taxis which could be forced to close because of the need to buy new vehicles will likely have a severe impact on the economy of the town, as well as on the owners of the vehicles in question and their families. It seems to me to be an easy way to raise income. To benefit whom?

3) The proposal states that there are no plans to raise fares. What guarantee is there that this will be the case? The public is wary of U turns. There is little confidence in situations like these. Corporations always seem to take precedence over people.

4) We know that electric vehicles are not the answer, in that they are unstable, short lived and have been seen to explode unexpectedly, causing dangerous fires. The components are very costly, involve illegal child labour and are not easily recycled/not recyclable.

5) These decisions seem to be made with little regard to the public/electorate. It is undemocratic and unacceptable. I am concerned that this is a precursor to adopting the ULEZ within our borough. This will damage already struggling businesses and trade in the town and therefore the public.

I hope you will consider the above points raised. The people of Epsom and Ewell deserve better from their council. Transparency, honesty and the best, ethically made decisions for the benefit of the whole borough, not the coffers of the council.

Yours

respondent 17

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] ULEZ Expansion for Taxi and Private Hire : Consultation on Proposed Taxi and Private Hire Emissions Policy.

From: respondent 18
Sent: Sunday, July 30, 2023 1:41 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] ULEZ Expansion for Taxi and Private Hire : Consultation on Proposed Taxi and Private Hire Emissions Policy.

Dear Sir/Madam

I was only made aware of this consultation by chance on Friday and I am surprised that there has been so little publicity about it. ULEZ is a highly contentious issue and there are many ways this expansion proposal could have been brought to local people's attention - yet I don't know of anyone else in the area who was aware of the consultation either! Which makes me question the integrity of the process. Have you really had a chance to find out what local people think? Or has the decision already been made and this exercise is just a whitewash to give the appearance of the public's involvement, with an artificially created, inevitably low response rate appearing to show apathy and lack of interest which are then taken to imply consent?

Either way, please register my **opposition to these proposals** to introduce new emissions' standards for taxis and licensed vehicles in Epsom and Ewell, for the following reasons:

1. Where are the studies to show that air quality in Epsom and Ewell are of concern? I have not seen any that prove this to be the case. I have lived in the Epsom area for over 16 years without ever hearing about or experiencing air pollution at dangerous levels. Who has provided these details? Have they been checked by an impartial third party and confirmed as accurate? I would like to see evidence to support your assertions that these measures are needed at all. It seems to me that the suggestions you propose may relate to a different situation, being rolled out through stealth.

2. There is no scientifically credible evidence to show that forcing 'non-ULEZ-compliant' cars off the road will have any impact on improving local air quality or the health of local residents

3. There is no evidence that has been made public which shows that cars and taxis of a certain age produce any significant impact on the air quality in Epsom and Ewell (while there is plenty of evidence to show that the air quality is consistently good without such proposed draconian measures).

4. Most people whose cars do not meet the ULEZ criteria are at the lower end of the income scale. These are the people least able to afford to upgrade their vehicles - particularly in the current financial climate where mortgages, utilities and general cost of living have all sky-rocketed in the last year. These unjustifiable proposals will be the final straw for many local people and could see them go out of business, thus causing severe financial, emotional and mental hardship. I do not agree that it is worth risking the well-being of such people in order to allegedly 'improve the health' of other local residents - there really needs to be an honest cost/benefit analysis undertaken here.

5. Those driving 'non-compliant' taxis or private hire vehicles who cannot, or choose not to, scrap them (a hideously wasteful exercise in itself and not at all 'environmentally friendly', wouldn't you say?) will potentially be forced to drive further out to get work, thus cancelling out the so called benefits of banning them from the Epsom and Ewell area. Or is it OK to 'pollute' other areas?

6. In the same way that many people oppose the ULEZ being extended to the entire outer London area, the evidence to justify banning older vehicles, purely based on ULEZ 'standards', is lacking credibility and at best has been manipulated to force the most vulnerable and financially challenged out of their cars and onto an unfit-for-purpose public transport system.

7. I am extremely concerned, despite your reassurances, that this is a thinly disguised attempt to introduce ULEZ to all motorists who drive into and out of the local area, by stealth.

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This whole process is deeply flawed and anti-human. I find it incredible that no concern is being given to the impact it will have on the lives and livelihoods of hard-working taxi and private car hire drivers and businesses whose vehicles are perfectly viable, MOT-certified and well maintained. Larger companies can swallow costs of regularly upgrading their vehicles and typically have fleets of new, leased cars. Your proposal targets small businesses and sole traders, making it virtually impossible for them to compete with larger organisations, and threatening their survival. How many local people right now can afford the additional cost of a 'new' car? We should be encouraging, not penalising, small businesses. They make up a vital aspect of our community and should be supported to compete with large corporations, particularly since they are much more likely to contribute to the local economy than bigger companies.

In conclusion, I am wholeheartedly opposed to the imposition of any coercion on taxi and private hire vehicles to conform to these unrealistic and unreasonable measures. I believe they will have extremely adverse consequences for sole traders, small businesses, local residents, and the local economy. Your proposals will also threaten the survival of private transport both locally and across the country. I have no doubt that if this proposal is adopted, it will be a stepping stone to rolling out ULEZ-type measures onto the wider population, impacting not only the poorest among us, but also the most entrepreneurial, on whom our local community depends. Without sole traders and local small businesses who may well be forced out of the area or put out of business entirely, larger corporations will corner the local taxi and private car hire market and will be able to dictate prices, potentially raising them out of the range of local people, thus affecting shoppers, children needing to get to and from school, patients needing to get to the hospital, women travelling safely late at night, people attending family gatherings, social functions and more. This is contrary to the council's duty to safeguard the best interests of the local community, and is totally unacceptable for a so-called inclusive society.

Yours faithfully
respondent 18

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Paul Holliday

Subject: FW: ULEZ Expansion for Taxi and Private Hire : Consultation on Proposed Taxi and Private Hire Emissions Policy.

From: respondent 18A
Sent: Tuesday, August 1, 2023 11:56 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: Re: ULEZ Expansion for Taxi and Private Hire : Consultation on Proposed Taxi and Private Hire Emissions Policy.

Dear Paul Holliday

Thank you for your reply.

Even if the 6% figure is correct (which is far from conclusive) where are the studies that prove any causation by non-ULEZ compliant cars specifically? We should question everything associated with these figures and make sure they have been independently verified before rolling out draconian measures such as those suggested in this consultation.

As you have noted, the (alleged) mortality attributed to 'particulate air pollution' does not specify how much, if any of this, pollution is due to the incredibly small number of older taxis and hire cars in the borough. I would challenge the assumption that they are 'obviously a significant contributor' - again I would want to see how these conclusions have been drawn as they relate to EEBC directly. It is worth noting that cause of death attributed to particulate air pollution would be a very difficult thing to prove - particularly, I suspect, in cases where the deceased likely had one or more co-morbidities.

FYI there are some interesting points made here about PM2.5 levels decreasing significantly over the last 10+ years which would seem to indicate there is currently no crisis to be averted.

As for the second point you reference, I would say it is greatly to EEBC's credit that you/they have thus far resisted the pressure to comply to measures being enforced by other local councils. Councillors are representatives of their immediate community and not beholden to the policies implemented by other boroughs. I believe that if you encourage more people to give their opinion on this matter and publicise the consultation properly and effectively, with actual data, you would find a large number of local residents would be strongly opposed to taxi drivers and small car hire businesses being held responsible, and carrying the burden, for any alleged air pollution in the area. We should stand with councils like Sutton who are opposed to any forced ULEZ expansion as they understand the severe ramifications it will have on the poorest among them.

At the very least, I believe more time should be allowed for the consultation to be conducted and an honest representation of local people's views sought. No coercion should be applied to taxi drivers or car hire firms to upgrade their cars so long as they are MOT compliant in line with all other road users.

regards
respondent 18A

[redacted]

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Particulate matter (PM10/PM2.5)

On Monday, 31 July 2023 at 16:16:29 BST, Licensing <licensing@epsom-ewell.gov.uk> wrote:

To scapegoat and penalise the relatively tiny nymber of taxi drivers whose cars are not emissions complliant is insanely unfair and disproportionate

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] Feedback on proposed emissions policy for licensed vehicles

-----Original Message-----
From: respondent 19
Sent: Sunday, July 30, 2023 3:51 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Feedback on proposed emissions policy for licensed vehicles

As a resident of Epsom and Ewell I find the proposal of making licensed vehicles ULEZ compliant unacceptable. Many taxi firms in the area will not be able to afford new vehicles. They will go out of business leaving it even more difficult for the vulnerable to access transport within the borough.
Fares will inevitably go up as it is always the customer who has to foot the bill in the end. Many of the elderly and disabled who could afford one or two trips out a week will no longer be able to budget for this. They will become prisoners in their own homes. I doubt any council members are living from hand to mouth and have no concept of how difficult life can be for those who are.
Taxis outside the borough will refuse fares that take them into the borough if their vehicle is not ULEZ compliant making it difficult for residents to get home from hospital visits etc.
I do not think taxis and licensed vehicles being compliant with ULEZ is going to make much, if any, impact on traffic pollution in our borough. Has there been studies to investigate this? Please may any studies you may have done be made public the residents.
Yours sincerely respondent 19

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] Taxi ULEZ

From: respondent 20
Sent: Monday, July 31, 2023 8:56 AM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Taxi ULEZ

This is only the beginning. You say only taxis and private hire. You say this will not include private vehicles. NO NOT YET IT WON'T.

Like any other council in the land, you'll look for a way to get more money from us.

Concerned about the climate and of peoples health in Epsom and Ewell. Any one in your offices noticed we've go this big area called EPSOM DOWNS on our doorstep?

It's disgusting. There'll be more elections one day soon. Enjoy your positions while you still have them.

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Paul Holliday

Subject: FW: [WARNING EXTERNAL] EEBC Taxi and Private Hire Emissions Policy Proposal Feedback

From: respondent 22
Sent: Monday, July 31, 2023 5:14 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] EEBC Taxi and Private Hire Emissions Policy Proposal Feedback

I strongly object to the proposed emissions policy for Taxis and Private Hire vehicles within the borough. This is an outrageous stealth attempt to eventually bring in full ULEZ and more control over how we live our lives, penalising everyday people for little to no benefit. How is it that no-one in the borough knows anything about this consultation? The decision must be delayed and the people fully consulted. I support the current situation in that the borough has no restrictions on licensed vehicles.

Sincerely,
respondent 22

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Paul Holliday

Subject: FW: Cut-off date for Euro five Taxis

-----Original Message-----
From: respondent 21
Sent: Monday, July 31, 2023 12:31 PM
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: [WARNING EXTERNAL] Cut-off date for Euro five Taxis

I understand there has to be a cut-off date for Euro fives but as you propose you're still be Licensing euro fives in June 25. Can you not make this the cut-off for every euro five last license so we have the option of bringing our vehicles forward for Licensing, to ease the pain of Changing This is a policy TFL used Regards [respondent 21]
Sent from my iPhone

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Notes from Emissions Meeting 21st July 2023 AY 1:30pm

Paul Holliday (PH) and Karen Whibley: - Licensing Officers

Attendance

[redacted]

Notes/Comments

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- [redacted] – Wanted to know where the facts for pollution levels came from. PH explained that they were published (pollution matters) and he has e-mail them to [redacted]. He explained that in fact 6 deaths in 100 is due to pollution emission is the biggest contribution. And were not saying it just the Taxis causing the pollution but as a council we need to lead the way

- [redacted] would like to know are the council vehicles Euro 6 ? and will they meet the new emission standards being set out? And would also like to know what cars the members driver and if they will meet standards.

- [redacted] – members of the public particularly women traveling alone have said that they want Hackney style vehicles as they like separate compartment.

- [redacted] – also mention about the Hackney electric vehicles with no wheel chair access will really effect the wheel chair passengers also asked if the council will be putting gin charging points on the taxi rank.

- Paul Holiday explain as we will be expecting you to meet the Low emission standards we are trying to help by lifting the requirement to have taxi style cars but it doesn't mean they can not still have them.

- It was also ask if a scrappage scheme would be introduced? PH advised that no scrappage scheme or money would be given to help cover costs. But what could we do to make it work for them, [redacted] said they would need longer to implement Euro 6 (PH Asked them

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to let us know how long do you need, the cost and reason for the extra time so we can out this to members).

- [redacted] asked that could we be flexible could it just apply to new vehicles or at least Euro 5 not Euro 6? As quite a few drivers are getting older can they keep vehicles until they retire look at the individuals? He feels they are being forced to pack up due to their age not wanting to pay out for new vehicles as might not be working much longer. PH ask to so what ages would we apply this too? Asked to put it in writing so we can get the an understanding of that he is proposing.

- [redacted] also commented that it's not cheap and its hard to get seconded hand one too.

- [redacted]- is Euro 5 the minimum Standards as report states that 75% already meet euro 5/6 so its unfair to hit just the Taxi trade. As only 25% isn't compliant Ph Explain that the plan is to come away from Euro 5 too, euro 4 is being targeted first as its is more pollutive

- [redacted] aske the difference between Euro 4 and 5 petrol and diesel - PH explained that the standards applied were different to petrol and diesel so the euro4 diesel are more polluting than euro 4 petrol

- [redacted] also asked if vehicles could be licensing on a month to month basis (short term) as no firm will hire out to Epsom plates (Hackney style Vehicles) PH advice to write it into his proposal idea

- [redacted] also asked if taxis can do it when the whole borough goes Euro 6.

- [redacted] commented on cars/vehicles and even council vehicles stop there, its always being parked on the High Street Rank makes it useless, can they get cameras? PH advised to make a complaint/report it to us date time so we can log it on our service request so we can build up a case to go to surrey county council.

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Equality Impact Assessment Template

Simple Guide and tips

An Equality Impact Assessment (EIA) will help you analyse your policies and practices to make sure they do not discriminate or disadvantage people. However, EIAs also will help to improve or promote equality, access, participation in public life and good relations.

Your EIA should be started during the early stages of your project. Early consideration of equality matters will ensure that your policy, service or function will evolve in line with consideration of equality matters. However, not everything we do will have equality implications, only policies and practices that are relevant to equality need to be put in focus. If you decide after an initial assessment that a policy or practice is not relevant to equality then you should make a note of this. When completing a full EIA make certain the assessment is proportionate to the matters at hand. An EIA is not an end in itself – it is simply a way of ensuring and showing that due regard has been paid to our equality duty.

Where final decisions are made by councillors, in order to show that due regard has been given to the three aims of the equality duty at the time the decision is made, your assessment may need to be included within the report for Committee. The significance of your policy or practice to equality matters may help you make this decision.

All equality impact assessments are based around four core questions. There may well be others that contribute to the assessment, but the core ones remain throughout.

1. **What is the purpose of the policy?**
2. **How is it seeking to achieve this?**
3. **Who benefits and how? (and who, therefore, doesn't and why?)**
4. **What are any 'associated aims' attached to the policy?**

Sections 1 to 3 need to be completed in order to make an initial assessment

Section 4 onwards need to be completed for a full assessment

Stage 1 EIA Tracking[i]	
Title of EIA	**To licence less polluting and greener taxis.**
Lead Officer	**Paul Holliday – Principal Licensing Officer**
Division	**Licensing, Public Protection, Housing & Community**
Publication Date *(if applicable)*	**13 September 2023**

EIA Review Date *(only applicable when completing the full EIA)*	

Stage 2 Details of Policy, Service or Function[ii]

Provide an overview of the policy, service or other function being introduced or reviewed. Please include the aim or purpose of the policy, service or function etc., any context, changes proposed and the desired outcome. You will need to start to think about the equality implications and whether there is potential for impact on residents, service users and staff (as applicable) with one or more of the protected characteristics.	The Council licenses private hire vehicles (all journeys must be pre-booked in advance through a licensed operator) and hackney carriages (available for immediate hire in the street or at a taxi stand) with an aim to;- • Protect the public and ensure public safety remains at the centre of the licensing regime. • Ensure reasonable access to hackney carriage and private hire services. • That the individuals carrying out the roles of licensed drivers and operators are "fit and proper" to do so. The Council has a Hackney Carriage and Private Hire Licensing Policy which includes procedures, practices, and standards relevant to the hackney carriage and private hire licensing regime within the borough of Epsom and Ewell. The Council has made a clear commitment to tackle climate change, to reduce carbon emissions, and to contribute to improving local air quality. In support of these measures three changes to the taxi licensing policy have been proposed;- 1. To phase in the requirement that licensed vehicles should meet an emissions standard the same as the TFL ULEZ standard. An exemption will be provided for post manufacture wheelchair accessible vehicles, to ensure wheelchair users are not impacted by this proposal. 2. The restriction that all hackney carriages should be purpose-built taxis should be removed, though all taxis will still have to be wheelchair accessible. Purpose-built taxis are more expensive than other wheelchair accessible vehicles, and this proposal is intended to support drivers transitioning to cleaner vehicles. To help with the identification of these new vehicles as hackney carriages they will be required to display an illuminated roof box displaying ''Taxi - licensed by Epsom & Ewell Borough Council' 3. The restriction requiring all hackney carriages to be wheelchair accessible should be removed for up to 5 fully electric (Ultra-low Emission) vehicles in order to promote the use of zero emission vehicles while industry catches up with the production of reasonably priced fully electric wheelchair accessible vehicles.

Stage 3 Relevance Check[iii]	
Indicate whether the policy, function or service change etc. outlined in Stage 2 above has the potential to impact on people with a protected characteristic (covers service users, the wider community and staff). If yes, a full EIA needs to be completed *(please go to Stage 4).* If no, please set out your reasoning and then secure sign-off by your Head of Service and the Inclusion and Diversity Group at Stage 8.	Proposal 3, that the restriction requiring all hackney carriages to be wheelchair accessible should be removed for up to 5 fully electric (Ultra-low Emission Vehicles) vehicles, has the potential to impact people of a protected characteristic (disability).

Stage 4 Data Relevant to Full EIA[iv]	
List all data (including source) and other information relevant to the full equality impact assessment	The Council's own licensing database shows that we currently licence 35 hackney carriages. Taxi and private hire vehicle statistics, England: 2023 show that in England 55% of all taxis were wheelchair accessible. In London, all taxis were wheelchair accessible, whilst in the rest of England 39% of taxis were wheelchair accessible. Currently 100% of Epsom & Ewell BC licensed hackney are wheelchair accessible, and it had been considered that allowing a small percentage of non-WAV electric hackneys could be accommodated whilst still providing accessible hackneys at a higher percentage than nearly everywhere else in the Country, outside major metropolitan areas. In 2020 Reigate & Banstead BC adopted a similar policy – committee report can be found here. Discussions with R&BBC licensing indicate there has been some take up of these electric non-wheelchair accessible vehicles without any noticeable impact on access for disabled people. The Housing and Economic Development Needs Assessment (HEDNA) (produced to support the policy development related to housing and employment land in Epsom & Ewell Borough Council's emerging Local Plan) estimated there were 896 wheelchair user households in Epsom & Ewell in 2022.

Specify all engagement activities undertaken	A six-week public consultation was held on this and other proposals to 'green' EEBC licensed vehicles, which included public notices at the Town Hall, information on the 'Consultations' page of the Epsom & Ewell Borough Council website, posts on via the Councils' official Facebook, Instagram and Twitter accounts (9 posts in total), and a media release that resulted in a councillor being interviewed on BBC Radio Surrey. As part of the consultation licensing officers held a meeting with representatives of the Surrey Coalition of Disabled People. Their feedback was that they were strongly against any reduction in the percentage of wheelchair accessible vehicle, that wheelchair users want to be part of the future and have the right to be and should be able to access all services. Age Concern and the management of Swail House were also contacted as part of the consultation but did not respond. Discussions were held with staff at Epsom Railway station, who help with the transfer of wheelchair users on/off the train. The staff advised they assist with approx. 2 transfers a week, sometimes less. They said there were more wheelchair users who did not need assistance (e.g. they were with people who could help them). Of the few who did need assistance, very few of these wanted directing to or assistance with taxis – most went into town. There were 2 regular wheelchair users who went to Swail House.

Stage 5 Impact on Residents, Service Users and Staff with Protected Characteristics[v]

Undertake a full analysis which details all positive and negative impact arising from the policy, service or other function. If there will be no impact, make this clear by completing the relevant box. Please ensure that you evidence your conclusions with reference to the appropriate source.

Protected Characteristic	Potential Positive Impact	Potential Negative Impact	No Impact
Age			x
Disability		x	
Gender Reassignment			x
Pregnancy and Maternity			x
Race			x
Religion and Belief			x
Sex			x
Sexual Orientation			x
Marriage and Civil Partnerships			x

Stage 6 Decision[vi]

Specify the full details of your decision. Include any changes made to the proposal, steps taken to eliminate or minimise any negative impact(s), any additional mechanisms put in place to meet the needs of particular groups or to help foster good relations etc.	The consultation responses indicated that there was a risk that the introduction of meaningful emissions standards to hackney carriages could further reduce the number of hackney carriages licensed in the short term (despite efforts to mitigate this risk), as drivers decided to leave the trade rather than replace their vehicle with newer or less polluting vehicles. This could then potentially reduce total numbers of wheelchair accessible vehicles available to the public. This is against a background of hackney carriage numbers decline from pre-Covid numbers (currently 35, in 2020 there were over 70). Whilst other proposed changes to the licensing policy are deregulatory and are intended to remove barriers to entering the trade and thereby reverse the decline in numbers, it is not considered that this is the right time to reduce the percentage of hackneys that are wheelchair accessible. If the current decline in hackney numbers is reversed it could be a later policy review could reconsider if there was the need to allow the limited licensing of non-wheelchair accessible electric hackney carriages at a time when total numbers of wheelchair accessible hackneys are increasing, making the likely equalities impact negligible.

Stage 7 EIA – Action Plan[vii]

Please specify any action that will be taken to support implementation of your decision

Issue Identified	Action required	Implementation Date	Responsible Officer
The current small number of wheelchair accessible hackneys makes the proposal to allow the licensing of a limited number of non-wheelchair accessible vehicles likely to have a negative equalities impact on disabled people.	If the current decline in hackney numbers being reversed, a future policy review including a new equalities impact assessment could decide whether there is any merit in allowing the licensing of non-wheelchair accessible electric hackney carriages, as a smaller percentage of a larger total number of wheelchair accessible hackneys licensed. If this proposal was revisited at any time a new EIA would be required	If there is clear evidence of a sustainable increase in hackney carriage numbers, the Licensing and Planning Policy Committee could request the proposal be reviewed. The Council's Hackney Carriage and Private Hire Licensing Policy is due for review in 2027 and this will include a review of the licensed vehicle emissions standards.	Paul Holiday

Stage 8 EIA Sign Off[viii]			
Head of Service:		**Date:**	
Inclusion & Diversity Group:		**Date:**	

Guidance on completing the Equality Impact Assessment Template

i

Stage 1 - EIA Tracking

Insert appropriate details. A review date will only be required when completing the full equality impact assessment (Stages 1 – 8).

ii

Stage 2 - Details of Service / Policy / Function to be assessed

In this section you will need to provide information which explains the subject matter of the work you are undertaking. If a new policy is being developed then explain what the policy covers and what it sets out to achieve. If a policy is being reviewed, then once again explain what the policy addresses and highlight any changes that are being introduced. If the work you are undertaking involves a service change, outline what the current service provides and to whom, then discuss the changes that are proposed and what the outcome of these service changes are anticipated to be. Bear in mind when drafting this section (and the rest of the document) that a lay person, unfamiliar with the subject matter should be able to read it and understand the policy, function or service and any changes that are proposed.

iii

Stage 3 – Relevance Check

The relevance check asks you to complete an initial assessment of whether the new / reviewed policy, service or function proposed is anticipated to impact upon residents, service users or staff with a protected characteristic. If you consider that there will be some form of impact then you must go on to complete all other stages of the form (Stages 4 – 8 inclusive). If, however, there will be no impact, provide your justification in the space provided and seek formal sign off of your assessment (Stage 8). The form should then be kept in case you need to provide evidence at a later date that you had due regard to the three aims of the equality duty during policy development / service design. If you have any uncertainty at this stage of the process, go on to complete all sections of the Equality Impact Assessment Template (Stages 1-8).

iv

Stage 4 - Data Relevant to Full EIA

In order to undertake a full assessment of the equality implications associated with your project/work you will need to outline the data that you possess which will help you to understand any resultant impact. If you identify any gaps in your information, and thereby have gaps in your

understanding, you will need to fill these areas of uncertainty by exploring what other sources of information there are and/or by talking to different groups/bodies. It may be possible to consult with relevant groups. If you undertake any engagement activities you will need to set them out in this section. Please speak to the Consultation Team in Policy, Performance and Governance if you are considering undertaking consultation.

v

Stage 5 - Impact on Residents, Service Users and Staff with Protected Characteristics

Using the information that you have set out at stage 4 you now need to consider carefully whether the new or revised policy, service or other function etc. will impact upon people with a protected characteristic in a positive or negative way. You will need to consider service users, residents and staff (as appropriate). Set out your considerations for each protected characteristic in the appropriate column. If no impact will arise, please indicate this in the appropriate box to show that you have given due regard to equality. When undertaking this assessment make sure you bear in mind the different forms of discrimination, e.g. direct and indirect discrimination, discrimination by association or perception. The protected characteristic 'marriage and civil partnership' needs only to be considered in relation to the first aim of the equality duty – the need to eliminate unlawful discrimination, harassment and victimisation...

vi

Stage 6 – Decision

This section requires you to make and evidence your decision. Use your analysis undertaken in Stage 5 together with other relevant factors such as financial implications. The importance that you give equality considerations when making your decision should be proportionate to the significance of the policy, service or function on advancing equality of opportunity and in fostering good relations. Be mindful that your decision could be challenged, the Equality Act 2010 requires you to 'give due regard' to the three aims of the public sector equality duty. A strong evidence base and transparency will lead to effective decision making.

vii

Stage 7 – Action Plan

In the Action Plan set out any actions that you plan to implement to support your policy, service delivery or change etc. You will need to set a completion date and name a responsible officer. These actions may comprise some form of positive step(s) to support the needs of a particular group or step(s) which will negate any impact on a particular group.

viii

Stage 8 – EIA Sign Off

This section must be completed by the relevant Head of Service and a copy sent to HRAdmin@epsom-ewell.gov.uk when finishing your assessment at Stage 3 – Relevance Check or when completing the full equality impact assessment, Stages 1-8.

Further information is available from:

'Equality Impact Assessment Introduction and Appendices'. .

'Meeting the Equality Duty in Policy and Decision-Making England'

If you need further assistance please speak to a member of the Inclusion and Diversity Group

Hackney Carriage and Private Hire Licensing Policy

Version number 4
Date 26 September 2023

Tracking

Policy Title	Hackney Carriage and Private Hire Licensing Policy		
LT sign off	N/A		
Committee	Licensing & Planning Policy	**Date approved**	
Review due date		**Review completed**	
Service	Housing & Community		

Revision History

Revision Date	Revisor	Previous Version	Description of Revision
12/5/22	Paul Holliday	LPPC 26/4/22	Amended to reflect comments of committee members prior to consulatation
29/9/22	Paul Holliday	Version 2 12 May 2002	Amended to reflect consualtation responses
12/12/22	Paul Holliday		Revised policy adopted by Council

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1 Introduction and Background

1.1 Executive Summary

1.1.1 This document contains Epsom and Ewell Borough Council's Policy which includes procedures, practices, and standards relevant to the hackney carriage and private hire licensing regime within the borough of Epsom and Ewell.

1.2 Aims Of This Policy

1.2.1 The aim of this Policy document is to publish the stated intentions and requirements of Epsom & Ewell Borough Council as the Licensing Authority with respect to hackney carriage and private hire operations in Epsom & Ewell borough, championing the overriding principal of public safety as its primary concern.

1.2.2 As the Licensing Authority, the Council's primary aim is to:

- Protect the public and ensure public safety remains at the centre of the licensing regime.
- Ensure reasonable access to hackney carriage and private hire services.
- That the individuals carrying out the roles of licensed drivers and operators are "fit and proper" to do so.

1.2.3 The Council's powers are used to ensure that hackney carriage and private hire vehicles that operate within the borough are safe and operate in compliance with relevant legislation.

1.2.4 Specific regard has been afforded to HM Government's Department for Transport's (DfT) recent publication 'Statutory Taxi and Private Hire Vehicle Standards' (July 2020), published under Section 177(1) of the Policing and Crime Act 2017.

1.2.5 This new statutory guidance specifically requires all Licensing Authorities which exercise taxi and private hire licensing functions to introduce new and/or strengthen existing policies to protect from harm children and vulnerable individuals over 18 years old.

1.2.6 HM Government expects all the DfT recommendations to be implemented unless there are compelling local reasons for not doing so. As far as possible, the DfT recommendations have been incorporated into this revised Council Policy.

1.2.7 The Council recognises its duty with regards to Safeguarding children and vulnerable adults, and procedures are in place to ensure licences are only issued to “fit and proper” drivers and operators.

1.2.8 The Policy has been formulated pursuant to, and in accordance with, relevant legislation including:

- Town Police Clauses Act 1847;
- Local Government (Miscellaneous Provisions) Act 1976;
- Equality Act 2010;
- Immigration Act 2016.
- Police and Crime Act 2017;

1.2.9 The Equalities Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons based on race, gender, disability, age, sexuality (lesbian, gay, bisexual), transgender, pregnancy, religion, or belief.

1.2.10 The Council is committed to ensuring that it is delivering services in a non-discriminating way and that equality is at the heart of service provision throughout the authority.

1.2.11 The Council recognises that discrimination and exclusion can occur for many reasons including but not confined to race, language, age, gender, disability and poverty and is fully committed to overcoming such exclusion and discrimination.

1.2.12 In carrying out its duties the Council will have due regard for the need:

- To eliminate unlawful discrimination
- To promote equality of opportunity and good relations between people, including those in the groups protected by the Equality Act 2010.

1.2.13 This Policy will be subject to an equality impact assessment. In formulating this Policy, the Council have had regard to the need to provide for disabled people and to protect vulnerable groups. The mix of vehicle types, vehicle, driver and operator conditions relating to licensed vehicles, operators and drivers are intended to protect all passengers, and especially those who are most vulnerable.

1.3 Definitions and Terms

Throughout this document:

a) “the Council” or “the Authority” means Epsom & Ewell Borough Council both as an entity and as the Licensing Authority.

b) “driver” or “licensed driver” means drivers of both hackney carriages and private hire vehicles, unless the context indicates otherwise.

c) “vehicle” or “licensed vehicle” means both a hackney carriage and private hire vehicle, unless the context indicates otherwise.

d) “hackney carriage” means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.

e) “private hire vehicle” or ‘PHV’ means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward with the services of a driver.

f) “private hire operator” means a person who in the course of business makes provision for the invitation or acceptance of bookings for private hire vehicles.

g) the word “taxi” has no meaning in law, and whilst it is often commonly used generically to describe both hackney carriages and private hire vehicles, it more properly refers only to hackney carriages. Throughout this policy the word “taxi” is used to refer to hackney carriages only.

h) any reference to “proprietor” is a reference to the proprietor of either a hackney carriage or a private hire vehicle unless the context indicates otherwise.

i) any reference to the term “applicant” refers both to an unlicensed person who has applied to be granted a licence and a person who holds a current licence which was granted by the Council and who has applied for that licence to be renewed.

j) “DfT” means the Department for Transport, including previous names under which that Department has been known.

k) the term “DVLA driving licence” means a full original UK driving licence issued by the Driver and Vehicle Licensing Agency.

l) “LPPC Committee” means the Licensing and Planning Policy Committee of the Council. This committee approves the hackney carriage and licensing policy for recommendation to the Council and keeps it under review. The Committee also ensures members of the Sub-Committee receive the necessary training to undertake the administration of applications before them.

m) “Sub-Committee” means the Licensing (General) Sub-Committee. This is a panel comprising of elected Councillors who determine contentious applications for the grant or renewal of licences and the refusal, suspension, or revocation of these licences where serious offences or breaches of licence conditions have been committed.

1.4 Policy Status

1.4.1 In exercising its discretion in carrying out regulatory functions and decision making, the Council will have regard to this Policy.

1.4.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where there are exceptional circumstances or it is considered necessary to do so, Council officers (as delegated by the relevant head of service) may depart from this Policy. Where such a decision is made, reasons will be given for doing so.

1.4.3 This version of this Policy was adopted by the Council on 6th December 2022 and will remain in existence for a maximum period of five years from the date of adoption but will be kept under review and where necessary revised earlier. However, inconsequential amendments to this Policy and Appendixes to reflect administrative changes, may be made by the relevant Head of Service following consultation with the Committee chair.

2 General Principles

2.1 Standards of Service

2.1.1 When applying the policy and guidance the Council will have regard to the following principles:

- openness
- transparency
- consistency
- fairness
- proportionality

2.1.2 When the Council deals with hackney carriage and private hire vehicle drivers, proprietors, and operators we will endeavour to be:

- courteous
- timely
- responsive
- fair

2.1.3 The Council expect all licence holders and prospective applicants to act similarly in their dealings with us. Where licence holders and prospective applicants do not uphold the expectations placed upon a professional licensed service, consideration will be given to referring the case to a sub-committee for suspending or revoking the licence or refusing their application. Such examples of unsuitable behaviour can include, but is not limited to, licence holders who are rude and confrontational to staff; not complying in a timely manner with reasonable requests of the Council; avoiding their responsibilities; or any example of other, similar unprofessional conduct towards the Authority or others.

2.2 Response times for the processing of application

2.2.1 The Council aims to process applications as efficiently as possible. However, there may be occasions where there are peaks in demand or other pressures placed upon the service.

2.2.2 Applicants are expected to allow 3 working days (starting with the first working day after) from the submission of application documents for officers to confirm receipt and validate/reject any documents submitted.

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

2.2.4 New driver applicants should allow a minimum of 20 working days from the submission of a complete, valid application for licences to be processed and issued as additional checks are required.

2.2.5 Where the Council has to check an applicant's right to live and work in the UK, the applicant should allow an extra month for this check on top of the timescales above and be aware that no decision will be made until the right to live and work check has been completed.

2.2.6 To ensure that all information supplied is reasonably current at time of application, renewal applications can be submitted no more than 8 weeks before the expiry date of the existing licence, and new application must be completed with 6 months from first application.

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

2.2.8 The Council is empowered to seek such information as it may require to determine whether an applicant is a fit and proper person to hold a licence, and will not issue a licence until such enquiries are complete.

2.3 Pre application advice

2.3.1 If a new applicant believes there may be reasons why their application may take longer than normal or are uncertain whether this policy would affect the possible grant of their licence, we recommend contacting a Licensing Officer for confidential advice before applying for a licence. Application fees are non-refundable.

2.4 Honesty and integrity

2.4.1 Applicants and licence holders are expected to always act with honesty and integrity when supplying the Council with information.

2.4.2 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required in the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976).

2.4.3 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused. It is not necessary for the Council to determine whether false information was given knowingly or recklessly before refusing an application.

2.5 Overseas convictions

2.5.1 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in Appendix B (Policy regarding the relevance of convictions and other related information), the applicant should seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

2.6 Updating the Council of changes

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

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

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

2.6.4 A licence holder/applicant must notify the issuing authority in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence (including penalty points).

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

2.7 Licence Fees

2.7.1 Licence fees will be reviewed annually, with any increase normally taking effect on 1 April, with the aim of ensuring full cost recovery.

2.7.2 All applications must be accompanied by the appropriate fee.

2.7.3 We will not refund any part of the licence fee if a licence is surrendered, suspended or revoked or otherwise lapses.

2.8 Licence duration

2.8.1 The standard length for taxi and private hire vehicle driver's licence is three years, with a private hire vehicle operator's licence issued for 5 years. Any shorter duration licence will only be issued when a licensee has requested an annual licence, or where the specific circumstances of the case require it (e.g. when the licence holder's leave to remain in the UK is time-limited).

2.8.2 'Probationary' licences are not issued.

2.8.3 We will not issue an 'interim' licence (i.e., a licence pending the determination of application) unless there are exceptional circumstances which cause a delay in processing a renewal application. Any departure from this policy will be determined on a case-by-case basis by the licensing team following a written submission. In all cases the licensing officer's decision is final.

2.9 Decision making

2.9.1 Decision making with respect to taxi and private hire licences may be delegated to a committee, a sub-committee, or a licensing officer.

2.9.2 Epsom and Ewell Borough Council operates with a Licensing and Planning Policy Committee that is convened at periodic intervals to determine licensing matters, with individual contentious cases being considered by a Licensing (General) sub-committee formed of any three members from the Licensing Panel, which is a pool of members appointed by the Council.

2.9.3 Less contentious matters are delegated to appropriately authorised Council officers.

2.9.4 Where decisions may require the immediate revocation of a licence this role is delegated to a senior officer with responsibility for the licensing service.

2.9.5 A scheme of delegations showing where responsibility for decisions rests is attached at Appendix K.

2.10 Appeals

2.10.1 If your application is refused or your licence is revoked or suspended you may appeal to the Magistrates' Court (except a refusal to grant a new hackney carriage licence where the appeal is to the Crown Court) and we will advise you of your rights and procedures for an appeal.

2.10.2 Where a decision made by the Licensing Authority is appealed, the Council will normally defend the decision and seeks its costs of doing so in full from the appellant.

2.11 Ownership of licences and identification materials

2.11.1 All licences, drivers' badges, vehicle licence plates, internal identification cards, etc. remain the property of the Council as the Licensing Authority.

2.12 Reminders

2.12.1 It is the responsibility of the licence holder to remember that they need to renew their licence. However, as a courtesy we will endeavour to notify licence holders when their licence is due to expire. It is intended that reminders will normally be sent by email.

2.13 Method of communication

2.13.1 We will communicate with the licensed trade about various issues relevant to their licence. Our primary method of communication will normally be by email. Licences will only be posted on request.

2.13.2 Where licence holders or applicants are required to notify the Council of any changes in writing this should be sent by e-mail to licensing@epsom-ewell.gov.uk

2.13.3 The Royal Society for the Prevention of Accidents has found that using a hands-free phone while driving creates an increased risk of an accident, mainly due to the mental distraction and divided attention of taking part in a phone conversation at the same time as driving. If a driver is phoned or phones the licensing team whilst driving and using a hands-free device officers will explain that they need to rearrange the call for when they are safely stopped and end the call.

2.14 Partnership Working

2.14.1 The promotion of public safety relies on a partnership between licence holders, residents, regulatory authorities and the Council. Examples of the bodies that the Authority is keen to work in partnership with in order to protect the public and promote public confidence in the trade include;-

- licensees,
- the police,
- the Home Office,
- DVLA,
- VOSA,
- neighbouring authorities,
- County Council home-to-school transport providers,
- Pub Watch,
- and the local Business Improvement District

2.15 Information Sharing

2.15.1 The Council is part of the Multi-Agency Information Sharing Protocol (MAISP). The MAISP exists between public bodies in Surrey which establishes an agreed set of principles about sharing personal or confidential information. It enables each organisation signed up to the protocol to understand the circumstances in which it should share information and what its responsibilities are. The Surrey MAISP has been developed in partnership by representatives from Surrey's county and district councils, the health service and Surrey Police. Further information on the MAISP is available via https://www.surreycc.gov.uk/council-and-democracy/your-privacy/protocol-for-multi-agency-staff

2.16 Joint Warranting Arrangements

2.16.1 The Council will delegate the taxi and private hire enforcement functions under the legislation set out below to the other 11 Surrey local licensing authorities, in addition to retaining those functions within the Borough and will similarly receive the delegated taxi and private hire enforcement functions from those local authorities.

2.16.2 This enables improved enforcement of the taxi and private hire trade across the County and improves safety within the licensed hackney carriage and private hire vehicle service operating in Surrey.

2.16.3 Functions delegated to the Surrey Local 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 licences
- Section 61: to suspend and revoke drivers' licences
- Section 68: fitness of private hire vehicles
- Section 73: obstruction of authorised officer

2.16.4 The list of Surrey Authorities that have completed the Joint Warranting arrangement with Epsom and Ewell Borough Council is shown in the Scheme of Delegations at Appendix K.

2.17 Police Disclosure - Referrals to the DBS/police

2.17.1 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Council as Licensing Authority to make referrals to the DBS/police. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the DBS/police. The power for the Council to make a referral in this context arises from the undertaking of a safeguarding role. The Licensing Authority will make a referral to the DBS/police when it is considered that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult; or
- if they may harm a child or vulnerable adult or put them at risk of harm ('the harm test').; or
- received a caution or conviction for a relevant offence; or
- the person they are referring is, has or might in future be working in regulated activity.

2.17.2 If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

2.18 Whistleblowing

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

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

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

3 Licensed Drivers

3.1 Licensed vehicles can only ever be driven by a licensed driver.

3.1.1 An offence is committed if someone drives a licensed hackney carriage when they do not hold a current hackney carriage driver licence issued by the same licensing authority. Similarly, an offence is committed if someone drives a licensed private hire vehicle when they do not hold a current private hire vehicle driver licence issued by the same licensing authority. This means that no family member or friend, unless they are licensed as a driver by the same licensing authority and insured for that purpose, may drive a licensed vehicle even if it is only for personal use.

3.1.2 Types of driver licence issues by this authority

- Hackney Carriage Driver Licence – the holder of this licence is simultaneously licensed to drive Epsom & Ewell Private Hire Vehicles
- Private Hire Driver Licence – this licence does not authorise the holder to drive a hackney carriage
- School Run only Private Hire Driver Licence - licence limits the holder to only drive private hire vehicles for home to school runs whilst under a contract with a County Council, where the same regular journey is taken. The driver is not licensed to accept bookings as part of the private hire circuit.

3.1.3 This Authority used to issue ‘Restricted licences’, authorising partners of licence holders to driver licensed vehicle for private use only. From the publication of this policy this Authority will no longer grant or renew restricted licence. Only one restricted licence is currently in effect in the Borough, and this licence will not be renewed on expiry.

3.2 Hackney Carriage Byelaws

3.2.1 The Council has made byelaws for hackney carriages, proprietors and drivers which must be complied with. Failure to comply with the byelaws may lead to prosecution of offenders in the Magistrates’ Court or suspension/revocation of the relevant licence.

3.3 Parallel Procedures

3.3.1 The statutory and practical criteria and qualifications for private hire drivers are broadly similar to those for hackney carriage drivers, with the exceptions of the knowledge test and the hackney carriage byelaws. This section therefore applies equally to both private hire and hackney carriage drivers.

3.4 Fit and Proper Person

3.4.1 Licensed drivers will be required to convey vulnerable adults and/or children in their vehicles. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they are a “fit and proper” person. In considering the fit and proper test, applicants are required to submit information to satisfy the Council that they are a ‘fit and proper person’ to hold a hackney carriage and/or private hire driver’s licence.

3.4.2 Where relevant information is received the Council will consider whether applicant for a driver licence meet the ‘fit and proper’ threshold in accordance with the policy regarding the relevance of convictions and other related information (Appendix B).

3.5 Application Process for Drivers

3.5.1 Initial applications must include:

- A completed application form
- Payment of the relevant fee (by debit or credit card only)

3.5.2 New applications will be determined once the following have been provided:

- A copy of full DVLA driver’s licence
- Evidence of right to live and work in the United Kingdom
- A medical report, completed by the applicant’s registered doctor less than 4 months before application.
- Child Exploitation awareness training course certificate from an approved provider
- For a new Hackney Carriage Driver Licence, a Disability Awareness course certificate from an approved provider
- Where driver is under 21 or held a relevant driving licence for less than 3 years, a driving assessment certificate issued within the last 12 months from an approved provider.
- Knowledge test pass
- An English Language assessment (where necessary)
- A criminal record check and/or a letter of good conduct from the Embassy or Consulate for the country of residence (if living outside the United Kingdom for a continuous period of three months or more since the age of 16)
- An enhanced level DBS certificate
- Confirmation of subscription to the DBS Update Service
- a digital passport type photograph.

3.6 Full disclosure of Criminal records, cautions, etc.

3.6.1 Both Hackney Carriage and Private Hire drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”). Accordingly, all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes. There are some exceptions to disclosure however, and it is the applicant’s responsibility to ensure that the information provided to the Council is accurate.

3.6.2 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused. It is not necessary for the Council to determine whether false information was given knowingly or recklessly before refusing an application.

3.7 Driving Licence

3.7.1 Applicants must have a minimum of 1 year of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence should obtain a UK DVLA licence within 1 year of residency. If this document is required, it must be produced before the initial licence is issued.

3.8 Entitlement to work in the United Kingdom

3.8.1 You must submit a document or combination of documents to demonstrate your entitlement to live and work in the United Kingdom or an online Home Office right to work share code. We will only accept documents as approved by the Home Office in accordance with their ‘Right to Work Checklist’ available on the .GOV website

3.8.2 If the check shows the person has a right to remain indefinitely in the UK, the check will not normally need to be repeated. A licence will not be granted to an applicant who is not entitled to work in the UK.

3.8.3 For those drivers and applicants who have time-limited right to work permission, the check must be repeated at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK. A licence will only be granted for the duration of the validity of the Visa or permission.

3.9 Medical assessment

3.9.1 The Council recognises that licensed drivers should be subject to more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey. The Council therefore requires Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Hackney Carriage and Private Hire drivers.

3.9.2 Applicants shall provide a completed medical examination report supplied by the Council and completed by a General Practitioner (G.P.) from the practice at which they are registered on first application. Licence holders over 45 must provide a medical report every 5 years thereafter until aged 65 years when annual examinations are required. By prior agreement only, a medical report completed by a Council approved G.P. is acceptable as an alternative to the report being completed by their own G.P. if the G.P carrying out the medical examination confirms a summary of applicant's medical records has been reviewed.

3.9.3 Licence holders with certain medical conditions (for example certain neurological or cardiovascular conditions) may be required to undergo annual medical reviews, submit annual reports, and adhere to additional requirements in order for them to retain their driver's licence.

3.9.4 Applicant's that hold Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) licences, where the holder can produce proof of current medical examination less than 3 months old, will not be required to undergo a medical examination on first application.

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

3.9.6 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Medical Doctor appointed by the Council. No licence will be issued or remain in force until medical confirmation that the DVLA Group 2 standards have been met has been received.

3.10 Child Exploitation Awareness training

3.10.1 The hackney carriage and private hire vehicle industry can play an important role in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

3.10.2 The Council requires mandatory safeguarding awareness training for all drivers from a Council approved provider.

3.11 Disability Awareness Training for hackney carriage drivers

3.11.1 People with various disabilities should be able to immediately hire a wheelchair accessible hackney carriage with the assurance that the driver will have a good understanding and working knowledge of the needs of disabled passengers.

3.11.2 Disability awareness training from a council nominated provider is a pre-condition for being granted a hackney carriage driver's licence.

3.12 Driving Proficiency and Qualifications (where required)

3.12.1 The Council has nominated approved providers of a driving assessment specifically designed for hackney carriage and private hire drivers. Where a new applicant for a driver licence is under 21, or held a relevant driving licence for less than 3 years, a certificate showing completion of the relevant approved driving assessment must be provided dated within the last 12 months

3.12.2 If at any time there appears to be substantive reason to doubt that the driving of any driver is not of a satisfactory standard (e.g., following complaints), the Council may require the licence holder to pass a driving assessment, paid for by the driver.

3.13 Knowledge Test

3.13.1 Applicants for a driver's licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- This policy, particularly where it relates to ongoing requirements for licence holders (e.g. licence conditions, the Penalty Points Scheme, Requirements to update the Council of any changes, etc.)
- The Highway Code, particularly changes to the code since the grant of their DVLA licence
- Numeracy, particularly with reference to calculating the correct change
- Verbal and written English communication, including the ability to write a receipt, understand written information provided by the Council relating to their licences, understanding typical verbal passenger requests and being able to respond clearly to such requests.

- Local knowledge: The location of key landmarks, schools, stations, hospitals, health centres, public houses, leisure and sport facilities within the Borough, and the roads used to travel between them. Private Hire applicants need only indicate the main roads used, however hackney carriage applicants will need to name the individual roads used.

  Applicants for a Hackney Carriage drivers licence will additionally be tested on;

- The borough boundary roads
- The location of hackney stands, the number of bays and the hours of operation
- The hackney carriage byelaws
- The hackney carriage Fare Table.

3.13.2 The Council does not limit the number of times applicants can take the test, however each attempt at the test must be paid for separately, in advance. If applicants fail successive knowledge tests they will be advised to wait a further month before attempting the test again so that they can undertake the necessary revision.

3.13.3 Any applicant cancelling the knowledge test with less than 24 hours' notice will not be refunded the fee.

3.13.4 Where an applicant is applying for a 'School Run only' private hire vehicle drivers licence they will not be asked the local area knowledge questions. A condition will be added to the private hire vehicle drivers licence restricting the use accordingly.

3.14 English Language assessment (where necessary)

3.14.1 Hackney carriage and private hire drivers need to be able to communicate with customers to discuss a route or fare, as well as to read and understand important regulatory and safety information. It is also important that all licence holders can read and understand information provided by the Council. It is therefore essential for public safety that all taxi and private hire licence holders can communicate in English at an appropriate level.

3.14.2 The knowledge test required to be completed by all new applicants will require the applicant to read, write, speak, and understand spoken English to a reasonable standard. Where following the knowledge test there is reasonable cause to believe that there is a need to assess an applicant's English language skills further, an authorised officer may require an applicant to evidence their English language standard by producing a qualification such as an English GCSE or AS Level Certificate. Other certificates (e.g., Secure English Language Test (SELT) or English as a second language or foreign language qualification (e.g., ESOL)) may be accepted at the discretion of the Authorised Officer

3.14.3 The above English Language Requirements may also be applied retrospectively to existing licence holders where there is a substantiated complaint, or an expressed concern from an identified person, concerning their English language ability.

3.15 Overseas Criminal records Checks

3.15.1 If an applicant or current licence holder has spent three continuous months or more overseas since the age of 16, the Council will need to see evidence of a criminal record check from the country / countries lived in / visited covering the period that the applicant was overseas. This includes any time spent overseas during the course of a licence.

3.15.2 An original authenticated certificate of good conduct (together with a translation into English if the document is in another language) obtained from the embassy for each relevant country in which the applicant has lived, worked, or visited for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted. Any translation of the document must be from the embassy which issued the original document and must be validated by the corresponding embassy located in the UK.

3.16 Criminal Record Checks

3.16.1 A criminal record check on an applicant and/or driver is an important safety measure. All applicants are required to provide an Enhanced Disclosure certificate through the Disclosure and Barring Service. This disclosure will include details of live and spent convictions, police cautions and other relevant information (including non-conviction information) that indicates that a person poses a risk to public safety.

3.16.2 The DBS certificate must include adult and child barred list checks, completed for the required role of taxi driver. For a School Run only Private Hire Driver Licence the certificate may be completed for the required role of working with children in the capacity of 'child and adult workforce' or 'other workforce'.

3.16.3 The Council will only accept DBS certificates which are applied for through the approved nominated third party provider, or directly through another licensing authority (e.g., District Council or County Council).

3.17 DBS update service

3.17.1 All applicants/licence holders must subscribe to the Disclosure and Barring Service Online Update Service within 30 days of the DBS certificate being issued. This will be required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. If a licence holder fails to sign up to the update service, or fails to maintain subscription during the period that the licence is in force, then the licence will be suspended or revoked until a new enhanced DBS certificate is supplied

3.17.2 The Council use the DBS Update Service to routinely check for new information every six months or sooner if information comes to light that calls into question whether a person is “fit and proper” to hold a licence.

3.17.3 Should the check reveal that new information is available the DBS certificate will no longer be relied upon, and a new DBS certificate will be required. The Council can also request another disclosure at any time if a further check is considered necessary.

3.18 Passport Photograph

3.18.1 Applicants must provide a digital passport quality photograph of themselves. The photograph must:

- Be taken against a clear, neutral coloured background with no other objects or people
- Be coloured, clear and in sharp focus
- Be a recent photograph (taken in the last 12 months)
- Be unaltered by computer software
- Be at least 600 pixels wide and 750 pixels tall
- Be at least 50KB and no more than 10MB
- Be in the JPEG file format

Applicants must make sure:

- They are facing forward and looking straight at the camera
- They present a full head shot from top of hair to bottom of neck
- Their eyes are open and clearly visible (no sunglasses or tinted glasses and no hair across the eyes)

- They show their full face, without any head coverings, unless worn for religious beliefs

3.19 National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3)

3.19.1 The Council provides information to the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3). This allows licensing authorities to share details of individuals who have had a hackney carriage or private hire licence revoked, or an application for one refused.

3.19.2 Where a hackney carriage/PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3. Information will be retained on NR3 for a period of 25 years.

3.19.3 All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received because of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

3.19.4 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision, or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence.

3.19.5 A licence holder who wishes to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to the data subjects under the GDPR, can do so to the authority's Data Protection Officer at foidpa@epsom-ewell.gov.uk. This includes submitting a subject access request.

3.19.6 Licence holders always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about the handling of data can be found on the ICO's website: https://ico.org.uk/make-a-complaint/

3.20 Drivers Badges

3.20.1 On grant of licence the driver will be issued an identification badge. The driver's badge must be worn on the driver's person in a position where it may be seen at all times when they are working.

3.20.2 The driver shall, upon the expiry (without immediate renewal), revocation or suspension of this licence, return to the Council the Driver's badge issued by the Council.

3.21 Conditions of Licence

3.21.1 The Private Hire Vehicle Drivers Licence conditions are set out in Appendix C. The Council considers that it is reasonably necessary that these conditions be attached to the grant of vehicle licences, however, the sub-committee has full discretion to modify and/or add to these standard conditions as may be considered reasonably necessary in any individual case.

3.21.2 The Council is not permitted to attach conditions to a hackney carriage driver's licence. However, all Epsom & Ewell Borough Council licensed hackney carriage drivers are simultaneously licensed as private hire drivers, and are therefore subject to the private hire driver licence conditions (Appendix C) at all times their hackney carriage licence is in effect. Additionally, hackney carriage drivers are also subject to the Council's byelaws which are shown in Appendix A.

3.22 Conduct

3.22.1 Licensed drivers must ensure that the service they supply enables them to transport their passengers comfortably, safely, and conveniently. As professional drivers, the Council and passengers expect their driving and general behaviour to be of the highest possible standard. It is also key that they are honest and trustworthy.

3.22.2 The Council expects licensed drivers to treat customers and members of the public as well as other road users with courtesy and respect. Licensed drivers should never expose their customers or other members of the public, especially the more vulnerable and those requiring assistance, to any form of abuse or other behaviour that may cause alarm, distress, offence or discomfort.

3.22.3 Licensed drivers are responsible not only to their passengers and other road users but also for upholding the reputation of the hackney carriage and private hire trade as well as the Council as Licensing Authority.

3.23 Duties for drivers of wheelchair accessible vehicles

3.23.1 The licensing authority publishes a list of designated wheelchair accessible hackney carriage and private hire vehicles.

3.23.2 Drivers of designated wheelchair accessible vehicles are required to undertake the following duties:

- To carry a passenger while they are in a wheelchair
- To not make an additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- To take such steps that are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

3.23.3 Failure to abide by these duties could lead to prosecution, substantial fines and/or suspension or revocation of licence

3.24 Guide or assistance dogs

3.24.1 Guide dogs are working dogs, not pets; their owners rely on them for both independence and mobility. The Equality Act 2010 places a duty on hackney carriage and private hire drivers to carry guide dogs and other assistance dogs at no extra cost.

3.24.2 Unless they have a medical exemption certificate, taxi and private hire drivers must:

- Carry the assistance dog in their vehicle and allow it to remain with its owner
- Not charge extra for carrying an assistance dog in their vehicle

3.25 Driver exemptions from equalities duties

3.25.1 Drivers can apply for an exemption (certificate) from the duties to assist passengers in wheelchairs or with guide dogs, either on medical grounds or because their physical condition makes it impossible or unreasonably difficult for them to comply with the duties. The exemption application will need to be verified by a medical practitioner, with the applicant being responsible for any associated costs

4 Licensed Vehicles

4.1 Differences between hackney carriages and private hire vehicles

4.1.1 One of the key differences between the vehicles is that a private hire vehicle (PHV), unlike a taxi, cannot ply for hire, which means that all journeys must be pre-booked in advance through a licensed operator. Locally licensed hackney carriages can be found at the hackney carriage stands around Epsom and they can be hailed in the street.

4.1.2 It is an offence for PHVs to pick up passengers from any location unless pre-booked via a licensed operator.

4.1.3 This authority regulates the fares charged by hackney carriages, whereas there is no power to do so with PHVs.

4.1.4 There are many similarities in the licensing of hackney carriages and private hire vehicles, however there are also important differences. Most of this section applies equally to both private hire and hackney carriage drivers, however paragraphs 4.19 to 4.27 apply to hackney carriages only, and paragraphs 4.28 4.33 apply to private hire vehicles only.

4.2 Numbers of vehicles

4.2.1 This Authority does not limit the maximum number of hackney carriage or private hire vehicles.

4.3 Vehicle specification and standards

4.3.1 The Council has adopted minimum specification standards and conditions in respect of hackney carriage and private hire vehicles, and these are set out in Appendix D. Where, due to an accident, a licensed vehicle is unroadworthy and the proprietor wishes to have a temporary licence granted for a replacement vehicle, this vehicle must also comply to these standards.

4.4 Vehicle Emissions Standards

4.4.1 From 1 July 2024 licences will normally only be granted to vehicles being licensed for the first time that meet the TFL Ultra Low Emission Zone requirements (Petrol: Euro 4, Diesel: Euro 6). An exception will be allowed until 1 January 2025 for proprietors of licensed Euro 4 diesel vehicles that are replacing them with Euro 5 diesel vehicles.

4.4.2 From 1 January 2025 licences will not normally be renewed in respect of any licensed diesel vehicle that does not meet or exceed Euro 5 emission standards.

4.4.3 From 1 July 2026, licences will normally only be granted to vehicles (including renewal of existing licences) that meet the TFL Ultra Low Emission Zone requirements (Petrol: Euro 4 Diesel: Euro 6).

4.4.4 Vehicles that have been specially adapted [i.e., post manufacture] to carry wheelchair users will be exempted from the emission requirement.

4.4.5 Vehicles used for the completion of home to school transport under contract from a County Council will be given a one-year extension to each of the phased emission requirements.

4.5 Dual licensing

4.5.1 This Authority will not issue a vehicle licence to a vehicle licensed as a hackney carriage or PHV by a different authority. If after licensing a vehicle is found to be licensed by another authority, then the vehicle licence issued by this Council will be suspended.

4.5.2 The Authority has had a unique arrangement with Transport from London to allow dual licensing of vehicles which was initially intended to enable effective transition from the old Greater London Authorities. With effect from 1 January 2014 the Authority no longer licensed new dual vehicles.

4.6 Vehicle proprietors must be ‘fit and proper’

4.6.1 Licensed vehicle proprietors are in a position of trust, as they are responsible for ensuring the maintenance of vehicles which are used to transport members of the public, and they have an important role in ensuring the vehicle is not used for criminal or other unacceptable purposes.

4.6.2 Therefore, the Council must ensure that applicants / licence holders are suitable persons. In most cases individuals that license a vehicle will already be licensed as a driver, and the checks undertaken as part of this process can be relied upon. If this is not the case a basic DBS certificate for each proprietor dated within the last 12 months must be supplied.

4.6.3 The Council will consider whether applicants for a vehicle licence meet the 'fit and proper' threshold in accordance with the policy regarding the relevance of convictions and other related information (Appendix B), except where it relates to driving offences.

4.7 Smoking in a licensed vehicle

4.7.1 Smoking in a smoke-free place is prohibited under the Health Act 2006. In this context a 'smoke-free place' includes hackney carriage and private hire vehicles, as well as a private hire operator's premises which is open to the public.

4.7.2 It is the responsibility of both the driver and the proprietor to ensure 'no smoking' signage, as prescribed by the Health Act 2006, is always displayed in their licensed hackney carriage or private hire vehicle.

4.7.3 It is specified as a condition of licensing that the use of e-cigarettes and vaping products are also prohibited in licensed vehicles.

4.8 Application Process for Vehicle Proprietors

4.8.1 Applications for a vehicle licence must include the following:

a) a completed application form

b) payment of the relevant fee (by debit or credit card only)

c) **A basic DBS certificate**: for each proprietor (or director or partner if the applicant is a business) dated within the last 12 months if the proprietor is not a licensed driver with the Council.

d) **Vehicle Registration Document (V5)**: The vehicle registration document (V5) must be provided on first licence application. If you have recently bought the vehicle and you do not have a reissued V5, we will accept the tear off slip

(V5C) or the confirmation of registration document from the dealership, however the V5 must be supplied to the Council without delay once issued.

e) **Insurance Certificate**: An insurance certificate must be provided on application for a licence for the following:

- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward.

The certificate must clearly show the vehicle registration number and the names of all persons entitled to drive the vehicle.

A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.

f) **MOT test pass certificate**: A valid MOT certificate no more than eight weeks old from the date of application (for renewal applications eight weeks from date of expiry of current licence) must be presented on application, an exception is made for vehicles which have covered less 2000 miles. If the MOT certificate contains advisory notes, the defects must be rectified prior to the next inspection date or at an earlier date determined by the Authorised Officer.

g) **LOLER certificate (where a lift is fitted for wheelchair access):** A purpose designed wheelchair lift shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheelchair lift will require a LOLER certificate that is valid for a period of six months from the date of issue. *Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.*

4.8.2 Only when all required documentation is supplied an appointment will be made for the vehicle to be inspected at the Town Hall. A licensing officer will then ensure the vehicle meets the vehicle specification and standards (Appendix D) before granting the licence.

4.9 Licence Plate

4.9.1 An external plate shall be fixed in a vertical plane to the exterior of the rear of the vehicle, either to the body or on a bracket, as specified by the Council.

4.9.2 A smaller internal double-sided version of the licence plate must be placed inside the top near side of the windscreen or as directed by a Council officer.

4.9.3 Plates must be always kept clean and legible.

4.9.4 On revocation or expiry of a vehicle licence or the suspension of a licence the Council may serve notice on the proprietor requiring him to return the plate within seven days after service of the notice.

4.10 Conditions attached to licence

4.10.1 The Council will attach conditions to a vehicle licence upon grant. A set of standard conditions for hackney carriage vehicle licences is set out at Appendix E, and a set of standard conditions for private hire vehicles is set out at Appendix F.

4.10.2 The Council considers that it is reasonably necessary that these conditions be attached to the grant of vehicle licences, however, the sub-committee has full discretion to modify and/or add to these standard conditions as may be considered reasonably necessary in any individual case.

4.11 Alteration of Vehicle

4.11.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

4.12 Wrapping of Vehicles

4.12.1 Car wrapping is when a car is covered, either fully or partially, in a special vinyl film to change how the car looks, either with a new colour, new design or a new texture (e.g., matt or gloss). Since 2017, the DVLA requires the ‘wrapping’ of vehicles to be notified to it as a change which must be recorded on the V5 Registration Document. Vehicle proprietors wishing to ‘wrap’ a currently licensed vehicle must first inform this Licensing Authority in writing of their intention to do so. This is in order that the vehicle licence may be suspended temporarily pending their provision of an updated V5 Registration Document specifying the colour change.

4.13 Security and Closed-Circuit Television (CCTV) in Licensed Vehicles

4.13.1 The Council views the installation of overt CCTV and recording equipment within all licensed vehicles as a positive measure in safeguarding passengers and drivers and acts as an aid in the prevention and detection of crime. Furthermore, audio sound (only activated in the event of an incident, otherwise mute) and image recordings are good evidence if allegations are made against drivers.

4.13.2 Where such a CCTV system is installed, this Licensing Authority requires signage to be displayed informing both prospective and actual passengers of its presence. This signage must be prominently displayed on both Nearside and Offside rear passenger door windows, so as to be clearly visible from inside and outside, easily read, and is required to show both words and symbols.

4.13.3 The system must be approved by the Council. Transport for London have issued 'Guidelines For CCTV Systems In Licensed London Taxis & Private Hire Vehicles', and officers will have regard to this guidance when approving a CCTV system.

4.13.4 Where CCTV is fitted to a licensed vehicle, and in use, it must:

a) comply with the Information Commissioner's data protection requirements and Codes of Practice
b) be capable of recording date, time and vehicle identification, such features to be always activated when in use
c) be event activated (e.g., door or ignition) and must continue to record for at least 30 seconds after the ignition is switched off
d) be capable of storing recorded material for at least 30 days
e) incorporate a panic button which stores at least the previous 10 minutes of recording in a separate part of the recording media be capable of having recorded material downloaded to another storage device for reviewing
f) have storage media which is not accessible to the driver or any other person travelling in the vehicle
g) have a data storage unit, securely fixed to the vehicle, and stored separately from the recording unit, out of view of any passenger in the vehicle
h) be capable of recording images of all passengers travelling in the vehicle and the driver
i) be always kept in good working order
j) enable recordings to be made available to Licensing Officers or the Police on request

4.14 Use of Partition Screens (Driver Safety Shield)

4.14.1 The Council supports the installation of partition screens between the driver and passengers in both hackney carriage and private hire vehicles. These partitions are designed to act as a buffer between the driver and passenger to improve safety. It is also recognised that by fitting and using such devices, together with employing other measures such as good ventilation and positioning of passengers, they may provide some degree of protection from, and control of, disease and infection, including COVID-19.

4.14.2 However, all newly manufactured vehicles have been rigorously tested (NCAP) and achieved European Whole Vehicle Type Approval. Changing or adding to the interior of the vehicle can alter the 'type approval' and may have

consequences as to what happens inside a vehicle in the event of a collision. Consequently, whether a safety partition screen should be installed is a matter for operators, vehicle proprietors and their insurer.

4.14.3 To assist in making a decision, the Council has produced 'Guidelines for Private Hire Vehicle Safety Partition Screens', together with the specific requirements, at Appendix G.

4.14.4 For all licences granted after this version of the policy has been published a new condition will be added to the licence regarding compliance with Appendix G in the event a partition is installed. For all existing licence holders who do not yet have this condition on their licence, the Council expects them to comply with Appendix G and notify the Council in writing of the addition of a partition to their vehicle.

4.15 Documents required throughout the term of a licence

4.15.1 **Renewal insurance certificate**: The council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured. A current valid certificate of insurance or cover note must be provided to the Council within 48 hours of any request being made. Failure to comply with this requirement, or if the policy holder or insurance company cancels the insurance policy, will lead to the immediate suspension of the vehicle's licence until the Council is satisfied that the vehicle and driver(s) have correct insurance cover. Licence holders are encouraged to send any new insurance certificates to licensing@epsom-ewell.gov.uk following the expiry/lapse of any certificate previously supplied to the Council.

4.15.2 **Interim MOT test pass certificate**: Vehicles licensed to carry persons for hire and reward must be safe for the purpose for which they are licensed. To ensure licensed vehicles are fit for the road and safe to drive, licence holders will need to provide additional MOT pass certificates in accordance with the following table:

Age of vehicle	MOT Test requirements
Under 4 years of age	Annually
4 years of age and over	Tested twice a year (6 monthly intervals)

The MOT test pass certificate supplied must be no more than eight weeks old on the date it is due.

Where an MOT Test Certificate has been issued to a licensed vehicle with advisory notes, the defects must be rectified prior to the next test date (e.g.,

within 6 months for vehicles over 4 years old) or at an earlier date determined by the Authorised Officer.

Dual Licensed Vehicles are required to undertake separate roadworthy and mechanical fitness tests by the Public Carriage Office, and may produce evidence they have passed those mechanical fitness tests instead of the interim MOT certificate

By prior arrangement only, an exception from the interim MOT test pass certificate requirements may be made for vehicles which have an approved maintenance plan which requires the vehicle to be serviced at periods of no less than every four months. Where the licensing team assess that the maintenance plan is adequate the inspection report evidencing that a suitably competent person has confirmed the mechanical fitness of the vehicle may be provided rather than an MOT certificate.

4.16 Accidents in vehicles

4.16.1 If at any time the vehicle is involved in an accident, causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein, the proprietor must notify the Council of this fact as soon as possible and in any event in writing within 72 hours. An e-mail should be sent to licensing@epsom-ewell.gov.uk describing the damage to the vehicle and include photos of the damage if possible.

4.16.2 If it is intended that the vehicle shall continue be used following an accident, officers may require it to be presented for inspection as soon as possible after the accident has taken place. If there is any doubt as to the mechanical fitness of the vehicle a new MOT test may also be required, paid for by the proprietor.

4.16.3 Failure to present the vehicle for inspection on request following an accident will result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

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

4.17 Change of ownership

4.17.1 If the proprietor of a licensed vehicle transfers their interest in the vehicle to another person, they shall within fourteen days after such transfer give notice in writing to the Council, specifying the name and address of the person to whom the vehicle has been transferred.

4.18 Engine idling

4.18.1 Engine idling produces air pollution and increases the amount of toxic air that we breathe. Children and the elderly are particularly vulnerable, as are people with existing conditions such as asthma and other lung complaints. Epsom & Ewell Borough Council is committed to reducing engine idling as part of our commitment to help reduce emissions and improve air quality for everyone.

4.18.2 Unnecessary engine idling is an offence under Section 42 of the Road Traffic Act (1988). There is a borough-wide traffic management order in place which prohibits vehicle engine idling within Epsom and Ewell. Drivers who are found idling by Council Enforcement Officers will be asked to switch off their engines and warned that failing to do so will lead to a fine. If the driver refuses to switch off their engine after the request, and do not have a permitted reason for running their engine, they will be issued with a Fixed Penalty Notice (FPN).

4.18.3 The Council expects licensed drivers to act responsibly and not have their engine idling unnecessarily. Licensed private hire and taxi drivers issued a FPN for engine idling will additional be issued a penalty under the Penalty Points Scheme (see Appendix L).

4.19 List of licensed wheelchair accessible vehicles

4.19.1 In accordance with Section 167 of the Equality Act 2010 the Council publishes a list of licensed hackney carriage or private hire vehicles which are fully wheelchair accessible.

4.20 Exemption from Carrying Assistance Dogs or Wheelchairs

4.20.1 Where a driver has been issued with a medical exemption, giving an exemption from either assistance dogs or from loading passengers in wheelchairs the driver must display the exemption notice in their vehicle just below the internal licence plate. This exemption will apply to the driver and should be removed when the driver is not using the vehicle for hire and reward.

4.21 Hackney Carriage Stands

4.21.1 The Council provides hackney carriage stands at the following locations:

- Station Approach - 5 bays on the North (station) side
- Station Approach feeder rank - 7 bays on the South (Hudson House) side
- High Street - 4 bays (between the Clock Tower and West Street)
- High Street - 7 bays (to the East of the junction with Waterloo Road)

- Upper High Street - 4 bays (just after the cinema)

4.21.2 Hackney Carriage Ranks/Stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

4.21.3 Hackney carriage drivers must not leave their vehicle unattended on a Hackney Carriage Stand/Rank for any reason. The Stands are provided solely for the purpose of plying for hire and are not there as parking spaces for drivers.

4.21.4 Private hire vehicles are not permitted to stop on a Hackney Carriage Stand/Rank for any reason.

4.22 Hackney Carriage Byelaws

4.22.1 The Council has made byelaws for hackney carriages, proprietors and drivers which must be complied with. Failure to comply with the byelaws may lead to prosecution of offenders in the Magistrates' Court or suspension/revocation of the relevant licence.

4.23 Wheelchair accessible hackney carriages

4.23.1 The Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society.

4.23.2 The Council has a policy that they will only grant applications for hackney carriage vehicle licences in respect of wheelchair accessible vehicles.

4.24 Hackney carriage roof sign

All non-purpose-built hackney carriages are required to display a 'Taxi' sign of a minimum width of 76.2cm with lettering of a minimum height of 12.7cm and bearing the words 'Licensed by Epsom & Ewell Borough Council', capable of being illuminated, to be mounted across the roof of the vehicle.

4.25 Hackney Carriage Fares

4.25.1 Hackney Carriage Fares will be set in accordance with the Transport for London taxi fares.

4.26 Card Payment Devices in Hackney Carriages

4.26.1 Within 8 weeks of the adoption of this policy, all hackney carriages must be equipped with a card payment device which can accept payment by credit/debit card, including contactless, and produce a receipt. The device must be connected, maintained, and working at all times to ensure customers are able to pay by card. Private Hire Vehicles are also permitted to carry payment terminals although the Council does not mandate a specification.

4.27 Taxi meters must be clock-calendar controlled

4.27.1 To reduce the risk of overcharging, within 8 weeks of the adoption of this policy all licensed hackney carriage vehicles shall be fitted and operated with a clock-calendar controlled taxi meter.

4.28 Advertising on hackney carriages

4.28.1 Hackney Carriages are permitted to have full advertising wraps on their vehicles subject to the same advertising standards approved by the TfL.

4.28.2 Advertising must be approved in writing by a licensing officer prior to it being included on a licensed vehicle.

4.29 Contract Vehicles and Courtesy Vehicles

4.29.1 The Council will have regard to the DfT Private Hire Vehicle Licensing note dated August 2011 (and any supplementary DfT guidance notes) when considering whether any particular contract vehicle requires a private hire vehicle licence.

4.29.2 All vehicles with 8 or fewer seats, excluding the driver, that carry passengers for hire and reward must be licensed with the Council. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as “courtesy cars”, i.e., for transporting customers to and from airports, hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly, be licensed with the local Council.

4.29.3 Those operating “courtesy cars”, i.e., for transporting customers to and from airports, hotels, nightclubs, etc., should have an operator’s licence, and the vehicle and driver must be appropriately licensed.

4.30 New private hire vehicle age requirement

4.30.1 All private hire vehicles which are being presented for first licensing by the Authority may be no older than six years old as of the date of application. An exception may be made for older vehicles if considered by an Authorised Officer to be in exceptional condition i.e., bodywork which is in immaculate condition, with a full service history and no advisories.

4.31 Imported vehicle

4.31.1 Any imported vehicles must also meet the technical standards of either; -

- Whole vehicle type approval to EU, GB or UK(NI) Individual Vehicle Approval (IVA). Vehicles imported when they are more than 10 years are not subject to IVA, and only require MOT prior to registration, but DVSA offer a non-statutory IVA (known as Voluntary IVA or VIVA) service to verify that a vehicle over 10 years old meets the IVA rules.

4.31.2 The Authority will require a registration certificate stating the approval status of the vehicle and that it meets the above requirements.

4.32 Stretched Limousines and Speciality Vehicles

4.32.1 The licensing of limousines and speciality vehicles will be approached on the basis that these vehicles may have a legitimate role to play in the private hire trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected, and each application will be considered on its merits. However, in considering any application for these types of vehicles, the Council will have regard to any relevant guidance issued by the government, such as by the Vehicle and Operator Services Agency. However, the overriding consideration is public safety.

4.32.2 As these vehicles may not meet the usual vehicle specification, additional documentation and inspection will be required as part of the application process so that the Council can be satisfied as to the safety and suitability of any individual vehicle. This is set out further in Appendix H.

4.32.3 The Council strongly recommends that anyone who wishes to licence a limousine (or any other non-standard specialty vehicle) contact the Council's Licensing Team before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle is likely to meet the required mechanical and safety standards.

4.32.4 Stretch limousines or similar vehicles which can carry fewer than 9 passengers for reward and used for transport to school proms or for adult bookings will be required to be licensed as a private hire vehicle and the driver and operator must hold the relevant private hire licences.

4.32.5 Vehicles with nine or more passenger seats may not be licensed as a Private Hire vehicle.

4.33 Advertising on Private Hire Vehicles

4.33.1 Private hire vehicles may display either on the front or rear side doors of the vehicle a sign advertising the name and telephone number of the Private Hire Operator not more than 50mm high, the sign shall not include the words taxi or cab and shall not be illuminated. If the vehicle is licensed to carry more than six passengers, the letters or figures shall not be more than 75mm high. In exceptional circumstances amendments may be permitted by the Authority.

4.34 Exemption from displaying a private hire licence plate

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

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

4.34.2 To apply for an exemption, the operator must supply the following documents:

- completed private hire vehicle plate exemption application form, detailing the reasons for exemption
- letters from clients demonstrating the vehicle is required for chauffeured work

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

4.34.4 An exemption will only be granted where the Council is satisfied that the vehicle will be used exclusively or primarily for 'chauffeured' private hire work. It is expected that 'primary use' means at least 90% of the work, as evidenced via booking records. The Council may undertake an audit of booking records at any point during the exemption to ensure that the vehicle is being used for chauffeured work.

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

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

4.34.7 If an exemption request is refused or withdrawn, the operator may ask for the Council to reconsider the decision by providing new, relevant information within 21 days of that decision. The Council aims to reconsider any such application within 10 working days of receipt.

4.34.8 The Council will make a record of the reasons for the decision and provide the operator with a copy of that document. There is no right of appeal to the Magistrates' Court.

4.34.9 If an exemption is granted, the vehicle licence will subject to the additional conditions at Appendix I

5 Licensed Private Hire Operators

5.1 Driver, Vehicle and Operator licence must match

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

5.1.2 Any person who makes provision for inviting or accepting bookings in the Epsom and Ewell Borough, or who dispatches private hire vehicles licensed by Epsom and Ewell Borough Council must first obtain a Private Hire Operator's Licence from the Council.

5.2 Location of operator base

5.2.1 The Council will not normally grant a licence to an operator whose premises are located outside the borough. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

5.2.2 'Virtual offices', where an address is provided within the borough with no intention by the applicant to operate from that address, with posts and calls forwarded to a different address outside the borough where the provision for the invitation or acceptance of bookings will actually take place, will not be licensed as an operator's base.

5.2.3 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the records which they must keep in accordance with the conditions of the licence must be kept and the provision for bookings is made.

5.2.4 Operators primarily based outside the borough (but with a virtual office within the borough) who have been granted an operator licence prior to the adoption of this policy will retain 'grandfather rights' providing the conditions of the licence are fully met and they continue to fully co-operate with the licensing authority.

5.3 Private hire operator must be 'fit and proper'

5.3.1 Licensed operators have a responsibility to ensure that the drivers and vehicles they use to fulfil bookings on their behalf convey the public, including vulnerable adults and/or children, in safety. The Council will not licence anyone to operate a private hire vehicle unless it is satisfied that they are a "fit and proper" person. In considering the fit and proper test, applicants will be required to satisfy the 'fit and proper' threshold in accordance with the policy regarding the relevance of convictions and other related information (Appendix B), except where it relates to driving offences.

5.4 Business trading name

5.4.1 The private hire operator's proposed business name must not be the same or like the name of an existing private hire operator licensed by the Council or any other neighbouring council.

5.4.2 The proposed business name must not be the same or like that of a private hire operator whose licence the Council has lapsed in the preceding 18 months.

5.5 Number of Vehicles

5.5.1 An operator can apply for a licence for the number of vehicles that they have at the time of application. An operator's licence authorises vehicles up to the number stated on the licence. If an operator wishes to add to his or her fleet above that number, then the operator must apply to vary their licence (and pay the relevant fee) before they start operating more than the number of vehicles as specified in their existing licence.

5.6 Application Process for Private Hire Operators

5.6.1 Applications will be determined once the following have been provided:

- a completed application form
- payment of the relevant fee (by debit or credit card only)
- A basic level Disclosure and Barring Service (DBS) certificate
- Evidence of right to live and work in the United Kingdom
- a criminal record check and/or a letter of good conduct from the Embassy or Consulate for the country of residence (if living outside the United Kingdom for a continuous period of three months or more since the age of 16)
- Evidence of planning permission
- Certificate of Public Liability Insurance (if offices are open to the public)

5.6.2 In cases where an individual applicant is already licensed as a driver, checks undertaken as part of that process can be relied upon.

5.7 Disclosure and Barring (DBS) Check

5.7.1 All persons applying for a private hire operator's licence (including all directors if a limited company) will be required to submit a Basic Disclosure on initial application.

5.8 Entitlement to work in the United Kingdom

5.8.1 All persons applying must submit a document or combination of documents to demonstrate their entitlement to live and work in the United Kingdom or an online Home Office right to work share code. We will only accept documents as approved by the Home Office in accordance with their 'Right to Work Checklist' available on the .GOV website

5.8.2 If the check shows the person has a right to remain indefinitely in the UK, the check will not normally need to be repeated. A licence will not be granted to an applicant who is not entitled to work in the UK.

5.8.3 For those applicants who have time-limited right to work permission, the check must be repeated at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK. A licence will only be granted for the duration of the validity of the visa or permission.

5.9 Overseas Criminal records Checks

5.9.1 If an applicant or current licence holder has spent three continuous months or more overseas since the age of 16, the Council will need to see evidence of a criminal record check from the country / countries lived in / visited covering the period that the applicant was overseas. This includes any time spent overseas during the course of a licence.

5.9.2 An original authenticated certificate of good conduct (together with a translation into English if the document is in another language) obtained from the embassy for each relevant country in which the applicant has lived, worked or visited for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted. Any translation of the document must be from the embassy which issued the original document and must be validated by the corresponding embassy located in the UK.

5.10 Evidence of planning permission

5.10.1 The applicant must have obtained appropriate planning permission or a certificate of lawful use for the intended operating base from the relevant planning authority, and such evidence must be provided.

5.10.2 Evidence of planning permission will not be required for an individual operator working from home with no staff or visitors.

5.11 Certificate of Public Liability Insurance

5.11.1 If the intended operating base is open to the public, a valid certificate of public liability insurance shall be in place for the premises.

5.12 Private Hire Operator Conditions

5.12.1 A set of standard conditions for private hire operators' licences is set out at Appendix J.

5.12.2 The Council considers that it is reasonably necessary that these conditions be attached to the grant of operator licences, however, the sub-committee has discretion to modify and/or add to these standard conditions as may be considered reasonably necessary in any individual case.

5.13 Criminal Records Checks for Private Hire Vehicle Operator – Booking and Dispatch Staff

5.13.1 Although Operators and their staff have minimal if any direct contact with passengers, the Council must be assured that those granted Operator licences and their staff also pose no threat to the public and have no links to serious criminal activity. For example, an Operator base dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. The Council must be satisfied that these individuals (as well as drivers) are safe and suitable individuals to have access to such information and opportunity.

5.13.2 All private hire operator licences granted (or renewed) after this version of the policy is published, conditions will be attached requiring the licence holder to:

a) Maintain a live/rolling register of all booking and dispatch staff in their employment, the details being retained for six (6) months from the date of any booking and/ or dispatch, regardless of the individual's employment status;

b) Produce upon demand the register of staff to an authorised Council officer and/or Police Officer;

c) Provide evidence to the Council that they have had sight of a Standard DBS check every 6 months in relation to all individuals listed on their register of booking and dispatch staff;

d) Provide to this Licensing Authority a written hard format copy of the Operator's Policy on employing ex-offenders;

e) For each and every individual on the aforementioned register, for new employees at the time of their engagement, for existing employees at the time of creation of the register, confirm sight of their recently issued (less than 3 months old) Basic DBS Criminal Record Certificate, and that they are suitable to decide such matters as who is sent to transport an unaccompanied child or vulnerable adult;

f) Require such employed staff, as part of their contract and terms of employment, to immediately notify the operator of any convictions, warnings, cautions, or charges being faced of any sort.

5.13.3 The addition of these conditions will mean that operators must ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.

5.13.4 Should the operator outsource their booking/dispatch functions to a third party, the responsibility remains with them regarding CSAE matters: In such situations, the operator must confirm that the third party has evidenced to them that it employs equally rigorous protections.

5.13.5 This Licensing Authority requires all private hire operator applicants and existing operators of private hire vehicles to provide checks of their own criminal conviction status. These are required upon initial application, and every six (6) months during the licensed period, and at subsequent renewals. Applicants and existing operators not already providing the Enhanced DBS Criminal Record check Certificate in their separate standing as a hackney carriage/private hire vehicle driver must provide a Standard DBS Criminal Record check Certificate which is no more than 3 months old: operators which are limited companies or partnerships must provide such certification for every director/partner of the company/partnership.

5.13.6 Further, should there be any change to the Criminal Record status of any individual operator, or director/partner of a company/partnership operator at any time during the licensed period, it is incumbent upon the operator immediately to notify the Licensing Authority in writing within 48 hours. Dependent on the nature and/or circumstances of the matter, consideration may be given to suspension, revocation, or refusal to renew a licence.

5.14 Nominated Safeguarding Children Person

5.14.1 The Council expects any operator that employs staff to follow best practice and nominate themselves or a senior staff member of staff to have the following responsibilities as a minimum in relation to safeguarding children they are transporting:

- Arrange safeguarding children training for all staff;
- Monitor and report on whether all staff have received the minimum (initial and refresher) child exploitation awareness training;
- Ensure that all staff have read and know where to find the Government Guidance: “What To Do If You’re Worried a Child is Being Abused”;
- Ensure that up-to-date information is prominently displayed at their operator base in the staff area showing contact information for any Children Safeguarding concerns (See Appendix M for a template).

5.15 Guide or assistance dogs

5.15.1 Private hire companies must not refuse a booking or refuse to carry out a booking due to someone having an assistance dog with them.

6 Disciplinary and Enforcement Measures – all licence holders

6.1 General

6.1.1 Licensing Officers will have regard to the Council's Environmental Health and Licensing Enforcement Policy when making enforcement decisions.

6.1.2 Disciplinary matters will ordinarily be referred to the Head of Community Services or dealt with by the Team Leader, Health, Safety and Licensing.

6.1.3 The Council may take any of the steps outlined below in respect of any of the licences it issues:

a) Prosecution;
b) Revocation of the licence;
c) Refusal to renew a licence;
d) Suspension of the licence;
e) Issue a simple caution;
f) Issue Penalty Points;
g) Issuing of warnings

6.2 Penalty Points Scheme

6.2.1 The Council has introduced a Penalty Points Scheme and Code of Conduct for proprietors, drivers, and operators. These are at appendices N and O.

6.2.2 The scheme has been developed to provide the Licensing (General) Sub-Committee and Licensing Officers with more options when dealing with breaches to licence conditions or when an offence has been committed. Under the legislation, the only options available to the Sub-Committee are to issue a warning, suspend or revoke a licence, while Officers can either prosecute or refer the licence holder to the Sub-Committee. The points scheme allows Licensing Officers and Members of the Sub-Committee to attach points, thus bridging the gap between doing nothing and suspension or revocation.

6.2.3 The aim of the penalty point scheme is to work in conjunction with other enforcement options. It does not prejudice the council's ability to take other actions.

6.2.4 The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety, and protection of the travelling public.

Appendix A Hackney Carriage Byelaws

BYELAWS WITH RESPECT OF HACKNEY CARRIAGES
Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875 by the Borough Council of Epsom and Ewell with respect to hackney carriages in the Borough of Epsom and Ewell.

INTERPRETATION

1. Throughout these byelaws 'the Council' means the Council of the Borough of Epsom and Ewell and 'the district' means the area of the Borough of Epsom and Ewell.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

   (b) A proprietor or driver of a hackney carriage shall:-

      i not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;

      ii not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED.

3. The proprietor of a hackney carriage shall:-

   (a) provide sufficient means by which any person in the carriage may communicate with the driver;

   (b) cause the roof or covering to be kept watertight;

(c) provide any necessary windows and a means of opening and closing not less than one window on each side;

(d) cause the seats to be properly cushioned or covered;

(e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

(f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

(g) provide means for securing luggage if the carriage is so constructed as to carry luggage;

(h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and

(i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

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

(a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;

(b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

(c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and time in pursuance of the tariff fixed by the Council;

(d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person

to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES.

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

   (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

   (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and

   (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise, and also at any other time at the request of the hirer.

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

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

   (a) proceed with reasonable speed to one of the stands appointed by the Council;

   (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

   (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and

   (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

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

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

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

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

12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

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

    (a) convey a reasonable quantity of luggage;

    (b) afford reasonable assistance in loading and unloading; and

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

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES.

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

    Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council Resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

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

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.

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

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

    (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving receipt for it; and

    (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

PENALTIES

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

Appendix B Policy regarding the relevance of convictions and other related information

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19. Applicants with periods of residency outside the UK

20. Summary

1 Introduction

1.1 This policy sets out the criteria to be taken into account by Epsom & Ewell Borough Council (referred to as the Council) when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions, the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source.

1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.

1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy.

1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a drivers', vehicle or private hire operator licence

- Existing licensees whose licences are being reviewed or renewed

- Licensing officers

- Members of the licensing committee/Panel

- Magistrates and Judges hearing appeals against local authority decisions

1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However, the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.

1.6 It is the responsibility of the Council to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty, the Council's primary consideration must be the need to ensure the safety of the public. Licences cannot be issued unless the person is considered to be 'fit and proper'.

1.7 In seeking to safeguard the safety of the public, the Council will be concerned to ensure:

- That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)

- That the person does not pose a threat to the public

 That the public are safeguarded from dishonest persons

 The safety of children, young persons and vulnerable adults

1.8 There is no legal definition of the term 'Fit and Proper' and accordingly the test tends to be based on the following:

> *'Would you (as a member of the licensing committee or other person charged with the ability to a grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?'*

If the answer to this question (or a similar test) is an unqualified 'Yes' then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver's licence.

1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

 Criminality

 Number of endorsed DVLA driving licence penalty points

 The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).

 The previous licensing history of existing / former licence holders.
In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services, other licensing authorities, other departments within the Council, and statutory agencies.

1.10 In this policy, the word "applicant" refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

1.11 In this policy, the word "conviction" is to be defined as including convictions, cautions, warnings and reprimands.

1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

2 General Policy

2.1. Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

a. Remain free of conviction for an appropriate period as detailed below; and

b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.

2.2. The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3 Powers

3.1. Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847; or of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.

3.2. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore, the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

4 Consideration of disclosed criminal history

4.1. Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Operator or Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions or charges awaiting trial, the Council will look at:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction
- Circumstances of the individual concerned

 Any sentence imposed by the court

 The applicant's age at the time of offence/incident leading to the conviction

 Whether they form part of a pattern of offending

 The applicant's attitude

 Any other character check considered reasonable (e.g. personal references if requested by the Council)

 Any other factors that might be relevant, for example:

- The previous conduct of an existing or former licence holder,
- Whether the applicant has intentionally misled the Council or lied as part of the application process,
- Information provided by other agencies/Council departments.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

4.2. In this policy 'completion of any sentence' is taken to be the date, which is reached once the whole of the period as sentenced by the court has elapsed. For example, if a sentence is 5 years imprisonment then the date that the sentence ends will be 5 years from the date of sentencing (although time served will be taken into account). If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy.

4.3. Licence holders are required to notify the issuing authority in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence (including fixed penalty notice. To fail to do so will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

4.4. It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (section 57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

4.5. Any offences or behaviour not expressly covered by this policy may still be taken into account.

5 Options when determining an application/licence

5.1. When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:

 grant the licence or take no further action

 grant the licence with additional conditions

 refuse, revoke, or suspend the licence

 issue a warning which may include the use of penalty points

5.2. If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

6 Offences involving violence

6.1. Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:

 Murder

 Manslaughter

 Manslaughter or culpable homicide while driving

 Terrorism offences

 Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.2. A licence will not normally be granted until at least 10 years have passed since the completion of any sentence following conviction for an offence shown below:

 Arson

 Malicious wounding or grievous bodily harm which is racially aggravated

 Actual bodily harm

 Assault occasioning actual bodily harm

 Grievous bodily harm

 Robbery

 Riot

 Assault Police

 Violent disorder

 Common assault

 Resisting arrest

 Any racially-aggravated offence against a person or property

 Affray

 Any offence that may be categorised as domestic violence

 Harassment, alarm or distress, intentional harassment or fear of provocation of violence

 Any offence (including attempted or conspiracy to commit offences) similar to those above.

6.3. A licence will not normally be granted until at least 5 years have passed since the completion of any sentence following conviction for an offence shown below:

 Obstruction

 Criminal damage

 Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4. A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

7 Offences involving a weapon

7.1. If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

7.2. Depending on the circumstances of the offence, an applicant should be free of conviction for 7 years (or at least 7 years must have passed since the completion of any sentence, whichever is longer), before a licence is granted.

7.3. A licence will not normally be granted if an applicant has more than one conviction for an offence involving a weapon.

8 Sexual and indecency offences

8.1. All sexual and indecency offences will be considered as serious. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. Such offences include:

 Rape

 Assault by penetration

 Offences involving children or vulnerable adults

 Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).

 Making or distributing obscene material

 Possession of indecent photographs depicting child pornography.

 Sexual assault

 Indecent assault

 Exploitation of prostitution

 Soliciting (kerb crawling)

 Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver

 Making obscene / indecent telephone calls

 Indecent exposure

 Any similar offences (including attempted or conspiracy to commit) or offences which replace the above

8.2. In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. If an applicant has ever been on the Sex Offenders Register or similar register or on any barred list then they will not normally be granted a licence.

9 Dishonesty

9.1. A serious view is taken of any conviction involving dishonesty.

9.2. Normally a minimum period of 7 years free of conviction or at least 7 years since the completion of any sentence (whichever is longer) is required before a licence is granted. Offences involving dishonesty include:

 Theft

 Burglary

 Fraud

 Benefit fraud

 Handling or receiving stolen goods

 Forgery

 Conspiracy to defraud

 False representation

 Obtaining money or property by deception

 Other deception

 Taking a vehicle without consent

 Fare overcharging

 Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above

9.3. A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

9.4. Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will normally be rejected or refused.

10 Alcohol and Drugs

10.1. A serious view is taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.

10.2. At least 7 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

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

10.4. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a

licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

10.5. If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug or alcohol) then they would normally be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6. A licence will not normally be granted where the applicant has a conviction for drunkenness offences, not involving a motor vehicle, for a period of 1 year after a single conviction. If the applicant has more than two convictions within two years of each then a period of 2 years will need to have elapsed.

11 Driving offences involving the loss of life

11.1. A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

11.2. A licence will not normally be granted if an applicant has a conviction for:

- Causing death by dangerous driving

- Causing death by careless driving whilst under the influence of drink or drugs

- Causing death by careless driving

- Causing death by driving: unlicensed, disqualified or uninsured drivers

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

12 Other traffic offences

12.1. Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant’s suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.

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

12.3. At least 3 years should elapse after the restoration of the DVLA driving licence, before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

12.4. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

12.5. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence. However, with existing licensees they may be subject to separate consideration as part of the Penalty Points scheme.

12.6. In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated in paragraph 12.1 above should normally commence from the date of the restoration of the licence.

12.7. In this policy, the term “disqualification” refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

12.8. In “totting up” cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a Hackney Carriage or Private Hire drivers licence because different criteria apply. An applicant will normally be expected to show a period of 1 year free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

13 Discrimination

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

14 Exploitation

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

15 Outstanding charges or summonses

15.1. If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

15.2. If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

16 People barred from working with children and vulnerable adults

16.1. A serious view is to be taken of any applicant or licence holder who has been barred from working with children or vulnerable adults. A licence will not be granted if an applicant is currently on either of the two lists barring people from working with children and/or vulnerable adults. A licence will not be normally be granted if an applicant has been found unfit to work with children or vulnerable adults.

17 Non-conviction information

17.1. The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public. The Council will also take into account information received from Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services, other licensing authorities, other departments within the Council and statutory agencies

17.2. In considering the most appropriate action to take following the receipt of information, the credibility of both the witness/complainant and the licence holder will be taken into account.

17.3. If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or revoking an existing licence.

17.4. In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.

18 Court sanctions

18.1. A licence will not normally be granted until at least 1 year has elapsed since the expiry of a Criminal Behaviour Order, Restraining Order, Domestic Violence Protection Order, Non-Molestation Order, Injunction or any other such order.

18.2. If the applicant has had any findings made against them in a civil court then careful consideration will be given as to the relevance of such findings to the application. An applicant who has been found to have committed sexual abuse or serious physical abuse would not normally be granted a licence.

19 Licensing offences

19.1. Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons, will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

20 Insurance offences

20.1. A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However a strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

20.2. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his Operator's Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.

21 Applicants with periods of residency outside the UK

21.1. Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

21.2. If an applicant has spent three continuous months or more overseas (since the age of 16) the Council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

22 Summary

22.1. Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

22.2. Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.

22.3. While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Appendix C Private Hire Driver Licence Conditions

Local Government (Miscellaneous Provisions) Act 1976

Conduct of Driver

1. The driver shall:

   a) afford all reasonable assistance with passengers' luggage;
   b) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner;
   c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
   d) not smoke (this includes E-Cigarettes and Vaping) in the vehicle
   e) not without the express consent of the hirer, drink or eat in the vehicle;
   f) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
   g) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
   h) not unnecessarily prolong any journey.

Passengers

2. The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle. The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

Lost Property

3. The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

Written Receipts

4. The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

Animals

5. The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger, which at the driver's discretion may be conveyed safely in the vehicle, shall only be conveyed in the rear of the vehicle. The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an ‘assistance dog’ unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Prompt Attendance

6. The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

Deposit of Licence

7. If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone other than himself/herself, he/she shall before commencing to drive that vehicle, deposit this licence with that proprietor for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

Taximeter

8. If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

Fare to be demanded

9. The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

Change of Contact Details

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

- Name
- Address
- Telephone number
- Mobile phone number
- Email address

Change Of Operator

11. The licence holder must notify the Council in writing within 7 days of any change of operator through whom they work. This includes occasions where a driver joins or leaves the employment of an operator.

Convictions

12. The licence holder shall notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence (including penalty points).

Driver Badge

13. a. The licence holder must always when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.

b. The driver's badge and identification card remain the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge and card must be returned to the Council within 7 days of expiry or other such time as the Council may specify.

c. The badge and card must be returned to the Council immediately on demand if the licence is suspended or revoked.

Disclosure And Barring Service Online Update Service

14 a. All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

b. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

Medical Condition(S)

15 a. The licence holder must notify the Council in writing within 48 hours of any change in medical condition that may affect their driving.

b. The licence holder must at such time as the Council reasonably requires, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire vehicle.

Time Spent Overseas

16 a. The licence holder must notify the Council in writing within 7 days of their return if they have spent three of more continuous months out of the UK. Such notification must include the list of countries visited and relevant dates.

b. The licence holder must provide a Certificate of Good Conduct for any countries visited/lived in for three or more continuous months upon their return to the UK.

ADDITIONAL CONDITIONS THAT APPLY TO 'SCHOOL RUN ONLY PRIVATE HIRE VEHICLE DRIVER' LICENCES:

17. Unless specified otherwise in writing by the council, a School Run only Private Hire Driver Licence can only be used for carrying out contracted school runs through an Epsom And Ewell licensed private hire operator accepting the booking from a local education authority.

Appendix D Hackney Carriage and Private Hire Vehicle Specifications

Requirements for all licensed vehicles

General: The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:

(a) Be safe
(b) Comfortable
(c) Odour free
(b) Tidy
(c) Clean

Age/Emissions: the vehicle meets the Council's Age/Emissions Policy

Original specification: vehicle should be of manufacturers' original specification

Appearance: The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.

Damage free: All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

Salvaged or Insurance Write-Off Vehicles: 'Salvaged' or 'insurance write-off' vehicles, apart from category N, will not be accepted by the Council for licensing purposes. Category N write offs will require a new M.O.T. Certificate dated after the write-off

Number of passengers: Constructed and designed for the Carriage of not more than 8 passengers. The passenger carrying capacity will be at the discretion of the Council however shall usually be such for the carriage of not less than 4 and not more than 8 passengers. All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers.

Communication with the driver: The vehicle has sufficient means by which any person in the vehicle may communicate with the driver

Seats: All seats must be forward or rear facing. The seat covering must be clean and in a good state of repair.

Seat belts: the provision of a seatbelt for each passenger.

Road Tax: The vehicle must hold a valid vehicle excise licence.

Mirrors: The vehicle must have two external driving mirrors.

Roof: The vehicle must have solid roof which must be kept watertight. Convertibles or soft-tops will not be allowed but sunroofs may be permitted if not in excess of 50% of the roof area.

Doors: In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside. If the vehicle is a minibus, transit or people carrier type it has at least three doors, not including any tailgate or rear door

Interior light: Interior light must be in working order.

Right-hand drive: The steering wheel of the vehicle must be on the right-hand or offside of the vehicle, although exceptions will be considered, e.g., stretch limousines.

'No smoking' signage: as prescribed by the Health Act 2006, 'no smoking' signage must be displayed in licensed hackney carriages or private hire vehicles

Fire extinguishers: There shall be provided and maintained in the vehicle when it is in use or available for hire a suitable and efficient extinguisher (approximately 1kg dry powder type, or 2kg foam type larger vehicles e.g., minibuses)

The fire extinguisher must be kept in good working order either mounted in the driver's compartment or mounted in the boot in such a position as to be readily available for use.

The fire extinguisher must display a valid upcoming expiry date or must be fitted with a pressure gauge indicating that the pressure is still within working parameters.

Fire Extinguishers must be replaced when either their manufacture warranty expires or when the pressure gauge indicating that the pressure is no longer within working parameters.

The extinguisher must be indelibly marked with the plate number of the vehicle prefixed by either HC/PH (Hackney Carriage/Private Hire) corresponding to the type of hire vehicle and the registration number of the vehicle.

First Aid Kit: A suitable motorist's first aid kit must be carried within the interior of the vehicle and readily available to passengers on request. The body of the kit must be indelibly marked with the plate number of the vehicle.

The contents of the first aid kit must be suitable for the number of possible passengers.

The first-aid kit must be maintained in full and proper order with items replaced before expiry.

Spare wheels: All vehicles must carry as a minimum a serviceable spare wheel, jacking equipment and wheel brace, securely stored.

Alternatively, evidence must be produced of a contract with a reputable roadside recovery/tyre replacement company to attend and replace the wheel/tyre, or evidence of adequate in-house recovery arrangements must be provided.

Space savers are acceptable, but a conventional wheel and tyre must be fitted at the earliest available opportunity and, in any case, prior to commencing any future journey.

An emergency puncture repair kit will be considered as an acceptable alternative only if supplied as standard by the manufacturer.

Vehicles need not carry a spare wheel if all wheels are fitted with a suitable 'run flat' tyre mechanism on all four wheels. In the case of a 'run flat' tyre getting a puncture, the tyre must be replaced at the earliest opportunity or in any case on or before the maximum number of miles recommended by the manufacturer is travelled.

Requirements for hackney carriages only

Card Payment Terminals: The vehicle meets the Council's Card Payment Terminal Policy

Taximeters in hackney carriages: Hackney carriage vehicles shall be fitted with a meter.

All licensed hackney carriage vehicles shall be fitted and operated with a clock-calendar controlled meter from 6th February 2023.

Display of fare chart: The Council's fare chart must be displayed clearly in the vehicle for passengers to view.

No post manufacture Tinted Windows: No hackney carriage vehicle shall be fitted with dark or tinted windows (other than factory fitted windows when the vehicle was manufactured). Film used to tint windows shall not be permitted.

Requirements for Private hire Vehicles only

Prohibition on taximeters in private hire vehicles: All Private Hire vehicles must not have a taxi meter fitted. Private Hire Vehicles presented for application from this date with a taxi meter fitted will not be licensed.

A digital mobile device which calculates fares using GPS is not considered to be a taxi meter and for clarity these devices are permitted in private hire vehicles.

Must not look like a hackney carriage: private hire vehicles must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage. The Council has therefore specified that a private hire vehicle

shall not be similar to any vehicle specified by the Transport for London (TFL) as a hackney carriage, e.g. TX4, TX2, Fairway or Metrocab.

Appendix E Hackney Carriage Licence Conditions

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

MAINTENANCE OF VEHICLE

1. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be full complied with.

ALTERATION OF VEHICLES

2. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

IDENTIFICATION OF PLATE

3. The plate identifying the vehicle as a Hackney Carriage and required to be exhibited on the vehicle pursuant to section 51 of the Town Police Clauses Act 1847 shall be securely fixed to the rear of the vehicle and internal plate securely fixed in the vehicle in a conspicuous position as specified by the Council and in such manner as to be easily removable by an authorised officer of the Council or a constable.

SAFETY EQUIPMENT

4. There shall be always provided and maintained in the vehicle when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily available for immediate use in an emergency.

INTERIOR MARKINGS

5. The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be always visible to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.

SIGNS, NOTICES, ETC

6. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provisions (including byelaws) or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a taximeter fitted to a vehicle or to a sign which:

6.1 is displayed in or from the vehicle while it is stationary;

(a) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he/she carried on his/her business and its addresses and, in either case, the name of a passenger or passengers to be carried in the vehicle; and

(b) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers name in the sign; or

(c) is a sign which is required to be exhibited whilst carrying schoolchildren under a contract for the hire of the vehicle. Any such sign shall be removed at the termination of the journey.

Notwithstanding the restriction mentioned in 6.1 above, approved commercial advertisements may be displayed on the outside of doors in accordance with the Council's directions.

DRIVER PARTITION/SAFETY SHIELD

7. If post manufacture Driver partition/Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-

• It must be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);

• it must not be changed in any way from its original design and must remain free of damage;

• it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passenger’s visibility;

• it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and

• the Installation and continued subsequent maintenance must be in accordance with manufacturer’s specifications and recommendations.

CARD PAYMENT DEVICES

8. The vehicle must be equipped with a card payment device which can accept payment by credit/debit card, including contactless and produce a receipt. The

device must be connected, maintained and working at all times to ensure customers are able to pay by card.

CCTV

9. Where CCTV is fitted to a licensed vehicle, and in use, it must:

a) comply with the Information Commissioner's data protection requirements and Codes of Practice

b) be capable of recording date, time and vehicle identification, such features to be always activated when in use

c) be event activated (e.g., door or ignition) and must continue to record for at least 30 seconds after the ignition is switched off

d) be capable of storing recorded material for at least 30 days

e) incorporate a panic button which stores at least the previous 10 minutes of recording in a separate part of the recording media

f) be capable of having recorded material downloaded to another storage device for reviewing

g) have storage media which is not accessible to the driver or any other person travelling in the vehicle

h) have a data storage unit, securely fixed to the vehicle, and stored separately from the recording unit, out of view of any passenger in the vehicle

i) be capable of recording images of all passengers travelling in the vehicle and the driver

j) be always kept in good working order

k) enable recordings to be made available to Licensing Officers or the Police on request

CONVICTIONS

10. The Licence holder (or if the proprietor is a company or partnership, on any secretary of the company or any of the directors or partners) shall notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence.

ACCIDENTS

11. If at any time the vehicle is involved in an accident, causing damage which materially affects the safety, performance or appearance of the vehicle, or the

comfort or convenience of persons carried therein, the proprietor must notify the Council in writing of this fact as soon as possible and in any event within 3 working days.

INTERIM VEHICLE TESTING

12. If when licensed the vehicle is 4 years old or more from the date of its first registration an MOT Test Certificate which is no more than eight weeks old on the due date must be presented to the Council 6 months after the licence start date.

CHANGE OF DRIVER

13. The proprietor must notify the Council in writing within 7 days of any change of driver hiring their vehicle.

DUAL LICENSED VEHICLES

14. Only vehicles currently and properly licensed by the Public Carriage Office will be considered for dual licensing. Vehicles currently licensed by the Public Carriage Office shall be exempt from any of the above conditions where they are at variance to those conditions imposed by the Public Carriage Office.

Appendix F Private Hire Vehicle Licence Conditions

Local Government (Miscellaneous Provisions) Act 1976

FURNISHINGS AND FITTINGS

1.The proprietor of a private hire vehicle shall:

(a) provide sufficient means by which any person in the vehicle may communicate with the driver;

(b) cause the roof or covering to be kept watertight;

(c) provide any necessary windows and a means of opening and closing not less than one window on each side;

(d) cause the seats to be properly cushioned and covered;

(e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

(f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for service;

(g) provide means of securing luggage if the vehicle is so constructed as to carry luggage;

MAINTENANCE OF VEHICLES

2. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be fully complied with.

ALTERATION OF VEHICLE

3. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

IDENTIFICATION PLATE

4.The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear of the

vehicle and internal plate securely fixed in the vehicle in a conspicuous position as specified by the Council and in such manner as to be easily removable by an authorised officer of the Council or a constable.

INTERIOR MARKINGS

5.The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be always visible to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence and other information required by the Council.

SAFETY EQUIPMENT

6.There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily available for immediate use in an emergency. The proprietor shall provide means for securing luggage if the carriage is so constructed as to carry luggage.

SIGNS, NOTICES ETC.

7. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required or permitted by any statutory provision, council policy, or condition attached to licences for private hire vehicles, provided however that this condition shall not apply to a sign which:-

(a) is displayed in on or from the vehicle while it is stationary;

(b) is displayed in pursuance of a prior arrangement made for the carriage of passenger or passengers named in the sign;

(c) the proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to private hire vehicles which the Council may from time to time require;

(d) there may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council;

(e) Means of identification may be displayed from vehicles to distinguish private hire cars from hackney carriages and to enable the hirer to ascertain that it has been provided in response to a pre-booked call. A vehicle may display either on the front or rear side doors of the vehicle, a sign advertising the name, website, and telephone number of their operator not more than 50mm high, the sign shall not be

illuminated. If the vehicle is licensed to carry more than 6 passengers the letters shall not be more than 75mm high unless a larger size is agreed with the council.

(f) a sign may also be displayed which is required to be exhibited whilst carrying school children under a contract for the hire of the vehicle. Any such sign shall be removed at the termination of the journey.

CCTV

8. Where CCTV is fitted to a licensed vehicle, and in use, it must:

a) comply with the Information Commissioner's data protection requirements and Codes of Practice

b) be capable of recording date, time and vehicle identification, such features to be always activated when in use

c) be event activated (e.g., door or ignition) and must continue to record for at least 30 seconds after the ignition is switched off

d) be capable of storing recorded material for at least 30 days

e) incorporate a panic button which stores at least the previous 10 minutes of recording in a separate part of the recording media

f) be capable of having recorded material downloaded to another storage device for reviewing

g) have storage media which is not accessible to the driver or any other person travelling in the vehicle

h) have a data storage unit, securely fixed to the vehicle, and stored separately from the recording unit, out of view of any passenger in the vehicle

i) be capable of recording images of all passengers travelling in the vehicle and the driver

j) be always kept in good working order

k) enable recordings to be made available to Licensing Officers or the Police on request

INTERIM VEHICLE TESTING

9. If when licensed the vehicle is 4 years old or more from the date of its first registration an MOT Test Certificate which is no more than eight weeks old on the due date must be presented to the Council 6 months after the licence start date.

DRIVER PARTITION/SAFETY SHIELD

10. If post manufacture Driver partition/Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-

• It must be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);

• it must not be changed in any way from its original design and must remain free of damage;

• it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passenger's visibility;

• it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and

• the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.

CHANGE OF ADDRESS

11. The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

CHANGE OF DRIVER

12. The proprietor must notify the Council in writing within 7 days of any change of driver hiring their vehicle.

CONVICTIONS

13. The Licence holder (or if the proprietor is a company or partnership, on any secretary of the company or any of the directors or partners) shall notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence.

ACCIDENTS

14. If at any time the vehicle is involved in an accident, causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein, the driver must notify the Council in writing of this fact as soon as possible and in any event within 3 working days.

DEPOSIT OF DRIVERS' LICENCES

15.If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he/she shall before that person commences to drive the vehicle cause the driver to deliver to him his/her private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

Appendix G Partition Screen

1. Drivers, operators and owners of taxis or private hire vehicles, may choose to fit a screen to reduce the spread of disease, including coronavirus (COVID-19). The Council does not require the installation of screens, but if licence holders choose to install one, it is considered by the Council to be a modification to the vehicle.

2. For all licences granted (or renewed) after the addition of this appendix to the policy, it will be a condition of the vehicle licence that the licence holder obtain the Council's permission before a screen is fitted.

3. For existing vehicle licence holders (at the time this appendix is added to the policy), the existing general condition which require immediate notification to the Council of any modifications to the vehicle applies and licence holders should immediately notify the Council in writing of the installation of a screen, and must also advise the Council of the following:

(a) what modifications they have made to your vehicle
(b) what the seating arrangements are in the vehicle.

4. Liability for the screen rests with the licence holders and the Council will not accept liability if a screen causes injury or death to a passenger, or driver causes any property damage.

Screen standards

5. The screen or barrier should:

(a) Be fitted in a way that does not affect the structural integrity of the vehicle, or interfere with any manufacturer fitted safety equipment.
(b) Not interfere with or compromise any operating or safety features in the vehicle (including airbags, handbrake, gear stick) or the Vehicle Type Approval.
(c) Not be made of materials that will increase the fire risk in the vehicle.
(d) Be transparent so that the driver and passengers can see each other. It must not interfere with the safe use of the vehicle and must remain clear of scratches, clouding and stickers which would reduce the driver or passengers' visibility.
(e) The screen must be made of a material which allows both the passenger and driver to see and hear one another clearly.
(f) The screen must be made of a material which does not cause suffocation or other injury.
(g) Only create a partition between the two front seats and the rear cabin area.
(h) Not obstruct the passenger leg room in any way or require the passenger to adjust the screen to accommodate their legs or baggage.
(i) Be adequately and safely secured.
(j) Not interfere with the safe access and egress of the driver or passengers or become easily detached during normal use.

(k) Be adequately disinfected between bookings and at the start and end of each working day.

Owner, driver and operator requirements

6. If a screen is fitted, the Council expects licence holders to do the following:
(a) Inform their insurer that they are fitting a screen and make sure their insurance is not invalidated as a result.
(b) Make sure that the licence holder is adequately insured if they fit a screen.
(c) Provide evidence to the Council that the relevant insurance for the device is
in place by emailing the Taxi Licensing team (licensing@epsom-ewell.gov.uk).
(d) Fit or install screens according to the manufacturer's specifications and recommendations.

7. The policy regarding screens will remain under review and the Council may in future require that any screens installed be removed.

8. The type of screen fitted (full front or back partition) could make the front passenger seat in the vehicle unusable. If this is the case, it will reduce the number of passengers the licenced vehicle is permitted to carry.

Appendix H Private Hire Limousines and Speciality Vehicles Conditions

The following are a pool of standard conditions relating to speciality vehicles. The Council may decide to attach all or any of the following standard conditions (which may be in addition to some of all of the conditions in Appendix F) to the grant of a private hire vehicle licence in respect of a speciality vehicle, as may be considered appropriate in any individual case. It is also dependent upon the Councils nominated garages being able to appropriately inspect such vehicles.

1.0 Additional Conditions for Private Hire Limousines and Speciality Vehicles

1.1 The vehicle to be exempted is of a high quality both in terms of brand and condition.

- Vehicles which may be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley, and Lexus. The highest specification executive type cars from other manufacturers may also be considered. These will be assessed on a case-by-case basis.
- The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim. This is a spec – to be added to the pre-amble or the body of the policy.

2.0 Types of Vehicles

2.1 The vehicle must have one of the following:

(i) A UK Single Vehicle Approval Certificate
(ii) A European Whole Vehicle Approval Certificate
(iii) UK Low Volume Type Approval Certificate

2.2 If the vehicle has a UK Single Vehicle Approval Certificate, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the IVA certificate at time of licensing.

3.0 Vehicle and Safety Equipment

3.1 The proprietor of a vehicle shall:

- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, safe and clean condition.
- Ensure the vehicle is fitted with tyres that meet both the manufacturer’s size and weight specification for that vehicle.
- Vehicles may be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive.
- Vehicles with sideways facing seating may be considered for private hire licensing.
- The passenger compartment of the vehicle may be fitted with darkened or blackened glass if approved by the Council.

4.0 Use of Vehicle

- Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers (should also be a condition for standard HC/PH vehicles).
- Ensure that in any advertisement publicising their business, the vehicle is not stated to carry any more than 8 passengers.
- Not convey any passengers in the front compartment with the driver.
- Not supply alcohol to passengers unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same
- If any occupants are below the age of 18, there should be no alcohol carried in the passenger compartment.
- Any glassware in the vehicle must be made of either shatterproof glass or plastic
- The driver shall not play or permit the performance of any film, video or similar media where any passenger in the vehicle is below the age permitted by the age classification to view the film etc.

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

1. This exemption exempts the vehicle from displaying its rear vehicle licence plate and private hire door signage. All other signage required by the council on the exterior or interior of the vehicle must be always displayed.

2. All other licence conditions relating to private hire vehicles remain in force.

3. The private hire vehicle licence and exemption notice issued by the Council must be carried in the vehicle at all times and available at all times for inspection by a police officer or authorised officer.

4. An exemption will only be granted and remain valid where the Council is satisfied that the vehicle will be used exclusively or primarily for ‘chauffeured’ private hire work. Primary use means at least 90% of the work, as evidenced via booking records. The Council may undertake an audit of booking records at any point during the exemption to ensure that the vehicle is being used for chauffeured work.

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

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

Appendix J Private Hire Operator Licence Conditions

Local Government (Miscellaneous Provisions) Act 1976

RECORDS

1. The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept either electronically or in a suitable book, the pages of which are numbered consecutively and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him.

    a) the name of the passenger;
    b) the time and date of the request;
    c) the pick-up point;
    d) the time and date of pick-up;
    e) the destination;
    f) the name of the driver;
    g) the driver's licence number;
    h) the vehicle registration number of the vehicle;
    i) the name of any individual that responded to the booking request;
    j) the name of any individual that dispatched the vehicle.
    k) how the booking was made (i.e. by telephone, personal call, etc);
    l) details of any sub-contract.
    m) price quoted for the booking

VEHICLES

2. The record required to be kept by the operator under Section 56(3) shall contain the following details:

    a) manufacturer, model and colour;
    b) registration number;
    c) registered keeper (e.g., name and address or registration document);
    d) date when vehicle became available to operator;
    e) copy of current MOT certificate;
    f) copy of current valid certificate of insurance;
    g) date vehicle ceased to be available to the operator.

DRIVERS

3.The record required to be kept by the operator under Section 55(3) shall contain the following details:

a) name;
b) date of birth;
c) address (or normal place of residence);
d) date driver became available to operator;
e) national insurance number;
f) driving licence number and category of vehicle for which eligible to drive;
g) photograph of driver;
h) date driver ceased to be available to the operator.

Operators must provide details to the Council of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal related to the driver's unsatisfactory conduct.

PROPERTY

4.Operators must establish a procedure for dealing with clients' property lost and found in a private hire vehicle operated by them or under contract to them. This shall include evidence that an attempt has been made to return the property to the owner, and a system for recording, storing and disposal of property found.

Records of bookings, vehicles, drivers, and lost property must be kept for a period of 12 months from the date of the booking, or the driver or vehicle ceased to be available to the operator, or property reported lost or found.

STANDARDS OF SERVICE

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

a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
c) Ensure that any waiting area provided by the operator has adequate seating facilities.
d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
e) Operators must indicate clearly at the operating centre or within any advertising or promotion of their services that the service provided is in respect of pre-booked journeys only.

f) Operators must display on public view at operating centres with public access, evidence of their public liability insurance and operator licence, and make available on request.
g) Details of the fare for the hiring should be given to the hirer by the operator when the booking is being made.
h) Operators must establish a complaints procedure, ensuring that all complaints include the driver's name, licence number, nature of complaint, details of complainant and action taken. (Records of all complaints must be kept for a minimum period of twelve months from the date of complaint.

CHANGE OF DETAILS

6. The licence holder must notify the Council in writing within 7 days of any change of their operational circumstance, whether permanent or temporary, including change to:

- Name
- Address
- Telephone number
- Mobile phone number
- Email address
- Directors, company secretary, partners, management or control of the business

CONVICTIONS

7.The operator (or if the operator is a company or partnership, any company secretary/director/partner) shall notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence or any offence involving dishonesty.

PROCEDURE FOR VETTING STAFF

8. Operators are required to;

a) Maintain a live/rolling register of all booking and dispatch staff in their employment, the details being retained for six (6) months from the date of any booking and/ or dispatch, regardless of the individual's employment status;

b) Produce upon demand the register of staff to an authorised Council officer and/or Police Officer;

c) Provide evidence to the Council that they have had sight of a Standard DBS check every 6 months in relation to all individuals listed on their register of booking and dispatch staff;

d) Provide to this Licensing Authority a written hard format copy of the Operator's Policy on employing ex-offenders;

e) For each and every individual on the aforementioned register, for new employees at the time of their engagement, for existing employees at the time of creation of the register, confirm sight of their recently issued (less than 3 months old) Basic DBS Criminal Record Certificate, and that they are suitable to decide such matters as who is sent to transport an unaccompanied child or vulnerable adult;

f) Require such employed staff, as part of their contract and terms of employment, to immediately to notify the operator of any convictions, warnings, cautions or charges being faced of any sort.

USE OF PUBLIC SERVICE VEHICLES

9. The use of public service vehicles (PSV) licensed drivers and vehicles to fulfil bookings accepted under a Private Hire Operator Licence is strictly forbidden.

NUMBER OF VEHICLES OPERATED

10. The licence holder must not operate more vehicles than the number specified in their licence.

DISPLAY OF LICENCE

11. If any premises is provided for the use of the public to make bookings or wait for vehicles the licence holder shall ensure that a copy of their private hire operator's licence is prominently displayed on the premises where members of the public can read it.

Appendix K Scheme of Delegations

Matter to be dealt with	**Licensing and Planning Policy Committee (LPPC)**	**Sub-Committee**	**Authorised Officers**
Determine Table of Fares	Agreement of method for setting fares.		Application of method for calculating fares: Principal Licensing Officer
Determine objections to fees or table of fares			All cases: Principal Licensing Officer in consultation with the Chair of the LPPC
Determination of application for a Drivers Licence		Where there is doubt that the applicant is a fit & proper person	Where satisfied that the applicant is fit and proper: Licensing Officer
Revocation of a Drivers Licence following a complaint, conviction, endorsement, etc		All other cases	Where there is an urgent need in order to protect the public: Principal Licensing Officer
Suspend a Drivers Licence for failing to supply evidence of fitness and probity as required by this policy			All cases: Licensing Officer
Suspend a Drivers Licence following a complaint, conviction, endorsement, etc		All cases	
Determination of application for a Vehicle Licence		Where there is doubt that the vehicle is suitable	Where satisfied that the vehicle meets the required

			standards: Licensing Officer
Suspend a Vehicle licence for failing to meet the standards set out in this policy			All cases: Licensing Officer
Revocation a Vehicle licence		All other cases	Where satisfied the vehicle is no longer capable of meeting the required standards: Licensing Officer
Suspend/Refuse or Revoke an operator's licence		All cases	
Setting Local Knowledge Test and Study Guide			Principal Licensing Officer
Determination of Vehicle Advertising			All cases: Licensing Officer
Determination of plate exemption and withdrawal of authorisation			All cases: Licensing Officer
Attach Penalty Points to Drivers, Operators and Vehicle Licences		Points may be awarded or amended on referral to sub-committee	All cases: Licensing Officer
Notice requiring return of vehicle plate/ authorisation for subsequently remove plate			All cases: Licensing Officer
Review and determination of procedures used at a Sub-			Principal Licensing Officer in consultation with Legal Services,

Committee Hearing			Democratic Services and the LPPC Chair
Authority to delegate/receive taxi and private hire enforcement functions to/from the other local licensing authorities	All other cases		To/from the other Surrey licensing authorities: Head of Service

Appendix L Penalty Points Scheme

This penalty point system applies to all hackney carriage and private hire drivers, vehicle proprietors and operators licensed by Epsom & Ewell Borough Council.

Where an offence or breach has been witnessed by a Council Officer, Police Officer or Councillor and/or admitted, then points will be endorsed against an individual or Operator. When an individual has accrued 12 points within a two-year rolling period or commits the same offence/breach twice in a 12-month period then the individual will be referred to the Licensing Sub-Committee.

The Scheme will not bar the Authority from administering a Caution or initiating legal proceedings following an offence or breach of condition or Byelaw. Points may also be issued following a prosecution in appropriate cases. If more than one offence takes place the points will be added consecutively to the individual's file.

The Scheme overpage shows the maximum points for an offence. Officers will have discretion to decide on the points given based on circumstances. If more than one offence takes place the points will be added consecutively to the individual's file.

Vehicle	Points
Failure to keep the interior and exterior in a clean and tidy condition, free from damage.	6
Failure to keep vehicle in roadworthy condition.	12
Failure to display internal identification plate and/or securely fix the external identification plate to the rear of the vehicle as instructed by an Authorised Officer, or failure to keep exemption notice in vehicle.	6
Failure to carry a fully serviceable fire extinguisher or first aid kit.	6
Failure to present vehicle for inspection at time appointed by an Authorised Officer.	6
Failure to return plate after notice given after expiry, revocation or suspension of private hire vehicle licence (except dual licensed vehicles).	6
Evidence of smoking in a vehicle ascertained by officers whilst carrying out vehicle checks or smoking in a vehicle.	6
Carrying an offensive weapon in the vehicle.	12
Carrying more passengers than stated on the vehicle licence plate	6
Conduct, Demeanour and Driving Standards	**Points**
Failure to be clean and presentable whilst working (clothing to be clean, smart casual and secure footwear suitable for driving must be worn i.e., no vests or flip flops).	6
Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle.	12
Failure to observe rank discipline, queue jumping, not moving down rank.	6
Failure to carry an assistance dog without requisite exemption.	12
Making false statements or withholding information to obtain a licence.	12
Operating a private hire vehicle without a private hire operator's licence.	12
Knowingly allowing drivers to operate in breach of penalty points system.	6
Plying for hire, unlawful touting or soliciting customers.	12
Refusal to take a passenger without good cause.	6
Charging more than the metered fare or agreed fare.	6
Using an unlicensed or uninsured vehicle for hire or reward.	12
Stationary hackney carriage vehicle plying for hire whilst parked other than on a designated rank.	6
Failure to reasonably assist passengers without good cause or exemption certificate.	6
Driving a licensed vehicle without a valid hackney or private hire driving licence.	12
Driver leaving a hackney carriage unattended or obstructing other hackney carriages.	6
Failure to wear drivers badge in prominent position without exemption.	6
Admitting to unnecessarily prolonging a journey.	6
Failure to attend a time appointed by an authorised officer.	6
Driving in a careless and inconsiderate manner in accordance with the Road Traffic Act.	12
Using threatening or offensive language or behaviour.	6
Officer observing a licensed driver sleeping on a taxi rank.	6
Using a mobile phone whilst driving or stationery with engine running.	6
Cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from your vehicle.	6
Cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from your vehicle.	6
Contravention of any traffic laws, regulations, orders or guidance outlined in the current Highway Code.	6
Unnecessary engine idling resulting in a fixed penalty notice being issued	6
Administration	**Points**
Operator failing to keep accurate, current records of bookings, or failure to present records to an authorised officer upon request at an appointed time.	6
Failure to keep records of private hire vehicles/drivers operated by operator.	6
Failure to notify the Local Authority of convictions within 48 hours.	12
Failure to follow the Local Authority's conditions on signage.	6
Failure to notify change of name, address, telephone number or operator, medical condition (which may impact I on driving) within seven days of change	6
Failure to notify transfer of ownership for private hire or hackney carriage within 14 days.	6
Failure to return private hire driver licence after notice given after revocation or suspension.	6
Failure to produce DVLA driver's licence within seven days on request of the Local Authority.	6
Failure to report an accident to Local Authority.	6
Failure to provide to the Authority a DBS certificate within seven days of receipt.	6
Failure to subscribe to the DBS update service as required by condition of the licence	12

Appendix M Safeguarding Children Poster Template

Safeguarding Children: Who to speak to

If you are concerned about the welfare of any child you are transporting or suspect that a child/children are being abused or at risk of significant harm do not keep these concerns to yourself.

Discuss them with your nominated Safeguarding Children person, the local Children's Social Services and the local Police.

Your nominated Safeguarding Children person is

…….

Surrey Children's Social Services: 0300 470 9100
cspa@surreycc.gov.uk
Emergency (out of office hours): 01483 517898

Police Station (non-emergency) 101
In an emergency always dial 999

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AUTHORITY MONITORING REPORT 2022/23

Head of Service:	Justin Turvey, Interim Head of Place Development
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Authority Monitoring Report 2022/23

Summary

The Authority Monitoring Report (AMR) is a factual report that has two purposes; to monitor progress towards new Local Development Documents and to monitor the effectiveness of key policies set out in Local Development Documents.

Recommendation (s)

The Committee is asked to:

(1) Note the content of AMR and agree to it being published.

1 Reason for Recommendation

1.1 The Authority Monitoring Report (AMR) is prepared for each financial year (April – March). The latest AMR covers the period 1 April 2022 to 31 March 2023 and is contained in Appendix 1.

1.2 Local planning authorities are required by law to prepare and publish an AMR at least annually.

2 Background

2.1 The Authority Monitoring Report contributes to the suite of documents that comprise and support the Development Plan for Epsom and Ewell Borough Council. The purpose of the AMR is to review the progress of plan-making and the effectiveness of key Local Plan policies.

2.2 Although the role of the AMR is to monitor adopted Local Plan policies, housing supply is a fundamental aspect of monitoring and where a Local Plan is considered out of date the national standard method for calculating housing requirements applies. The housing need derived from the standard method is 573 dwellings per annum (2023). The five year housing land supply statement demonstrates that the Council does not have a five year housing land supply.

2.3 One of the purposes for monitoring your adopted Local Plan policies is to flag when policies are being ineffective and when a review may be necessary. The Council has already acknowledged the need for a new up to date Local Plan, with public consultation being undertaken in February and March of 2023 on a Draft (Regulation 18) Local Plan. Until the new Local Plan is adopted, we will seek to meet our statutory responsibilities in preparing the AMR and will produce a detailed AMR once up to date policies are adopted.

2.4 The AMR highlights that during the monitoring year, 317 homes were completed in the borough, of which 67 were affordable homes.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None arising from this report.

3.2 Crime & Disorder

3.2.1 None arising from this report.

3.3 Safeguarding

3.3.1 None arising from this report.

3.4 Dependencies

3.4.1 None arising from this report.

3.5 Other

3.5.1 None arising from this report.

4 Financial Implications

4.1 None arising from this report.

4.2 **Section 151 Officer's comments**: None arising from the contents of this report.

5 Legal Implications

5.1 The publication of an authority monitoring report is a requirement of Section 35 of the Planning and Compulsory Purchase Act 2004 (as amended by section 113 of the Localism Act).

5.2 Regulation 34 of the Town and Country Planning (Local Development) (England) Regulations 2012 sets out the requirements for the contents of an AMR. Appendix 1 meets these statutory obligations.

5.3 It should be noted that during the AMR reporting period the Council could not demonstrate a five-year housing land supply. This means that the NPPF's presumption in favour of sustainable development applied during the reporting period and continues to apply moving forward.

5.4 **Legal Officer's comments**: None arising from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities**: The new Local Plan will contribute towards delivering the Council's Vision and priorities in its Four-Year Plan.

6.2 **Service Plans**: The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations**: There are no climate or environmental implications from this report.

6.4 **Sustainability Policy & Community Safety Implications**: There are no policy and community safety implications from this report.

6.5 **Partnerships**: None.

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Authority Monitoring Report

1 April 2022 - 31 March 2023

Epsom & Ewell Borough Council

Epsom & Ewell Authority Monitoring Report
1 April 2022- 31 March 2023

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1.0 Introduction

1.1 This Authority Monitoring Report (AMR) covers the period 1 April 2022 to 31 March 2023 for the borough of Epsom and Ewell.

1.2 For the purposes of this AMR, the approach taken is to meet our statutory responsibilities which are set out in the Town and Country Planning (Local Development) (England) Regulations 2012. The reasons for taking this approach are:

- due to the age of the existing Local Plan (pre NPPF) the weight associated with the adopted policies is dependent on level of general conformity with the NPPF.
- the Council cannot demonstrate a 5-year supply of housing resulting in the NPPF's presumption in favour of sustainable development applying. the effectiveness of the adopted planning policies as a result of the above two points is limited and therefore reporting on their effectiveness is immaterial.

1.3 One of the purposes for monitoring your adopted Local Plan policies is to flag when policies are being ineffective and when a review may be necessary. The Council has acknowledged the need for a new up to date Local Plan and a new Local Plan is being prepared (see Section 2). Until the new Local Plan is adopted, we will seek to meet our statutory responsibilities in preparing the AMR and will produce a detailed AMR once up to date policies are adopted.

1.4 This AMR therefore primarily focusses on assessing progress against the current Local Development Scheme (LDS) (the Local Plan timetable), and current planning policies that include annual numbers for new homes (including affordable homes) and contains headline data on changes in employment and retail floorspace. It also includes information about Neighbourhood Plans, the Community Infrastructure Levy, and the Duty to Cooperate.

1.5 This AMR is prepared in accordance with Regulation 34 of the Town and Country Planning (Local Development) (England) Regulations 2012.

2.0 Local Development Scheme

2.1 The timetable for which local development documents will be produced, in what order and when, is set out in the Local Development Scheme (LDS).

2.2 The Council published a revised Local Development Scheme in November 2022. Table 1 below is the timetable for the Local Plan in the existing LDS. The Council undertook a Regulation 18 public consultation between February to March 2023 with engagement from the public and stakeholders in the Borough. The responses received to the consultation on the Draft Local Plan can be viewed on our consultation platform.

2.3 Following the close of the consultation on the Draft Local Plan, an **Extraordinary Council Meeting** was held on the 22 March 2023 where a Motion was debated. The Council agreed that: *other than for the purpose of analysing the responses of the public consultation to capture residents' views and any new information, the Local Plan process be paused to enable:*

a) further work on brown field sites, including information arising out of the Regulation 18 consultation
b) further options to be considered that do not include green belt sites
c) an analysis of Epsom and Ewell's required future housing numbers based on 2018 data
d) a clearer understanding of the Government's legislative intentions regarding protections for the green belt and the current mandatory target for housing numbers.

2.4 On the 15 June 2023 a further Report was considered by the Licensing and Planning Policy Committee (LPPC) to provide an update on the Local Plan work undertaken following the decision on the 22 March by Council. The report made recommendations on the work that can progress prior to a decision being made at a future LPPC on a revised timetable for producing the Local Plan.

2.5 A revised Local Development Scheme that sets out the timetable for preparing the Local Plan through to its adoption will be considered at a future meeting of the LPPC.

Table 1 – Current timetable for the preparation of the Local Plan and progress

2022/23	**Q3**	Oct	
		Nov	
		Dec	
	Q4	Jan	
		Feb	Reg 18 - Public Consultation
		Mar	
2023/24	**Q1**	Apr	
		May	
		Jun	
	Q2	Jul	
		Aug	
		Sep	
	Q3	Oct	
		Nov	
		Dec	
	Q4	Jan	
		Feb	Reg 19 - Public Consultation
		Mar	
2024/25	**Q1**	Apr	
		May	
		Jun	Reg 22 – Submission of document
	Q2	Jul	
		Aug	EIP
		Sep	
	Q3	Oct	
		Nov	
		Dec	
	Q4	Jan	
		Feb	
		Mar	
2025/26	**Q1**	Apr	R
		May	A
		Jun	
	Q2	Jul	
		Aug	
		Sep	

Key

	Regulation 18 - Evidence base gathering, early engagement, and initial consultations
	Regulation 19 - Public Consultation – Publication of draft Local Plan
	Regulation 22 - Submission of document; EIP - Examination hearings; R - Inspector's final report
A	Adoption of Local Plan

Supplementary Planning Documents (SPD)

2.6 There were no plans to produce any new SPDs within the reporting year. The following are adopted SPDs:

- Revised Developer Contributions SPD 2014
- Parking Standards for Residential Development SPD 2015
- Revised Sustainable Design Supplementary Planning Document (SPD) 2016

3.0 Implementation of policy

3.1 The Town and Country Planning (Local Development) (England) Regulations 2012 (Regulation 34) require that the AMR must identify any policies in a Local Plan that are not being implemented and explain the reasons why.

3.2 There are no policies in the current Local Plan that are not being implemented. All policies remain part of the Development Plan and are given appropriate weight. In view of conformity with the NPPF, the presumption in favour of sustainable development applies due to the council being unable to demonstrate a five year supply of housing in the reporting year (Appendix A).

4.0 Monitoring Performance

New homes

4.1 Where Local Plan policies specify a number over a period of time in relation to net additional dwellings or net additional affordable dwellings, the AMR must report the number achieved over the monitoring period, and since the policy was adopted.

Number of new homes

4.2 During this reporting year, 2022-2023, 317 new homes (net) were completed. It is important to note that over 70% of these dwellings (233 dwellings) were delivered from the three development sites detailed in Table 2.

Table 2 – Housing Completions from large developments (2022-23)

Site	Net completions
Epsom and Ewell High School	106
Land at Mill Road	29
Woodcote Grove	98

4.3 Table 3 shows the housing completions in this reporting period by Ward.

Table 3 – Completions by Ward (2022-23)

Ward	Net completions
College	30
Court	1
Cuddington	56
Ewell	8
Ewell Court	2
Nonsuch	9
Ruxley	106
Town	5
West Ewell	2
Woodcote	98

4.4 Appendix B contains a map showing the location of the housing completions in the current monitoring year.

4.5 During the monitoring year 56% of housing completions were on Previously Developed Land (PDL). The units built on greenfield land include the sites Land at Mill Road, Epsom and Ewell High School and several dwellings constructed on land that was previously part of a residential garden.

4.6 For context, Table 4 overleaf shows the number of housing completions each year for the period covered by the Epsom and Ewell Core Strategy (2007-2022). It demonstrates that the Core Strategy target of a minimum of 2,715 homes has been met. However, the completions should also be understood in the context of the NPPF requirements and national housing requirements for the borough which are significantly higher.

Table 4 - Housing Completions per year compared to Core Strategy Annual Target (2007/08 – 2021/22)

	Core Strategy Target	Total Dwellings	Overall Deficit/surplus over plan period
2021-22	181	117	+643
2020-21	181	169	+707
2019-20	181	193	+719
2018-19	181	165	+707
2017-18	181	160	+723
2016-17	181	294	+744
2015-16	181	169	+631
2014-15	181	195	+643
2013-14	181	234	+629
2012-13	181	517	+576
2011-12	181	289	+240
2010-11	181	251	+132
2009-10	181	103	+62
2008-9	181	221	+140
2007-8	181	281	+100
Total	**2,715**	**3,358**	**23.7%**

4.7 It should be noted that the remit of an AMR is to monitor Development Plan Policies. However, in the absence of an up-to-date Local Plan, the housing number for the borough is now calculated using the national standard housing methodology. Table 5 compares the completions against the governments standard method for calculating housing needs for the borough for the monitoring year.

Table 5 – Housing completions in the 2022/23 monitoring year compared to the national standard housing method annual figure

	Standard Method	Total (net)	Overall Deficit/surplus
2022-23	**573**	**317**	**-256**

4.8 The National Planning Policy Framework (NPPF) contains a number of tests/measures that seek to increase housing delivery. This includes the Housing Delivery Test and its associated penalties. In the most recently published Housing Delivery Test (2021), the Council failed and as such the NPPF's presumption in favour of sustainable development applies.

Affordable homes

4.9 Core Strategy Policy CS9 has a target that overall, 35% of new dwellings should be affordable.

4.10 During this reporting year there have been 67 affordable housing completions. Table 6 shows the affordable housing completions delivered by site during the monitoring year.

Table 6 – Affordable housing delivery by development site (2022-23)

Affordable housing site	Tenure
Epsom and Ewell High School	15 shared ownership 44 affordable rented
Woodcote Grove	7 shared ownership 1 social rented

4.11 Table 7 below shows the affordable housing completions each year since the 2007/08 monitoring year.

Table 7 – Affordable housing completions per year (2007/08 – 2022/23)

Monitoring Year	Open Market Housing (net)	Affordable Units (net)	Total Dwellings (net)	Percentage of affordable homes
2022-23	250	67	317	21%
2021-22	110	7	117	6%
2020-21	164	5	169	3%
2019-20	165	28	193	15%
2018-19	117	48	165	29%
2017-18	138	22	160	14%
2016-17	237	57	294	19%
2015-16	97	72	169	43%
2014-15	137	58	195	30%
2013-14	157	77	234	31%
2012-13	310	207	517	40%
2011-12	216	73	289	25%
2010-11	206	45	251	18%
2009-10	57	46	103	45%
2008-9	180	41	221	19%
2007-8	203	78	281	28%
Total	**2,494**	**864**	**3,358**	**25.7%**

New Gypsy and Traveller accommodation

4.12 Policy CS10 seeks to make provision for Gypsy and Traveller accommodation in the borough in accordance with the Gypsy and Traveller Accommodation Assessment (GTAA). The most up to date assessment of need is the Gypsy and Traveller, Accommodation Assessment, 2022.

4.13 During the monitoring year, no new pitches have been provided for Gypsy and Traveller accommodation in the borough. We are not aware of any Gypsy and Traveller pitches being lost.

Five-year land supply

4.14 The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of supply against housing requirements. In the absence of an up-to-date Local Plan, for the purposes of this calculation it is the standard housing methodology requirement that applies.

4.15 There is also a requirement for a five years' worth of supply for Gypsy and Traveller accommodation (albeit in reference to separate national planning policy; Planning Policy for Traveller Sites).

4.16 The Council has calculated its five-year supply position for housing land supply as being **1.56 years**. The calculation is available in Appendix A.

4.17 There is no five-year supply for Gypsy and Traveller accommodation in the borough.

Self and Custom Build Register

4.18 The Self-build and Custom Housebuilding Act 2015 requires local planning authorities to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects.

4.19 The self build register measures the base period between 31st October to 30th October each year. There were 8 people on the register in 2019. Between October 2019 and Oct 2022, 14 homes for self-build (CIL dwelling exemptions) have been granted.

Commercial, Business and Service floorspace

4.20 Use Class E (Commercial, Business and Service) was introduced in September 2020 consolidating uses previously defined in the revoked Classes A1 (retail) A2/3, B1 (offices), D1(a-b) and 'indoor sport' from D2(e). Businesses which fell within these revoked use classes are now able to change to other uses within the new Class E without the need for planning permission which means that these changes fall outside the influence of local policy.

4.21 Table 8 details the five planning permissions granted during this reporting year that if implemented would result in the loss of Class E floor space.

Table 8 – Permissions resulting in the Loss of Class E Floorspace (2022/23)

Planning Application Reference	Description of development
21/00233/FUL	Change of use of office building (Class E) to a Care Facility (Use C2) and infilling part of the ground floor, conversion of the roof space including part alteration and extension to the rear and other associated external alterations.
22/00615/FUL	Change of use from Class E(a) to C3 (Residential) of ground floor to create 1 x 2 bedroom unit. Erection of first floor rear extension. Erection of rear dormer roof extension to facilitate loft conversion to create 1 x 2 bedroom unit. General alterations to the external fenestration
22/01524/FUL	Change of use from Class E(a) to C3 and conversion of loft space to habitable space to create 2 x 1 bedroom units. Erection of rear dormer roof extension. General alterations to the external fenestration.
22/00266/FUL	Change of use from Class E(a) (Retail) to E(b) (Restaurant) and Sui Generis (Takeaway) at ground floor with extract canopy to rear and re-painting of existing shopfront
21/01019/FUL	Change of use from Shop/Office (Use Class E (formally A1)) to Restaurant/Hot Food Takeaway and Alcohol/Beverage (Use Class E and Sui Generis)

4.22 Table 9 details the four planning permissions granted that if implemented result in additional Class E floorspace in the borough.

Table 9 – Permissions resulting in the gain of Class E Floorspace (2022/23)

Planning Application Reference	Description of development
21/01739/FUL	Change of use from casino (sui generis) to Class E Use
22/01346/FUL	Change of use from Sui Generis (Nail and Tanning Salon) to Class E.
22/01357/FUL	Change of use of the ground floor from Sui Generis (Tattoo Parlour) to Class E.
22/01490/FUL	Change of use from Sui Generis (Takeaway) to Use Class E

Employment floorspace

4.23 No applications resulting in the loss or gain of B2 (General Industrial) or B8 (Storage or distribution) floorspace were permitted during the monitoring year.

5.0 Neighbourhood Planning

5.1 The Localism Act 2011 introduced Neighbourhood Planning as a new way for communities to decide the future of their areas through community-led planning policy documents. The Neighbourhood Plans can include planning policies and allocations of land for different uses.

5.2 No Neighbourhood Plans have been 'made' within the borough.

5.3 On 12 November 2021, the Councils Licensing and Planning Policy committee approved the 'designation' of the Stoneleigh and Auriol Neighbourhood Forum for the purposes of preparing a Neighbourhood Development Plan for Stoneleigh and Auriol Neighbourhood Area.

6.0 Community Infrastructure Levy

6.1 The Town and Country Planning (Local Development) (England) Regulations 2012 (Regulation 34(5)) require that the AMR should contain information on the annual reporting of receipts of monies received under the CIL regime. The Council adopted its CIL Charging Schedule in 2014.

6.2 The Infrastructure Funding Statement (IFS) is an annual report which provides a summary of all financial and non-financial developer contributions relating to the Community Infrastructure Levy (CIL) and Section 106 Legal Agreements (S106) within the Borough of Epsom & Ewell.

6.3 In the monitoring period 1 April 2022 to 31 March 2023, 4 Demand notices were issued for CIL totalling: £92,485.57.

7.0 Duty to Co-Operate

7.1 The Duty to Cooperate places a legal duty on local planning authorities and county councils in England, and prescribed public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters.

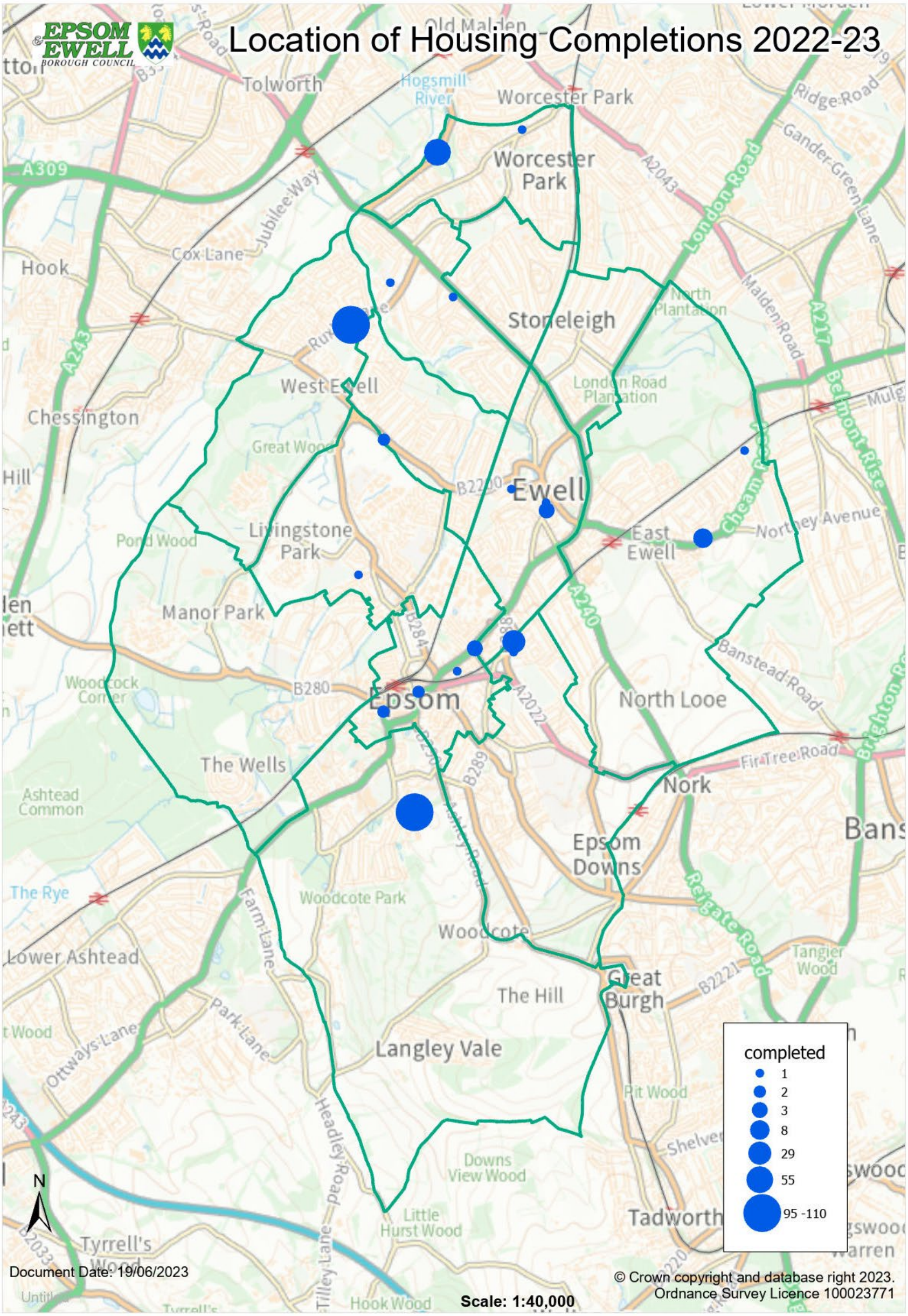
7.2 It is a requirement of the AMR to report what actions have been taken when a local planning authority has co-operated with another local planning authority, county council, or a prescribed body. In addition, the NPPF requires strategic policy making authorities to prepare and maintain a statement of common ground, documenting the cross-boundary matters being addressed and progress in co-operating to address these.

7.3 In November 2018 the Licensing and Planning Policy Committee received a report setting out our approach to further developing strategic relationships with neighbouring boroughs. This included a plan of engagement with neighbouring planning authorities and an agreement from the Committee to the actions listed in the report. This is now being further developed to support the preparation of the new Local Plan. The Duty to Cooperate Framework was published in January 2023 which received input from partners and neighbouring councils. The framework forms part of the Local Plan evidence base to help demonstrate that the council is engaging constructively, actively and on an on-going basis. It identifies the strategic cross boundary issues which the Local Plan is likely to reflect (and how they have come about). In particular, the Council continues its close working relationship with neighbouring Councils and will continue to agree Statements of Common Ground individually where and when appropriate.

7.4 The Borough Council continues to participate in Surrey-wide initiatives that contribute, at the strategic level, to the local plan making process. This work has included work with a variety of Surrey-wide bodies that include Surrey Leaders; Surrey Chief Executives; Surrey Futures; Surrey Planning Officers Association and the Surrey Planning Work Group – the latter being fully focused upon local plan making.

8.0 Appendix A – Five-year housing land supply as of 1st April 2023

Steps	Formula	Workings
Requirement		
A		Draft Local Plan Period 2022-2040. Housing Need derived from Standard Method: 573 dwellings per annum, multiplied by 18 years is 10,314 dwellings for the plan period.
B		Annual requirement is 573
C	B x 1.2	2021 HDT result means 20% uplift to requirement. This works out to be 687.6 dwellings per annum
D	C x 5	Housing requirement for the next five years 1 April 2023- 31 March 2028 is 3438
Housing Supply		
E*		Completions 1 April 2022 to 31 March 2023 is 317
F*	B- E	Deficit 1 April 2022 to 31 March 2023 is 256
G		Residential units under construction 181
H		Outstanding residential units with permission but not started 585
I	H x 0.95	Outstanding residential units with permission but not started (with 5 % non-implementation applied) is 555.75
J		Housing supply identified from 'Deliverable' sites in the 2022 LAA is 309
K	J x 0.85	Housing supply identified from 'Deliverable' sites in the LAA (with 15% non-implementation applied) is 262.65
L	37.4 x 2	Windfall allowance for 2026-2028 is 74.8
M	G + I + K+ L	Total supply is 1074.2
N	(M/D) x 5	Five Year Housing Land Supply is (1074.2/ 3438) x 5 is 1.56
5 year Housing land supply		1.56 years supply

*The level of gain/deficit accumulated from the base date of the draft Local Plan period 2022-2040 based on the housing need derived from the standard method
When the Council adopts a new local plan and housing requirement, the gain/deficit against the adopted housing requirement would be included in the calculations.

9.0 Appendix B – Location of housing completions 2022-23