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EPSOM & EWELL BOROUGH COUNCIL

TOWN HALL

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04 December 2023

SIR OR MADAM

I hereby summon you to attend a meeting of the Council of the Borough of Epsom and Ewell which will be held at the Council Chamber, Epsom Town Hall, Epsom on **TUESDAY, 12TH DECEMBER, 2023** at 7.30 pm or at the rising of the **Special meeting of the Strategy and Resources Committee on the same evening, whichever is the later**. The business to be transacted at the Meeting is set out on the Agenda overleaf. A link to the meeting is provided above.

Prayers will be said by the Mayor's Chaplain prior to the start of the meeting.



Chief Executive

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- 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 on the internet.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A limited number of seats will also be available in the public gallery at the Town Hall. 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 matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions of Schedule 12A of the Local Government Act 1972 (as amended). The Committee is likely to resolve to exclude the press and public during discussion of these matters by virtue of the private nature of the business to be transacted..

Questions and statements from the Public

Questions and statements from the public are not permitted at meetings of the Council. [Annex 4.2](#) of the Epsom & Ewell Borough Council Operating Framework sets out which Committees are able to receive public questions and statements, and the procedure for doing so.

Filming and recording of meetings:

The Council allows filming, recording and photography at its public meetings. By entering the Council Chamber and using the public gallery, you are consenting to being filmed and to the possible use of those images and sound recordings.

Members of the Press who wish to film, record or photograph a public meeting should contact the Council's Communications team prior to the meeting by email at: communications@epsom-ewell.gov.uk

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.

COUNCIL

Tuesday 12 December 2023

Commencing at 7.30 pm or at the rising of the Special meeting of the Strategy and Resources Committee on the same evening, whichever is the later

Council Chamber - Epsom Town Hall

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

AGENDA

1. DECLARATIONS OF INTEREST

To receive declarations of the existence and nature of any Disclosable Pecuniary Interests from Members in respect of any item to be considered at the meeting.

2. MINUTES (Pages 5 - 16)

To confirm the Minutes of the Meeting of the Council held on 25 July 2023 and Minutes of the Extraordinary Meeting of the Council held on 24 October 2023.

3. MAYORAL COMMUNICATIONS/BUSINESS

To receive such communications or deal with such business as the Mayor may decide to lay before the Council.

4. QUESTIONS (Pages 17 - 22)

This report sets out the questions submitted which have been accepted under FCR 12, Appendix 4 of the Constitution.

5. CHAIRS' STATEMENTS (Pages 23 - 32)

To receive statements from the Chairs of the Council's Policy Committees, briefing Members on current events and issues relating to the relevant Committee's area of work.

6. VIDEO SURVEILLANCE SYSTEM POLICY (Pages 33 - 48)

A policy to govern the use of video surveillance systems (VSS) and to note the work to bring the Council into compliance with the Biometric and Surveillance Commissioners Code of Practice.

7. COMMUNITY SAFETY INTERVENTION POLICY (Pages 49 - 60)

A policy to ensure the Council's Community Safety resource is effectively targeted at tackling antisocial behaviour and supporting victims.

8. HACKNEY CARRIAGE AND PRIVATE HIRE EMISSIONS POLICY (Pages 61 - 166)

To recommend the Council adopt the revised Hackney Carriage and Private Hire Policy.

9. STAFF PAY AWARD (Pages 167 - 172)

This report provides information and options about the staff pay award which was considered by the Strategy and Resources Committee on the 14th November 2023. The committee made a recommendation which Council is asked to approve and recommend for inclusion in the 2024/25 budget setting process.

10. UPDATE THE COUNCIL'S CONSTITUTION (To Follow)

11. CALENDAR OF MEETINGS 2024-25 (Pages 173 - 178)

Approval of the extended Municipal Calendar from May 2024 to July 2025.

12. URGENT DECISIONS (Pages 179 - 182)

To report to Council the decisions taken by the Chief Executive and Directors on the grounds of urgency, in compliance with Appendix 2 to the Constitution – The Scheme of Delegation paragraph 3.1.

13. MOTIONS (Pages 183 - 190)

This report sets out notices of motions ruled in order.

14. EXCLUSION OF PRESS AND PUBLIC (Pages 191 - 192)

The Council is asked to consider whether it wishes to pass a resolution to exclude the Press and Public from the meeting in accordance with Section 100A (4) of the Local Government Act 1972 on the grounds that the business involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15. COMMERCIAL PROPERTY (Pages 193 - 218)

This report has not been published because the meeting is likely to be closed to the press and public in view of the nature of the business to be transacted/nature of the proceedings. The report deals with information relating to the financial or business affairs of the Council and the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

**Minutes of the Meeting of the COUNCIL held at the Council Chamber, Epsom
Town Hall on 25 July 2023**

PRESENT -

Councillor Rob Geleit (Chair); Councillor Steve Bridger (Vice-Chair); Councillors James Lawrence, Chris Ames, Kim Spickett, Chris Watson, Kieran Persand, Shanice Goldman, Anthony Froud, Robert Leach, Clive Woodbridge, Arthur Abdulin, John Beckett, Kate Chinn, Christine Cleveland, Alex Coley, Hannah Dalton, Liz Frost, Graham Jones, Jan Mason (Councillor Jan Mason left the room prior to the vote on item 26 below and did not participate in the vote on that item), Steven McCormick, Julie Morris, Bernie Muir, Phil Neale, Peter O'Donovan, Humphrey Reynolds and Alan Williamson

Absent: Councillor Darren Talbot, Councillor Julian Freeman, Councillor Alison Kelly, Councillor Rachel King, Councillor Neil Dallen, Councillor Bernice Froud, Councillor Christine Howells and Councillor Lucie McIntyre

Officers present: Andrew Bircher (Interim Director of Corporate Services), Piero Ionta (Head of Legal Services and Monitoring Officer), Brendan Bradley (Head of Finance) and Tim Richardson (Democratic Services Manager)

13 DECLARATIONS OF INTEREST

No declarations of interest were made by Councillors regarding items on the agenda.

14 MINUTES

The Minutes of the Meeting of the Council held on 23 May 2023 were agreed as a true record and the Mayor was authorised to sign them.

15 MAYORAL COMMUNICATIONS/BUSINESS

The Mayor made a number of announcements relating to noteworthy events which he had attended over the past 2 months.

16 QUESTIONS

Three questions had been addressed to Committee Chairs, to each of which a written answer had been provided and published.

Three supplementary questions were asked and answers were given by the relevant Committee Chair.

17 CHAIRS' STATEMENTS

The Council received written statements from the Chair of the Licensing and Planning Policy Committee, Chair of the Strategy and Resources Committee and Chair of the Crime and Disorder Committee.

6 questions were asked relating to the statements and responded to by the relevant Committee Chair.

18 ANNUAL REPORT OF THE AUDIT AND SCRUTINY COMMITTEE 2022-2023

Council received a report presenting the Annual Report of the Audit and Scrutiny Committee 2022-2023 in accordance with the requirement of Paragraph 7.2 of Annex 4.6 of the Council's Operating Framework.

Councillor Steve Bridger **MOVED** the recommendation in the report. In moving the recommendation, Councillor Bridger expressed thanks to officers for their work to complete the audits on time.

During debate, 2 councillors spoke to express their concerns on elements of the report. In response to the debate Councillor Steve Bridger, as Chair of the Audit and Scrutiny Committee, requested the councillors to provide a written copy of their questions to which he would provide a response.

Upon being put the recommendation was **CARRIED** with 20 votes for, 4 votes against, 2 abstentions and the Mayor not voting.

Accordingly, it was resolved to:

- (1) **Receive the Annual Report of the Audit and Scrutiny Committee 2022-2023 (Appendix 1 to the report).**

19 FINANCIAL POLICY PANEL REVIEW

The Council received a report setting out the recommendations of the Standards and Constitution Committee and providing an appraisal of the implementation of changes to financial decision-making procedures and committee responsibilities as agreed by Full Council in February 2022. The report recommended further changes to the constitution.

Councillor Liz Frost **MOVED** the recommendation in the report.

Upon being put the recommendation was unanimously **CARRIED**.

Accordingly, it was resolved to:

- (1) **Agree with Standards and Constitution Committee's recommendation to approve the proposed changes to the constitution set-out in this report.**

20 EXTERNAL AUDITOR'S ANNUAL REPORT - 2021/22

The Council received a report presenting Grant Thornton's 2021/22 Annual Report and an update on the 2022/23 Statement of Accounts.

Councillor Steve Bridger **MOVED** and Councillor Hannah Dalton **SECONDED** the recommendation in the report.

During debate, Members of the Council expressed their thanks to the Chief Finance Officer, Head of Finance and their team for their work on the Council's behalf to achieve the signoff of accounts by the external auditor.

Upon being put the recommendations were unanimously **CARRIED**.

Accordingly, it was resolved to:

- (1) **Receive the Auditor's Annual Report;**
- (2) **Note the management responses to the auditor's recommendations at Appendix 1 to the report.**

21 MOTIONS

The Council received two Motions submitted under FCR 14 of Appendix 4 of the Constitution.

Motion 1: "Debate not Hate"

The Council resolved by unanimously to debate this Motion at the meeting.

In pursuance of the Council's Rules of Procedure, Councillor Hannah Dalton **MOVED** and Councillor Julie Morris **SECONDED** the following Motion.

In moving the motion, Councillor Hannah Dalton identified an amendment to the wording of the motion set out in the agenda. This amendment was to replace the words "to use to" in paragraph 3 with the words "can use to", as set out in bold below.

Motion

"This council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact of local democracy and that prevention, support and responses to abuse and intimidation of local politicians must improve to ensure councillors feel safe and able to continue representing their residents.

This council therefore commits to challenge the normalisation of abuse against councillors and officers and uphold exemplary standards of public and political debate in all it does.

The council further agrees to sign up to the LGA's Debate Not Hate campaign. The campaign aims to raise public awareness of the role of councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

This Council resolves to:

- (1) Write to Chris Grayling MP to ask their support of the campaign.
- (2) Write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians.
- (3) Ensure the council has a clear reporting mechanism which councillors **can use to** monitor and record incidents of harassment and abuse of councillors and/or officers.
- (4) Regularly review the support available to councillors in relation to abuse and intimidation and councillor safety.
- (5) Work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of councillors and their families and discuss the need to take a preventative approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, like MPs.
- (6) Take a zero-tolerance approach to abuse of councillors and officers.”

Upon being put the motion was **CARRIED** unanimously.

Accordingly the Council resolved that:

This council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact of local democracy and that prevention, support and responses to abuse and intimidation of local politicians must improve to ensure councillors feel safe and able to continue representing their residents.

This council therefore commits to challenge the normalisation of abuse against councillors and officers and uphold exemplary standards of public and political debate in all it does.

The council further agrees to sign up to the LGA's Debate Not Hate campaign. The campaign aims to raise public awareness of the role of councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

This Council resolves to:

- (1) Write to Chris Grayling MP to ask their support of the campaign.
- (2) Write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians.
- (3) Ensure the council has a clear reporting mechanism which councillors can use to monitor and record incidents of harassment and abuse of councillors and/or officers.
- (4) Regularly review the support available to councillors in relation to abuse and intimidation and councillor safety.
- (5) Work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of councillors and their families and discuss the need to take a preventative approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, like MPs.
- (6) Take a zero-tolerance approach to abuse of councillors and officers.

Motion 2: “Monitoring of the Chalk Pit site, Epsom”

The Council resolved by a majority vote (with 6 votes for dealing with the motion at the meeting, 19 votes to refer the motion to the relevant committee, 1 abstention and the Mayor not voting) to refer the Motion to the Environment Committee for consideration.

22 EXCLUSION OF PRESS AND PUBLIC

Under Section 100(A)(4) of the Local Government Act 1972, the Council passed a resolution by majority decision (with 20 votes for, 6 votes against and the Mayor not voting) to exclude the public from the meeting for Part Two of the Agenda on the grounds that the business involved the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

23 APPOINTMENT OF INTERIM S151 OFFICER

The Council received a report requesting it to appoint an interim S151 Officer for a period of up to nine months.

Councillor Hannah Dalton **MOVED** and Councillor Julie Morris **SECONDED** the recommendation in the report.

Upon being put the recommendation was unanimously **CARRIED**.

Accordingly, it was resolved to:

- (1) **Approve the appointment of Brendan Bradley as the Council's S151 Officer, on an interim basis with effect from 1 August 2023, for a period of up to nine months or until a permanent appointment is made if sooner.**

24 EXTENDING TERM OF INTERIM DIRECTORS

The Council received a report proposing that both existing Interim Directors (Directorate of Corporate Services and Directorate of Environment, Housing and Regeneration) continue in their roles until such time as a decision is taken on permanent recruitment upon the return to the office of the Chief Executive after September 2023.

Councillor Hannah Dalton **MOVED** and Councillor Julie Morris **SECONDED** the recommendation in the report.

Upon being put the recommendation was **CARRIED** with 23 votes for, 2 votes against, 1 abstention and the Mayor not voting.

Accordingly, it was resolved to:

- (1) **Agree to extend the appointment of the two Interim Directors in post, in each case for periods of up to 9 months as from end of September 2023 in order to provide management cover, pending the appointment and commencement of permanent staff in these positions.**

25 APPOINTMENT OF PANEL MEMBERS TO THE IRP

The Council received a report seeking the formal appointment of members to the council's Independent Remuneration Panel (IRP).

Councillor Liz Frost **MOVED** and Councillor Hannah Dalton **SECONDED** the recommendation in the report.

Upon being put the recommendation was unanimously **CARRIED**.

Accordingly, it was resolved to:

- (1) **Appoint the following as members of the Independent Remuneration Panel:**
 - **Robert Coyle**
 - **Karimulla (Hyat Akbar) Khan**
 - **Yan Yuen Kwok**

26 SCHEME OF DELEGATION

The Mayor informed the Council that he had permitted the addition of this additional urgent item to the agenda in accordance with FCR 7.7 of Appendix 4 of the Constitution as it was necessary to inform Members of the matter at the earliest opportunity available. The report identified some operational issues concerning the Council's Scheme of Delegation and the proposed a way to remedy those issues.

Councillor Liz Frost **MOVED** and Councillor Hannah Dalton **SECONDED** the recommendations in the report.

In moving the recommendations, Councillor Liz Frost identified an amendment to the wording of the motion set out in the agenda. This amendment was to add a further recommendation as set out below.

“(3) Agree that the following wording be added to Appendix 2 of the Constitution:

The Chief Executive and Directors are authorised to take decisions on grounds of urgency regarding matters which would otherwise be reserved for determination by a Committee or Council. A matter can be deemed urgent if, in the reasonable opinion of the officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision-making body in sufficient time to take the decision. The officer concerned shall also:

- Advise and seek the views of the Chair and Vice Chair of the appropriate Committee at the earliest opportunity.
- Report the matter to the next scheduled meeting of the appropriate Committee; and
- Ensure all members are advised at the earliest opportunity (via MemberNews currently).”

Upon being put the recommendations of the report were **CARRIED** as follows:

It was resolved with 20 votes for, 5 abstentions and the Mayor not voting to:

(1) Note the contents of this report.

It was resolved with 17 votes for, 1 vote against, 7 abstentions and the mayor not voting to:

(2) Approve the allocation of £15,000 from the Corporate Projects Reserve to enable the funding of external legal advice.

It was resolved with 17 votes for, 2 votes against, 6 abstentions and the Mayor not voting to:

(3) Agree that the following wording be added to Appendix 2 of the Constitution:

The Chief Executive and Directors are authorised to take decisions on grounds of urgency regarding matters which would otherwise be reserved for determination by a Committee or Council. A matter can be deemed urgent if, in the reasonable opinion of the officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision-making body in sufficient time to take the decision. The officer concerned shall also:

- Advise and seek the views of the Chair and Vice Chair of the appropriate Committee at the earliest opportunity.**
- Report the matter to the next scheduled meeting of the appropriate Committee; and**
- Ensure all members are advised at the earliest opportunity (via MemberNews currently)**

The meeting began at 7.30 pm and ended at 9.19 pm

COUNCILLOR ROB GELEIT (CHAIR)



EPSOM AND EWELL

Minutes of the Extraordinary Meeting of the COUNCIL of the BOROUGH OF EPSOM AND EWELL held at the Council Chamber - Epsom Town Hall on 24 October 2023

PRESENT -

The Mayor (Councillor Rob Geleit); The Deputy Mayor (Councillor Steve Bridger); Councillors Arthur Abdulin, Chris Ames, John Beckett, Kate Chinn, Christine Cleveland, Hannah Dalton, Liz Frost, Bernice Froud, Tony Froud, Shanice Goldman, Christine Howells, Alison Kelly, Rachel King, James Lawrence, Robert Leach, Jan Mason, Steven McCormick, Julie Morris, Bernie Muir, Phil Neale, Peter O'Donovan, Kieran Persand, Humphrey Reynolds, Kim Spickett, Darren Talbot, Alan Williamson and Clive Woodbridge

Absent: Councillors Alex Coley, Neil Dallen, Julian Freeman, Graham Jones, Lucie McIntyre and Chris Watson

27 DECLARATIONS OF INTEREST

No declarations of interest were made by Councillors regarding items on the agenda.

28 UNPAUSING THE LOCAL PLAN

The Council received a report presenting the recommendation of the Licensing and Planning Policy Committee on 24 September 2023 to un-pause the Local Plan.

Councillor Steven McCormick **MOVED** the recommendations in the report.

An amendment to the recommendations was **MOVED** by Councillor Christine Howells and **SECONDED** by Councillor Steve Bridger.

The proposed amendment was as follows:

“The Council is asked to:

- (1) Note:
 - i. The work that has been undertaken in line with the decision by full Council on the 22 March 2023 to pause the Local Plan.
 - ii. That whilst the current version of the National Planning Policy Framework (NPPF) requires the Council to start with the Standard Method housing number, the NPPF also allows for a lower number to be used if that starting point is unachievable in light of local Greenbelt, Flooding or other specific constraints.
 - iii. That the current draft Local Plan has already set a precedent by using a much lower target. However, this target was only achieved under proposals to build on high-scoring Greenbelt land, and sites subject to flooding. The available evidence base clearly demonstrates constraining factors and provides strong reasons for excluding these sites from housing development plans.
- (2) Un-pause the Local Plan with immediate effect, subject to the LPPC preparing and approving guiding principles that must be followed in the preparation of the Regulation 19 Local Plan.

These guiding principles will support the preparation of a ‘sound’ plan, as defined in NPPF para 35, and promote a sustainable pattern of development as defined in NPPF para 11. They include the following components, which balance the various competing needs of the borough and can be fully supported by the available evidence and the NPPF.

- i. The housing target will be informed by the standard method. It will recognise the local constraints including, but not limited to, flooding, high performing Greenbelt land, heritage assets and irreplaceable habitats. It will provide the optimum level of housing achievable through the use of brownfield and previously developed Greenbelt land, as supported by the evidence base. This is in accordance with para 11 and section 13 of the NPPF, and can be achieved without exceeding 6 stories in height.
- ii. Significant levels of proposed housing should be truly affordable to local workers and those with assessed need.
- iii. The land availability assessment will be reviewed and updated in order to maximise the use of brownfield sites. This will include Council-owned land and mixed-use sites, in full compliance with government guidance, involving developers where necessary to identify potential solutions to apparent constraints.
- iv. The evidence base sets out the high performing nature of the major components of local Greenbelt land, the existence of significant flood risks and transport infrastructure challenges, and other compelling local

constraints. We will reflect these constraints in the Local Plan with the clear objective of avoiding redrawing Greenbelt boundaries.”

Councillor Steven McCormick (as proposer of the original motion) did not accept the proposed amendment, and accordingly the amendment was debated by the Council.

Following debate on the proposed amendment a recorded vote on the matter was requested by 8 members of the Council.

Upon being put the amendment was **LOST** with 12 votes for, 14 votes against and 3 abstentions as detailed below.

Amendment 1	
Councillor Rob Geleit	Against
Councillor Steve Bridger	For
Councillor Arthur Abdulin	Abstain
Councillor Chris Ames	Against
Councillor John Beckett	Against
Councillor Kate Chinn	Against
Councillor Christine Cleveland	For
Councillor Hannah Dalton	Against
Councillor Liz Frost	Against
Councillor Bernice Froud	For
Councillor Tony Froud	For
Councillor Shanice Goldman	For
Councillor Christine Howells	For
Councillor Alison Kelly	Abstain
Councillor Rachel King	Against
Councillor James Lawrence	For
Councillor Robert Leach	For
Councillor Jan Mason	For
Councillor Steven McCormick	Against
Councillor Julie Morris	Abstain
Councillor Bernie Muir	For
Councillor Phil Neale	Against
Councillor Peter O'Donovan	Against
Councillor Kieran Persand	For
Councillor Humphrey Reynolds	Against
Councillor Kim Spickett	For
Councillor Darren Talbot	Against
Councillor Alan Williamson	Against
Councillor Clive Woodbridge	Against
Rejected	

Following the resolution of the amendment, the substantive motion (which was the recommendations of the Licensing and Planning Policy Committee) was debated and put to a vote.

Upon being put, the recommendations were **CARRIED** with 21 votes for, zero votes against and 8 abstentions as detailed below.

Unpausing the Local Plan (Motion)	
Councillor Rob Geleit	Abstain
Councillor Steve Bridger	For
Councillor Arthur Abdulin	For
Councillor Chris Ames	For
Councillor John Beckett	For
Councillor Kate Chinn	For
Councillor Christine Cleveland	For
Councillor Hannah Dalton	For
Councillor Liz Frost	For
Councillor Bernice Froud	For
Councillor Tony Froud	For
Councillor Shanice Goldman	Abstain
Councillor Christine Howells	Abstain
Councillor Alison Kelly	For
Councillor Rachel King	For
Councillor James Lawrence	For
Councillor Robert Leach	Abstain
Councillor Jan Mason	Abstain
Councillor Steven McCormick	For
Councillor Julie Morris	For
Councillor Bernie Muir	Abstain
Councillor Phil Neale	For
Councillor Peter O'Donovan	For
Councillor Kieran Persand	Abstain
Councillor Humphrey Reynolds	For
Councillor Kim Spickett	Abstain
Councillor Darren Talbot	For
Councillor Alan Williamson	For
Councillor Clive Woodbridge	For
Carried	

Accordingly the Council resolved to:

- (1) Un-pause the Local Plan with immediate effect.**
- (2) Note the work that has been undertaken since and in line with the decision by full Council on the 22 March 2023 to pause the Local Plan.**

The meeting began at 7.30 pm and ended at 8.52 pm

COUNCILLOR ROB GELEIT
MAYOR

QUESTIONS

Head of Service:	Piero Ionta, Head of Legal and Monitoring Officer
Wards affected:	(All Wards);
Appendices (attached):	Appendix 1: Questions 1-8

Summary

This report sets out the questions submitted which have been accepted under FCR 12, Appendix 4 of the Constitution.

Recommendation (s)

The Council is asked to:

- (1) consider the questions in accordance with Standing Orders.**

1 Reason for Recommendation

- 1.1 The rules regarding the submission of questions to Council are set out in Appendix 4 of the Council's Constitution (Standing Orders of the Full Council).
- 1.2 Notice of a question must be given in writing and delivered by no later than noon on the tenth clear working day before the date of the meeting at which it was intended to be considered.
- 1.3 Standing orders set out a process for questions to be put by its Members to the Mayor or the Chair of any committee, sub-committee or advisory panel.
- 1.4 The question must be relevant to some matter on which the Council has statutory powers or duties, or which affects the Borough or its inhabitants.

2 Background

- 2.1 The process and procedure for debate is set out in Appendix 4 of the Constitution. FCR 12.1 sets a period of 30 minutes for questions and their replies. A member asking a question is allowed to ask one supplementary question, which must arise from the reply given.

2.2 The table below sets out the questions submitted and accepted under FCR12. Each question will be taken in the order listed:

Question	Member	Committee
1	Julie Morris	Licensing and Planning Policy Committee
2	James Lawrence	Audit and Scrutiny Committee
3	Alison Kelly	Planning Committee
4	Julie Morris	Strategy and Resources Committee
5	James Lawrence	Strategy & Resources Committee
6	Alison Kelly	Environment Committee
7	James Lawrence	Standards and Constitution Committee
8	Alison Kelly	Community and Wellbeing Committee

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 No comments are provided on questions.

3.2 Crime & Disorder

3.2.1 No comments are provided on questions.

3.3 Safeguarding

3.3.1 No comments are provided on questions.

3.4 Dependencies

3.4.1 No comments are provided on questions.

3.5 Other

3.5.1 No comments are provided on questions.

4 Financial Implications

4.1 No comments are provided on questions.

4.2 **Section 151 Officer's comments:** No comments are provided on questions.

5 Legal Implications

5.1 No comments are provided on questions.

5.2 **Legal Officer's comments:** No comments are provided on questions.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** No comments are provided on questions.

6.2 **Service Plans:** No comments are provided on questions.

6.3 **Climate & Environmental Impact of recommendations:** No comments are provided on questions.

6.4 **Sustainability Policy & Community Safety Implications:** No comments are provided on questions.

6.5 **Partnerships:** No comments are provided on questions.

7 Background papers

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

Previous reports:

- None.

Other papers:

- [Appendix 4 of the Constitution of Epsom and Ewell Borough Council](#)

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QUESTION 1

Question from Councillor Julie Morris to the Chair of the Licensing and Planning Policy Committee, Councillor Steven McCormick.

What is the level of funds held by EEBC as a result of the Community Infrastructure Levy (CIL) and when is the next round of bids for these funds to commence?

QUESTION 2

Question from Councillor James Lawrence to the Chair of the Audit and Scrutiny Committee, Councillor Steve Bridger.

Can the Chair confirm that all future correspondence from either the LGO (Local Government Ombudsman) or the ICO (Information Commissioner's Officer) will be tabled at meetings of the Audit & Scrutiny Committee or circulated electronically to members of that Committee?

QUESTION 3

Question from Councillor Alison Kelly to the Chair of the Planning Committee, Councillor Humphrey Reynolds.

Can this council please review its policy/practice of informing "neighbours" concerning planning applications which might affect them, since in my experience councillors are asked by residents why they haven't been informed about an application when their neighbour was, as just meeting our legal obligations is not always satisfactory?

QUESTION 4

Question from Councillor Julie Morris to the Chair of the Strategy and Resources Committee, Councillor Neil Dallen.

Can the Chair assure us that every effort is made in future to start official meetings, training sessions, briefings, panels and working groups after 6pm and preferably at 7.30pm and to give as much notice as possible when an "emergency" meeting is found to be necessary, in order that it does not preclude those councillors who work from being involved?

QUESTION 5

Question from Councillor James Lawrence to the Chair of the Strategy and Resources Committee, Councillor Neil Dallen.

Would the Chair please confirm the status of the replacement "Martial Arts" building in Alexandra Recreation Ground, the previous building having been demolished some months ago?

QUESTION 6

Question from Councillor Alison Kelly to the Chair of the Environment Committee, Councillor John Beckett.

Can this council please investigate with Surrey County Council the possibility of increasing the number of local recycling facilities in the borough, especially for small electricals (the pink bin scheme), with a view to installing them in locations accessible to pedestrians, as access to the Blenheim Recycling Centre excludes cyclists and pedestrians.

QUESTION 7

Question from Councillor James Lawrence to the Chair of the Standards and Constitution Committee, Councillor Liz Frost.

Can we please circulate a list of official meetings and panels which includes information if they are transmitted via Youtube or another means, if they are to be recorded and how long these channels or recordings are available in the public domain.

QUESTION 8

Question from Councillor Alison Kelly to the Chair of the Community and Wellbeing Committee, Councillor Clive Woodbridge.

How many properties in the borough are charged an empty property premium and have we explored the options to use these properties via the council's Private Sector Leasing scheme?

CHAIRS' STATEMENTS

Head of Service:	Piero Ionta, Head of Legal and Monitoring Officer
Wards affected:	(All Wards);
Appendices (attached):	Appendix 1 –Statements from Committee Chairs

Summary

To receive statements from the Chairs of the Council's Policy Committees, briefing Members on current events and issues relating to the relevant Committee's area of work.

Recommendation (s)

The Council is asked to:

- (1) consider the Statements from the Chairs of the Policy Committees in accordance with Standing Orders.**

1 Reason for Recommendation

- 1.1 Appendix 4 of the Council's Constitution (FCR 11) sets out that the Chair of each of the Policy Committees is able to submit a statement to be included as a standard item on the agenda for each meeting of Full Council (excluding the Annual Meeting and Budget Meeting). The statement will brief members on the current events and issues relating to the relevant committee's area of work.

2 Background

- 2.1 The following statements have been submitted for inclusion on the agenda for this meeting, and are attached at Appendix 1:
 - 2.1.1 Chair of the Licensing and Planning Policy Committee, Councillor Steven McCormick.
 - 2.1.2 Chair of the Community and Wellbeing Committee, Councillor Clive Woodbridge.
 - 2.1.3 Chair of the Crime and Disorder Committee, Councillor Alex Coley.

- 2.2 A total period of 15 minutes will be set aside for councillors to ask questions on the statement of any Chair. The Mayor will manage questions, taking them in the order councillors indicated their wish to ask by raising their hands.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

- 3.1.1 No comments are provided on Chairs' Statements.

3.2 Crime & Disorder

- 3.2.1 No comments are provided on Chairs' Statements.

3.3 Safeguarding

- 3.3.1 No comments are provided on Chairs' Statements.

3.4 Dependencies

- 3.4.1 No comments are provided on Chairs' Statements.

3.5 Other

- 3.5.1 No comments are provided on Chairs' Statements.

4 Financial Implications

- 4.1 No comments are provided on Chairs' Statements.

- 4.2 **Section 151 Officer's comments:** No comments are provided on Chairs' Statements.

5 Legal Implications

- 5.1 No comments are provided on Chairs' Statements.

- 5.2 **Legal Officer's comments:** No comments are provided on Chairs' Statements.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** No comments are provided on Chairs' Statements.

- 6.2 **Service Plans** No comments are provided on Chairs' Statements.

- 6.3 **Climate & Environmental Impact of recommendations:** No comments are provided on Chairs' Statements.

6.4 **Sustainability Policy & Community Safety Implications:** No comments are provided on Chairs' Statements.

6.5 **Partnerships:** No comments are provided on Chairs' Statements.

7 Background papers

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

Previous reports:

- None.

Other papers:

- [Appendix 4 of the Constitution of Epsom and Ewell Borough Council](#)

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CHAIR'S STATEMENTS TO COUNCIL

Councillor Steven McCormick

Chair of the Licensing and Planning Policy Committee

Taxi and Hackney Carriage Emissions

Following the public consultation, a recommendation came to LPPC and members agreed to put forward the recommendation to the full council.

Local Plan

At the recent extraordinary council meeting members supported the recommendation from LPPC to unpause the Local Plan. Work has restarted on spatial strategy/site selection and policy development.

Several member briefing sessions have been scheduled to enable ALL members to take part in discussions to progress the local plan.

At the time of writing Central government has not updated the NPPF.

At a special LPPC meeting, brought forward to accelerate work where possible, a report on the updated Local Development Schedule (LDS) was brought. LPPC Members supported the updated LDS.

The next steps will be briefing sessions with ALL members on key aspects of the Local plan along with sessions on spatial strategy/site selection.

I will continue to provide a statement at each full council and welcome questions from members on any item under this committee's remit.

Councillor Clive Woodbridge
Chair of the Community and Wellbeing Committee

Arts, Culture and Heritage

Work is increasing apace following the adoption of the Council's new Arts, Culture & Heritage Strategy by the Community & Wellbeing Committee. A few examples are covered below.

Kids in Museums: On 17th November students from Nescot took part in the national Kids in Museum Takeover day at Bourne Hall and did some fantastic work reimagining the older wallpapers and fabrics in the museum's collection through a more modern lens. The exhibition of their work is on display in the museum.

Christmas in Ewell and Stoneleigh: Funding from the Levelling Up initiative has been used to support some pop-up art installations in Ewell village and Stoneleigh shop windows this Christmas, seeking to bring some festive cheer and hopefully increase visitors/customers at this critical time of year for retailers and service providers. Using glass pens and acrylic paints, bespoke wintery scenes have been drawn onto the windows of a number of shops who expressed an interest, under the direction of a UCA tutor, who is also a very successful street artist. She worked collaboratively with retailers to produce personalised artworks in their shop windows. This project sits within the Council's Arts, Culture and Heritage strategy which seeks to grow the local economy through creative projects - drawn up in collaboration with community members who live, work and study within our borough.

Refugee welfare: Again using some Levelling Up Fund money, the council and Refugee Network will be running arts and crafts sessions for refugees in the Borough this Spring to enhance their mental well-being. The Arts, Culture & Heritage team is also working with the council's Dementia hub to relaunch art classes in partnership with an external provider.

Million Hours Fund: EEBC has submitted a bid to this Fund, which is jointly funded by National Lottery and DCMS. The aim is to support young people at risk of being drawn into ASB and provide them with more things to do. Funding is only available for areas of the country with low social deprivation ratings and EEBC can bid to provide opportunities for young people living in Court and Town wards. The bid we have submitted envisages providing a weekly after school arts club, and to fund additional community murals, along the lines of the one in Upper High Street that has been well received, for young people in those two wards.

Housing

Housing and Homelessness: This remains one of the most significant problems facing the Borough. While over the course of October there was a slight decrease in

the number of households in expensive nightly paid accommodation to 76, from a peak this year of over 80, as testament to the hard work of our housing team, the underlying trend is still upwards. Net nightly paid spending up to the end of October was £943,000, compared with a budget of £741,000, and we are on course for a full year spend of around £1.5 million on homelessness, which represents an overspend of around £200,000. Measures are being taken to mitigate this, by for example moving people on from nightly paid into more settled accommodation, mainly in the private rental sector, and to prevent people from becoming homeless in the first place. Efforts are being made to recruit additional team members to strengthen the work we are doing to reduce homelessness cost pressures, but this is proving challenging.

The shortage of suitable accommodation is chronic. In Q2 of the 2023/4 year, there were 1328 applications on the housing needs register, and yet in that time we were able to conclude only 43 lets.

One of the initiatives that has been taken is to strengthen our fraud and financial investigation work, by procuring the team at Reigate and Banstead Borough Council to assist with the prevention and detection of fraud within the housing and homeless application process. This partnership, which started in March this year, involves 1.5FTP up to 52 hours a week. In the six months to date the RBBC team have had considerable success, with eight housing register applicants removed, seven homeless referrals ending in withdrawal or being disallowed, and a significant benefit overpayment being uncovered. The notional savings to date from these actions is around £46,600 (against a cost to then council of around £17K). Pressures on the housing register and homelessness assistance service are being alleviated, and there is a deterrent effect as 'word spreads' that applications to EEBC are being scanned for possible fraud. The hope is that legitimate applicants will benefit from the removal of competition from ineligible applications.

Poverty

East Surrey Poverty Truth Commission - EEBC is participating in the newly re-launched East Surrey Poverty Truth Commission, being coordinated by the Good Company, with Rod Brown attending. The aim is to bring those experiencing the effects of poverty together with those who as stakeholders may be able to contribute in the amelioration of its effects. A new group of commissioners met recently and was a useful first step in hearing the voices of those impacted by poverty and collaborative steps that might help address some key issues. Further meetings will be held in 2024.

Leisure

Surrey Youth Games - Active Surrey has confirmed this will take place in 2024, after some uncertainty caused by over Districts and Boroughs not being able to take part or uncertain. Epsom & Ewell has indicated it will participate. Active Surrey have suggested there may be a need to 'revise and reconsider the approach' to Surrey Youth Games, and members will be updated once greater clarity is available.

Councillor Alex Coley
Chair of the Crime & Disorder Committee

It has been a busy six months since we inaugurated the crime and disorder committee. I'd like to give my thanks to the staff supporting us and delivering so much work in such a short time.

In that time we have created new policies on Video Surveillance and on Anti-Social Behaviour Intervention. We have recommended proposed responses to an independent review of our Community Safety Partnership, including an expansion to represent more partners from other sectors, like education. And we are undertaking a public consultation on our Community Safety Action Plan.

Public Consultation

I am very keen to hear from residents on their priorities for community safety. The consultation on our Community Safety Action Plan is running until 17th December. Please search online for: 'Epsom and Ewell Council consultations' and let us know your thoughts on the plan.

Surrey Police

I have asked several questions of the Police & Crime Commissioner about budgetary underspend at the Surrey Police & Crime Panel. We must get the resources we have into policing, so taxpayer money can be put to work, not used for treasury reserves.

We also welcomed a new Chief Constable this year and those who attended the Policing roadshow at Bourne Hall will have seen his 15-point plan for Surrey. This represents a pivot to tackling acquisitive crime across the county, particularly burglary and shoplifting. Something residents and businesses have repeatedly complained is not taken seriously.

Shoplifting

I attend the Business Crime Reduction Partnership, hosted by the Epsom BID and attended by major retailers. The BCRP are using a new application called Disc to join up intelligence gathering and ultimately create a dedicated reporting channel from retailers direct to Surrey Police. It's critical we protect our high streets from serial offenders and criminal gangs or our economic centres will fade and die.

Joint Action Groups

I attended the most recent JAG as an observer and was impressed by the partnership work between the Council and Surrey Police. Anti-social car meets and youth problems in some of our parks are being prioritised with some very creative problem solving to disrupt troublemakers.

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VIDEO SURVEILLANCE SYSTEM POLICY

Head of Service:	Rod Brown, Head of Housing & Community
Wards affected:	(All Wards);
Appendices (attached):	Appendix 1 – Draft VSS Policy

Summary

A policy to govern the use of video surveillance systems (VSS) and to note the work to bring the Council into compliance with the Biometric and Surveillance Commissioners Code of Practice.

Recommendation (s)

The Council is asked to:

- (1) Adopt the policy as set out in appendix 1

1 Reason for Recommendation

- 1.1 At its meeting of 12 September 2023, the Crime and Disorder Committee agreed that the draft Video Surveillance System Policy be recommended for adoption at Full Council.
- 1.2 To ensure that the Council has a robust Video Surveillance Systems (VSS) policy which is compliant with the Surveillance Camera Code of Practice issued by the Biometrics and Surveillance Camera Commissioner under s. 31 of the Protection of Freedoms Act 2012. This policy relates only to VSS operated by Epsom & Ewell Borough Council .
- 1.3 To ensure that investigating and enforcement officers can access surveillance and monitoring tools in a legally compliant manner.

2 Background

- 2.1 VSS takes the meaning contained within s. 29(6) of the Protection of Freedoms Act 2012 and includes conventional closed circuit television (CCTV), Automatic Number Plate Recognition (ANPR), body worn cameras, vehicle installed cameras, mobile or re-deployable cameras, Unmanned Aerial Vehicles (UAV) (otherwise known as drones) and any connected Artificial Intelligence (AI) capability.

- 2.2 The Council utilises VSS in a variety of circumstances and locations such as urban public space monitoring, protection of buildings, on vehicles, in parks and body worn cameras where imagery is recorded for evidential purposes. In total there are around 200 cameras in the Council's ownership.
- 2.3 During the successful Epsom Safer Streets project, it was identified that the Council should update its compliance framework and review the necessary governance around VSS. The project had scoped this into the safer streets initiative and a consultant was employed to address the deficiencies in respect of the safer streets town centre cameras and also provide advice to completion of an equivalent exercise for the Council's remaining camera schemes.
- 2.4 The Council does not have an overall VSS Policy and to maintain good governance and compliance this report recommends the adoption of such a policy.

Following adoption of the policy, the Council will

- update the Data Protection Impact Assessments
- modify or create operational codes of practice and
- document operational requirements for each scheme.

Consideration of resourcing is made under section 4 of this report.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 No specific equality implications have been identified. However fully compliant VSS arrangements will assist to promote the strengthening of equalities by detecting crime.

3.2 Crime & Disorder

3.2.1 There is a clear link between the adoption of this policy and a positive contribution to address crime and disorder ensuring that evidence is gathered lawfully.

3.3 Safeguarding

3.3.1 There is likely to be a positive contribution in the responsible and complaint use of VSS and promotion of safeguarding.

3.4 Dependencies

- 3.5 Whilst adoption of the policy is non dependent, the work to update the various scheme documentation depends on an external resource being identified which fits within budget. Officers will work within the budgetary resource identified to commission this work.

4 Financial Implications

- 4.1 There is no spare internal capacity available to carry out the assessments outlined in 2.4. It is therefore anticipated that this work be outsourced to consultants at an expected one-off cost of £5,000. This can be funded from within the existing CCTV budget as a consequence of some of the short term costs of the new Epsom CCTV cameras being met by the safer streets grant.
- 4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

- 5.1 It is essential that the Council has a clear and robust policy to ensure the admissibility of CCTV evidence and compliance with UK GDPR and the Data Protection Act 2018. Should the Council not adopt a compliant policy there is a risk of complaint to the Information Commissioners Office and inadmissibility of CCTV evidence.
- 5.2 The Human Rights Act 1998 is relevant when considering the implications of this policy, specifically,
- Article 8 – Right to respect for private and family life
 - Article 9 – Right to freedom of thought, conscience and religion
 - Article 10 – Freedom of expression
 - Article 11 – Freedom of assembly and association
 - Article 14 – Prohibition of discrimination

Compliance with the Equality Act 2010 would normally secure adequate protection against discrimination and allow the Council to demonstrate compliance with Article 14.

Surveillance can only be carried out where the impact on an individual's human rights is balanced by a legitimate aim. Such a legitimate aim might be public safety, prevention of crime and the protection of other people's rights. It is the governance and adherence to the relevant codes of practice which allows the Council to demonstrate adequate regard to these qualified rights as laid down in the Human Rights Act.

- 5.3 **Legal Officer's comments:** The Legal considerations are addressed in paragraph 5.1 and 5.2 of this report. The Council should adopt a VSS Policy to ensure compliance with legislation and the lawful gathering of evidence.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged
- Safe and Well
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None Identified
- 6.4 **Sustainability Policy & Community Safety Implications:** There is a clear benefit from appropriate surveillance where it is carried out in a legally acceptable and complainant manner compatible with the public's expectation of privacy.
- 6.5 **Partnerships:** None for the purposes of this report. The matter is entirely related to the governance arrangements at Epsom & Ewell Borough Council.

7 Background papers

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

Previous reports:

- Crime and Disorder Committee 12 September 2023



Video Surveillance System Policy

Version number: 1
July 2023

Tracking

Revision History

1. Initial document for Committee

Document Approvals

Each revision requires the following approvals:

- Non-administrative updates: SMT followed by relevant Committee
- Administrative updates: Head of Policy and Corporate Resources.

1. Introduction

There is a responsibility under Section 17 of the Crime and Disorder Act 1998 for local authorities to consider crime and disorder reduction while exercising their duties. The Council is committed to improving community safety and to protect the Council's assets. CCTV cameras are used by Epsom & Ewell Borough Council in the town centre, on vehicles, in other public areas and in/on buildings/assets where the Council has a legitimate interest.

2. Organisation description

Epsom & Ewell Borough Council ("the Council"), is a local government district with borough status and unparished area in Surrey, England, covering the towns of Epsom and Ewell and surrounding areas.

3. Policy Statement

This policy sets out how the Council will operate and maintain Video Surveillance Systems (VSS), across the Borough. It sets out the criteria and standards for the maintenance, upgrading and replacement of VSS and the rationale for the purpose of the positioning and installation of any new cameras and supporting surveillance technology.

The Council will respect people's right to privacy and ensure the use of Video Surveillance Systems is regulated to ensure consistency and compliance with legislation, standards and best practice.

4. Video Surveillance Systems (VSS) definition

Video Surveillance Systems has the meaning given by Section 29(6) of the Protection of Freedoms Act 2012 and is taken to include:

(a) closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems.

(b) any other systems for recording or viewing visual images for surveillance purposes.

(c) any systems for storing, receiving, transmitting, processing or checking the images or information obtained by (a) or (b);

(d) any other systems associated with, or otherwise connected with (a), (b) or (c)

Generally, this will include conventional CCTV, any Automatic Number Plate Recognition (ANPR), body worn cameras, vehicle installed cameras and mobile or re-deployable systems. It also includes any AI (artificial Intelligence) systems related to the above (includes automatic face recognition systems), and the use of Drones (UAV - unmanned aerial vehicles).

In a very few occasions, audio recording may be incorporated into Video Surveillance Systems.

5. Policy Rationale

This Policy affects everyone who lives, works and visits the Borough so it is essential that the Council has a policy that reflects the uses of Video Surveillance Systems in a manner that complies with the law and continues to receive public support and confidence.

This Policy applies to all staff employed by Epsom & Ewell Borough Council and provides the standard expected from any external agencies or persons who operate Video Surveillance Systems on the Council's behalf.

The Video Surveillance Systems are operated and maintained by Epsom & Ewell Borough Council and are operated to the requirements of the General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 ("DPA") and good practice guidelines, such as those issued by the Information Commissioner's Office (ICO), to ensure, for example that the need for public protection is balanced with respect for the privacy of individuals.

GDPR applies because Video Surveillance Systems capture personal information that could identify a living individual. This policy outlines the principles the Council adheres to, the processes that the Council follows and related policies and processes, such as those regarding how to request information including CCTV images.

The Council's Code of Practice related to the use of Video Surveillance Systems are informed by this policy. A separate Code of Practice is compiled to support each type of Video Surveillance System deployed.

6. Policy Scope

This policy applies to all overt Video Surveillance Systems controlled by the Council. This includes both internal and external cameras. All Video Surveillance Systems will be controlled by authorised members of staff trained in the operation of the system and the rules and procedures relating to its operation.

This policy does not apply to the covert use of video surveillance tools that is covered by the Council's Regulation of Investigatory Powers (RIPA) Policy. This policy does not cover the use of licensee/resident/Tenant/Leaseholder owned CCTV on residential or commercial Council property

Any use of covert video surveillance systems monitoring will be undertaken in accordance with the requirements set out in the Regulation of Investigatory Powers Act 2000 (RIPA). RIPA requires that due consideration is given to the proportionality and necessity of any covert activity and that regard is given to the rights of individuals under Article 8 of the Human Rights Act (the right to privacy).

7. Details of key personnel

- Head of Housing and Community for town centre, mobile and body worn schemes
- Head of Property and Regeneration for building asset schemes
- Head of Operational Services for vehicle and parks based schemes
- Head of Legal and Democratic Services as Senior Responsible Officer (SRO)
- Data Protection Officer (DPO)

Each person may nominate a suitably qualified deputy for day-to-day operational matters

8. Relevant Police force

Surrey Police - Margaret Road, Guildford, Surrey, GU1 4QS

Key Personnel - CCTV Change Manager & Contact Duties Manager

9. Video Surveillance System Objectives and Legitimate Aims

The objectives of the use of Video Surveillance Systems are

- To reduce the fear of crime
- To deter crime, detect crime and provide evidence of offences
- To enhance community safety, assist in developing the economic wellbeing of Epsom & Ewell and encourage greater use of the facilities and amenities of the Borough
- To assist the Council in its enforcement and regulatory functions
- To support civil proceedings
- To assist with meeting the Council's obligations for staff and contractor safety
- To assist the Council to deliver its statutory and other functions
- To assist in the management of Council premises and contracts
- To assist the Council in its overall resilience planning linked to civil contingency planning, emergency response, counter terrorism and business continuity functions
- To assist in staff disciplinary, grievance, formal complaints and Health and Safety Investigations
- To assist the Council in meeting its obligations for the management of assets, buildings, parks, leisure facilities and other open spaces
- Assisting with the location of missing persons. This will be carried out under the General Data Protection Regulation under the category of "vital interests" which is described as the processing of information necessary to protect someone's life.

Legal Basis – When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.

In most circumstances for the use of video surveillance systems in public spaces is where it is necessary for the Council to perform a task in the public interest or for Council's official functions and the task or function which is required to have a clear basis in law. i.e. :

- Processing is necessary for compliance with a legal obligation to which the data controller is subject.
- Processing is necessary to protect the vital interests of the data subject or another person.
- Processing is necessary for the performance of a task carried out in the public interest.

To process special category data (which is undertaken with the use of Video Surveillance Systems) the following lawful conditions of Article 9 GDPR have been identified:

- 9(2)(a) Explicit consent
- 9(2)(b) The obligations of employment, social security and social protection (if authorised by law)
- 9(2)(f) Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
- 9(2)(g) Processing is necessary for reasons of substantial public interest (with a basis in law).
- 9(2)(i) Processing is necessary for reasons of public interest in the area of public health (with a basis in law).

Any use of covert CCTV monitoring will be undertaken in accordance with the requirements set out in the Regulation of Investigatory Powers Act 2000 (RIPA). RIPA requires that due consideration is given to the proportionality and necessity of any covert activity and that regard is given to the rights of individuals under Article 8 of the Human Rights Act (the right to privacy).

10. Privacy statement

Epsom & Ewell Borough Council is committed to protecting your privacy when you use our services. The Council is a data controller.

As the data controller, we must:

- Only keep your data that we need to provide services and do what the law says we must.
- Keep your data safe and accurate.
- Only keep your data as long as we have to.
- Collect, store and use your data in a way that does not break any data protection laws.

11. Copyright, Data Protection and GDPR

Under the General Data Protection Regulation (GDPR), we are required to publish information about what data we collect, why we need to store it, and your rights under the GDPR legislation.

In these matters we are subject to the rulings of the Information Commissioner's Office (ICO), the UK's independent authority set up to uphold information rights and data privacy for individuals.

The Council has adopted a Data Protection Policy. This document sets out our policy regarding data protection. The Data Protection Act 2018 and the General Data Protection Regulation 2016/679 form the background to the document. The Policy is drafted using the terms of the Data Protection Act 2018, the Freedom of Information Act 2000 and the Human Rights Act 1998. A copy of the policy is available on the Council's web site.

The Data Protection Act 2018 is designed to protect personal data about living individuals (Data Subjects). The Act also places obligations on those organisations

that process personal data (Data Controllers). The data controller is the person who (either alone or jointly or in common with other persons) determines the purpose for which and the manner in which any personal data are, or are to be, processed.

For the purposes of this policy, Epsom & Ewell Borough Council is the data controller. We have a Data Protection Officer who makes sure we respect your rights and follow the law. If you have any concerns or questions about how we look after your personal information, please contact the Data Protection Officer, at foidpa@epsom-ewell.gov.uk or by calling 01372 732000 and asking to speak to the Data Protection Officer.

There are two types of data under the 2018 General Data Protection Regulations: “Personal data” which means any information relating to a living individual who can be identified from that information (a “data subject”) on its own or when taken together with other information. This may include both facts and expressions of opinion about the person and an indication of the intentions of the Council or others in respect of that person. It does not include anonymised data.

“Special category data” which means information about an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic and biometric data. Images collected by the Council’s Video Surveillance Systems will normally fall under the “Personal data” category.

For each type of Video Surveillance System, a Data Protection Impact Assessment (DPIA) is compiled.

A DPIA is a separate process from compliance checking or data protection audit processes, (an audit that is undertaken on systems that have already been implemented). The DPIA will highlight that privacy undertakings and/or privacy law are being complied with or will highlight problems that need to be addressed. All video images, audio recordings, meta data and documentation supporting the design, implementation operation and management of video surveillance systems is the Copyright of Epsom & Ewell Borough Council, unless otherwise stated, under Section 17 of the Copyright, Designs and Patents Act 1988.

12. Cyber security policy and arrangements

The design, implementation, operation and maintenance of deployed Video Surveillance Systems will at all times comply with the current Council’s Cyber Security Policy, the IT and Acceptable Use Policy, relevant standards and best practice.

Principles of data protection by design and default shall apply.

Accountability and Transparency

13. Subject Access Requests

You have the right to ask for all the information we have about you and the services you receive from us. When we receive a request from you, we must give you access to everything we’ve recorded about you.

However, we can't let you see any parts of your record which contain:

- Confidential information about other people; or
- Data a professional thinks will cause serious harm to your or someone else's physical or mental wellbeing; or
- If we think that giving you the information may stop us or another agency from preventing or detecting a crime.

You can make a subject access request by completing and returning the form available on the Council's web site.

14. Freedom of Information

All requests for information under the Freedom of Information Act 2000 should be in writing and must include your name and an address for the response. This can be sent either by post to the address below, emailed to foidpa@epsom-ewell.gov.uk or by using the FOI request form available on the Council's web site.

Please provide a description of the information that you are seeking from the Council. It may be helpful to provide a contact number as well in case we need to contact you about your request.

Address for postal correspondence: Epsom & Ewell Borough Council, Town Hall, The Parade, Epsom KT18 5BY

Our Freedom of Information Policy can be found on the Council's website.

15. Complaints

The Council has a published Complaints Policy available on the website at www.epsom-ewell.gov.uk. If you wish to complain about a service, express an opinion on services or policy, give praise or make a suggestion, you are able to do this by email, correspondence, in electronic format or in person if you wish at the Town Hall.

16. Provision of Public Information

Details of the current Video Surveillance System Policy will be published on the Council's website.

Factual information on the details of Video Surveillance Systems utilised, statistical findings of their effectiveness and review will form part of the evaluation process and be published periodically.

17. Access to Video Surveillance Systems

Live or recorded data from deployed Video Surveillance Systems may be viewed and/or supplied to the Police or other law enforcement agencies.

At no time shall the images supplied to the Police or other law enforcement agency be used for anything other than the purpose specified and identified when the images were released.

The responsibility for the image's safekeeping and integrity of the data will transfer to the Police or other law enforcement agency once supplied by the Council utilising the

provisions of the Surrey Multi Agency Information Sharing Protocol (MAISP), and recorded by an established audit trail.

The Council will not routinely store copies of recorded data where there is no need. Where imagery is required for compliance reasons, it will be held securely and deleted as soon as it is no longer required. Only in exceptional cases of serious incidents will this be considered, and the retention must be approved by the CCTV SRO.

Any requests from members of the general public or a third party will be dealt with under the existing provisions for access via the Data Protection Act 2018, GDPR or the Freedom of Information Act 2000 processes. Prior to release the imagery will be screened for collateral intrusion and it may be necessary to restrict and/or redact imagery so as not to reveal the personal details of any other person.

The Council will not release any images, either directly or indirectly, to any organisation for inclusion in any television or other media production without explicit authority from the Chief Executive. Such circumstances might be where publicising the footage would help amplify a message such as anti-flytipping. Any unauthorised release of VSS data will be considered under the Council's disciplinary procedure.

18. Recorded Image and Data Retention Duration

We will only hold your personal information for as long as necessary for business purposes or if we are required to keep it by law. There's often a legal reason for keeping your personal information for a set period of time, and we try to include all of these in our retention schedule.

The detailed requirements for recording duration are outlined in the relevant Council Video Surveillance System Code of Practice.

19. Video Surveillance System Review

The Council has adopted operating procedures to ensure that legal requirements, policies and standards are complied with in practice and that regular reporting is published.

The detailed requirements for review are outlined in the relevant Council Video Surveillance System Code of Practice.

Management of Video Surveillance Systems

20. Asset lists

To ensure full visibility of system performance, details of each Video Surveillance System will be recorded on asset lists to enable system managers to undertake the required periodic system reviews.

21. Maintenance arrangements

Effective and regular maintenance of a CCTV system is essential to ensure that the system is effective at all times, downtime minimised by monitoring performance and software systems maintained to meet cyber security requirements.

22. Review and Audit

The Council will complete the Surveillance Camera Commissioner's Self-Assessment tool on a regular basis for all uses of Video Surveillance Systems which will confirm compliance with the twelve guiding principles of the Surveillance Camera Code of Practice in conjunction with the Council's own Code of Practice for the operation of the same.

- There is still a legitimate reason to maintain the Video Surveillance System.
- The CCTV cameras continue to provide images of sufficient quality.
- Signage remains up to date and relevant.

Periodic system reviews are undertaken to provide information for the published annual report on Video Surveillance System performance.

Applicable Legislation and Standards

- Epsom & Ewell Borough Council - Video Surveillance System Policy 2023
- Epsom & Ewell Borough Council - Video Surveillance System Code of Practice
- Data Protection Act 2018 (DPA)
- The Human Rights Act 1998 (HRA)
- The Freedom of Information Act 2000 (FOIA)
- Regulation of Investigatory Powers Act 2000 (RIPA)
- UK General Data Protection Regulation (UK GDPR)
- Crime and Disorder Act 1998
- Private Security Industry Act 2001
- Biometrics & Surveillance Camera Commissioner's Code of Practice (see Appendix One)
- Equality Act 2010
- BS EN 62676 series of standards
- UK Government – published requirements for video evidence (DSTL/NPCC)

Appendix One

Biometrics & Surveillance Camera Commissioner's Code of Practice

1. The Council, as a relevant authority defined by the Protection of Freedoms Act 2012, is required to show due regard to the Biometric & Surveillance Camera Commissioner's Surveillance Camera Code of Practice issued by the Secretary of State in June 2013.
2. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
3. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
4. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point of access to information and complaints.
5. There must be clear responsibility and accountability for all surveillance system activities including images and information collected, held and used.
6. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
7. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
8. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes
9. Surveillance camera operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
10. Surveillance camera systems images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
11. There must be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports published.
12. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most

effective way to support public safety and law enforcement with the aim of processing images of evidential use.

13. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

COMMUNITY SAFETY INTERVENTION POLICY

Head of Service:	Rod Brown, Head of Housing & Community
Wards affected:	(All Wards);
Appendices (attached):	Appendix 1 – Draft Community Safety Intervention Policy

Summary

A policy to ensure the Council's Community Safety resource is effectively targeted at tackling antisocial behaviour and supporting victims.

Recommendation (s)

The Council is asked to:

- (1) **Agree to adopt the Community Safety Intervention Policy as set out in appendix 1.**

1 Reason for Recommendation

- 1.1 At its meeting of 12 September 2023, the Crime and Disorder Committee agreed that the draft Community Safety Intervention Policy be recommended for adoption at Full Council.
- 1.2 In order to deliver an effective service within the resource available, it is important to set expectations around the extent to which types of antisocial behaviour (ASB), and other community safety issues will be investigated.

2 Background

- 2.1 The resource allocated to the investigation and enforcement of ASB is shared with the administration of the Community Safety Partnership and corporate safeguarding responsibilities. At the most it is 0.3 Full time Equivalent (FTE), although that varies at any one time depending on the priorities attached to the other two areas.
- 2.2 There is considerable risk attached to this service area as it involves the case management of pressurised and difficult circumstances involving vulnerable members of the public who frequently present in distress, altered mental states and occasionally suicidal.

- 2.3 The service already deprioritises cases which do not present high levels of threat, harm or risk but in the interests of transparency, and to set expectations, it is necessary to express this in a formalised policy.
- 2.4 Following a high number of adverse findings nationally, the Local Government and Social Care Ombudsman has recently released a report acknowledging the challenges faced by Councils when dealing with anti-social behaviour and identifying common issues and learning points. Of relevance to this item are the observations around “gate keeping” whereby some councils are using inflexible and overly strict thresholds before they will consider intervention. With this in mind, the proposed policy has deliberately avoided imposing arbitrary thresholds and instead proposes a risk based policy whereby each case will be assessed for the threat, harm and risk posed by the circumstances and that will inform the intervention.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

- 3.1.1 When considering the adoption of this Policy, the Council must have regard to the Public Sector Equality Duty (PSED). In this context it is considered that equalities will be enhanced by helping to eliminate discrimination, harassment, victimisation and any other conduct by or under the Equality Act 2010.

3.2 Crime & Disorder

- 3.2.1 There is a clear link between adoption of this policy and tackling crime and disorder by focussing the available resource on topics and cases where the Council and its partners can make a difference.

3.3 Safeguarding

- 3.3.1 There is a strong link with the Council’s responsibilities around safeguarding since many of the situations present with multiple compounding issues including safeguarding concerns of both adults and children. Officers work closely with the established Multi Agency Safeguarding Hub (MASH) and Childrens Single Point of Access (C-SPA), to ensure vulnerable people are safeguarded.

3.4 Dependencies

There are no dependencies on adoption of this policy.

4 Financial Implications

4.1 There are no direct financial implications arising from this report. The existing budget permits the employment of a single officer with the time spent on this area amounting to a maximum 0.3 FTE.

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

5 Legal Implications

5.1 **Legal Officer's comments:** the policy has taken into account all relevant legislation, including legislation which sets out the tools and powers available to tackle anti-social behaviour as well as broader responsibilities such as the Public Sector Equality Duty and vulnerable people.

6 Policies, Plans & Partnerships

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

- Safe and Well
- Effective Council

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

6.3 **Climate & Environmental Impact of recommendations:** There is no impact in this area.

6.4 **Sustainability Policy & Community Safety Implications:** There is a clear implication on the community safety area which can be enhanced by better targeting of resource.

6.5 **Partnerships:** There is an existing strong partnership with Police, Housing Associations, Surrey County Council and voluntary or third party organisations in the delivery of the aims of the policy. The existing monthly Community Harm and Risk Management Meeting (CHaRMM), and Joint Action Groups (JAG), are monitored by the Community Safety Partnership and offer an efficient way for partners to formally problem solve difficult cases.

7 Background papers

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

Previous reports:

- Crime and Disorder Committee 12 September 2023

Other papers:

- Out of Order: Learning Lessons from complaints about antisocial behaviour, Local Government and Social Care Ombudsman (2023). <https://www.lgo.org.uk/assets/attach/6465/FINAL.pdf> [accessed 21/8/23]



Community Safety & Anti-Social Behaviour (ASB) Intervention Policy

Version number: 1
December 2023

Tracking

Revision History

1. Initial Committee Version

Document Approvals

Each revision requires the following approvals:

- Non-administrative updates: SMT followed by relevant Committee
- Administrative updates: Head of Housing and Community

1. Introduction

At Epsom & Ewell Borough Council we are committed to placing the victim of anti-social behaviour (ASB), at the centre of our approach. In considering the best way to support victims and discharge our duties through prevention, intervention, and enforcement.

Whilst it is occasionally necessary, formal enforcement action will be considered a last resort to be used only when other more constructive measures have been exhausted to safeguard our residents.

We firmly believe that partnership working plays an important part in addressing the issues associated with anti-social behaviour and multi-agency working is our integral approach to tackling the issue.

We know that by improving the environment in which our residents live we will create a safer community for our residents.

2. Aim of this policy

This policy sets out how Epsom & Ewell Borough Council (the Council), will identify and respond to reports of ASB and community safety concerns.

The aim of this policy is to set out how we will deal with antisocial behaviour by:

- taking effective action to deal with severe and/or persistent antisocial behaviour.
- Set realistic expectations in relation to how we can deal with antisocial behaviour
- Provide support and advice to victims
- Ensure a partnership approach is taken to tackle ASB

3. Scope

The Crime and Disorder Act 1998, as amended by the Police Reform Act 2002 and the Police and Justice Act 2006, requires responsible authorities to work together alongside the community and voluntary sector to develop and implement strategies for reducing crime and disorder in the borough.

Working in partnership is integral to cutting crime and making communities safer as well as improving the wellbeing of residents. This policy is about looking at the bigger picture and supporting residents with early intervention and support services.

Epsom & Ewell Community Safety Partnership have oversight of the partner agency responses to addressing the most vulnerable people in our community.

This policy also documents where we are not best placed to become involved but will instead signpost to other potential options.

Nothing in this policy prevents a victim from seeking a review under s.104 Anti-social Behaviour, Crime and Policing Act 2014 (ASB Case Review).

4. Definition of Antisocial Behaviour

Epsom & Ewell Borough Council have adopted the definition of ASB as set out in the Anti-Social Behaviour, Crime and Policing Act 2014:

- (a) Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person.
- (b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises.
- (c) Conduct capable of causing housing-related nuisance or annoyance to any person

The following issues will not be considered antisocial behaviour and therefore not investigated:

- Actions that are limited to normal everyday activities or household noise. Example provided but not limited to – ordinary domestic activities such as walking across laminate flooring, people talking, children crying, children playing, noise generated from domestic appliances at reasonable hours.
- Cooking odour from residential premises
- Children playing in their homes or in the locality of their home or designated playing area where their behaviour is considered non-threatening, alarming or distressing to an reasonable person.
- A one-off party or other social gathering
- Actions which amount to people being unpleasant to each other such as staring with no other associated ASB. This is not sufficiently serious considering the likely harm caused to justify our involvement.
- Complaints about others lifestyle. For example, issues about differences in parenting, who people socialise with, the frequency of visitors, how people dress
- Spreading rumours
- Parking disputes
- Boundary disputes
- Low level neighbour disputes - Not all neighbour disputes should be dealt with as anti-social behaviour. Depending on the circumstances of a complaint, a complainant may be advised to contact their own legal advice in relation to their complaint.

5. General Principles

The Community Safety Team will work within the statutory guidance framework set out in the Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals.

We will treat people fairly and equally and ensure that a proportionate and reasonable approach is taken to resolve anti-social behaviour. Intervention will be targeted only at cases which action is needed.

The approach will be evidence driven and we will only become involved in those instances where behaviour is of a persistent or continuing nature, has a detrimental effect on the quality of life for those in the locality and is unreasonable.

We reserve the right not to investigate a case where there is evidence that the complainant is being unreasonable, vexatious, or vindictive. In these circumstances, the complainant will be advised of this assessment and the reasons.

We will put the victim at the centre of the decision-making process and ensure they are kept aware of progress on a case and fully informed when the Council chooses to discontinue an intervention, or when there is progress generally with their complaint.

The existing adopted enforcement policy codifies the approach to enforcement generally in our main areas of responsibility and is complementary to this policy.

6. ASB in properties owned or part owned by Registered Housing Providers

Registered Housing Providers, often known as Housing Associations, are responsible for dealing with ASB involving their properties and it will be expected that they deal with complaints of ASB arising from occupants of their properties regardless of whether the victim(s) are also their tenants or not.

Cases which require a multi-agency response can be referred to a multi-agency problem solving meeting with a range of partner agencies to problem solve. We will not normally case-manage these cases, but can provide guidance, if required.

7. ASB Case Management

On receipt of an initial report we will assign a case number and identify the community impact of the concern. A risk assessment will be conducted and any signposting to support agencies will be identified.

We will also consider any cumulative effect of a range of lower level ASB which together may constitute unreasonable behaviour on the part of the offender(s).

The risk assessment will identify any vulnerabilities and appropriate referrals to Adult and Children Services will be completed. Any relevant meetings associated with the

referral will be attended such as Community Harm and Risk Management (CHaRMM) or Surrey Adult Matters (SAM).

In immediate neighbour disputes with no community impact, the parties will be signposted to Mediation services. Consideration will be given as to whether any other department or agency need to be advised such as Police, Environmental Health, Planning or Housing Associations.

In cases where there is no community impact, but the reporter is making allegations of harassment, they will be directed to report this to Surrey Police to conduct a Police risk assessment and investigation.

For cases where there is a more wider community impact, we will investigate the matter further by identifying all the parties involved and liaise with all appropriate agencies. All parties will be signposted to any relevant support service where necessary. It would be expected that matters relating to hate crime will be included within this definition.

For allegations involving inappropriate use of CCTV, the reporter will be directed to the Information Commissioners Office (ICO).

If a report is made involving a Registered Housing Providers property (victim or offender), then the reporter will be directed to report this directly to the provider and review their ASB policy.

We recognise that exposure to ASB can be emotionally traumatising for many people. We will act with compassion and thoughtfulness ensuring support services are properly engaged and/or sign posted to. We will ensure our staff operating in this area possess a suitable degree of ongoing competence through a combination of formal qualifications, experience, and support. However we will not tolerate abuse, harassment or targeting of our staff in any form by any person. Such instances may result in the withdrawal of our services and referral to the police in serious circumstances.

8. Intervention and Enforcement

Epsom & Ewell Borough Council adopts a robust stance in tackling anti-social behaviour and associated issues. In all investigations the emphasis will be on achieving an early resolution which is acceptable to all parties without the need to pursue a formal legal remedy.

The Council do not have the power of arrest but works closely with Surrey Police and partner agencies. All relevant investigations covered by this policy are jointly investigated which enables the full range of available enforcement powers to be utilised.

For cases which we believe to meet our criteria for active intervention and after carrying out a sufficient investigation, one or more of the following courses of action shall be taken (this may be from Council, Police or Housing Provider):

- No action required and the case will be filed
- Informal action (verbal or written)
- Formal action – including Fixed Penalty Notices, Community Protection Warnings, Community Protection Notices, Abatement Notices, Injunctions, Closure Orders, Prosecution and Eviction proceedings.

It is the responsibility of those professionals working in the field to determine the most appropriate course of action based on professional judgement having assessed the full facts of the case from all perspectives. We will not normally reopen cases in which one of the above outcomes has been determined unless new information of substance is received or there is an escalation of risk or harm.

9. Vulnerable Perpetrators

We acknowledge that the vulnerabilities of some residents contribute to behaviour which may present as anti-social to those around them. These vulnerabilities include but are not limited to, mental health issues, learning difficulties and substance misuse.

Having due regard to the Public Sector Equality Duty, in cases where vulnerable perpetrators are involved, we will work closely with various support agencies with the aim of improving their behaviour. Understanding that a coordinated multi-agency approach is often needed, cases will be referred to the Community Harm and Risk Management Meeting to facilitate joint working and ensure a co-ordinated multi agency approach. This will not mean that we won't use some of the tools available to us, rather that we will ensure such an approach does not disadvantage an individual by virtue of any of their protected characteristics.

10. Policy Monitoring

We will ensure this policy is reviewed annually and as necessary taking into account any changes in legislation, case law and guidance.

Any changes not of an administrative nature will be brought to the relevant Council committee for adoption

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HACKNEY CARRIAGE AND PRIVATE HIRE EMISSIONS POLICY

Head of Service:	Rod Brown, Head of Housing & Community
Wards affected:	(All Wards);
Appendices (attached):	Appendix 1 – Proposed Hackney Carriage and Private Hire Licensing Policy

Summary

To recommend the Council adopt the revised Hackney Carriage and Private Hire Policy

Recommendation (s)

The Council is asked to:

Adopt the revised Hackney Carriage and Private Hire Policy attached at Appendix 1 as amended in accordance with the decision of the of the Licensing and Planning Policy Committee on 26 September 2023.

1 Reason for Recommendation

- 1.1 To adopt a revised Hackney Carriage and Private Hire Licencing Policy in accordance with the Council's work to reduce harmful emissions from licensed vehicles, whilst supporting the taxi and private hire trade to transition to a cleaner fleet.

2 Background

- 1.1 A report to the Licensing and Planning Policy Committee of 15 June 2023 set out the background to the proposal, the current position of licensed vehicles and proposed a revised policy with the aim of reducing emissions from licensed vehicles in a way which was sustainable for the trade.
- 2.1 Subsequently a 6 week consultation ran from 19 June to 30 July 2023, the results of which were considered by the Licensing and Planning Policy Committee on 26 September 2023.
- 2.2 The recommendation from the Licensing and Planning Policy Committee is for the Council to adopt the revised draft policy as set out in appendix 1 with the relevant changes appearing in section 4.4 in this document.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 An equalities impact assessment has been prepared and considered by the Licensing and Planning Policy Committee at its meeting on 26 September. There were no adverse equalities implications found.

3.2 Crime & Disorder

3.2.1 The availability of properly licensed vehicles and drivers, particularly late in the evening, is important to ensuring the safety of the night time economy. Following the consultation, the draft policy was adjusted to accommodate concerns in the trade that there was a risk of a reduction in the numbers of vehicles available.

3.3 Safeguarding

3.3.1 None as a direct consequence of this report. However there is an existing means within the policy requiring drivers to be DBS checked and for them to undertake safeguarding awareness training.

3.4 Dependencies

3.4.1 None identified

4 Financial Implications

4.1 There are no additional financial implications for the Council based on these proposals.

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

5 Legal Implications

5.1 The Local Government (Miscellaneous Provisions) Act 1976, Section 47(1) states that a District Council may attach to the grant of a licence of a Hackney Carriage under the Act of 1847 such conditions as the District Council may consider reasonably necessary. Section 47(2) states that without prejudice to the generality of the foregoing sub-section, a District Council may require any Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage. Section 47(3) states that any person aggrieved by any conditions attached to such a licence may appeal to a Magistrate's Court.

5.2 **Legal Officer's comments:** one further to the content of this report

6 Policies, Plans & Partnerships

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

- Safe and Well
- Green and Vibrant

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

6.3 **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.

6.4 **Sustainability Policy & Community Safety Implications:** The proposals will increase the use of vehicles that are less impactful on the environment and reduce the cost barrier of entry to the trade which, in the longer term, will support the availability of safe vehicles for hire by residents and visitors.

6.5 **Partnerships:** None identified.

7 Background papers

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

Previous reports:

- Licensing and Planning Policy Committee 26 September 2023
- Licensing and Planning Policy Committee 15 June 2023

Other papers:

- None

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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 consultation
29/9/22	Paul Holliday	Version 2 12 May 2002	Amended to reflect consultation 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 additionally 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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- 1 Introduction
- 2 General Policy
- 3 Powers
- 5 Options when determining an application/licence
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7. Offences involving a weapon (not a firearm)
8. Sexual and indecency offences
9. Dishonesty
10. Alcohol and Drugs
11. Driving offences involving the loss of life
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14. People barred from working with children and vulnerable adults
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17. Licensing offences
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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 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 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 or more continuous months out of the UK. Such notification must include the list of countries visited and relevant dates.
- b. The licence holder must provide a Certificate of Good Conduct for any countries visited/lived in for three or more continuous months upon their return to the UK.

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

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			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,

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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 stationary 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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STAFF PAY AWARD

Head of Service: Andrew Bircher, Interim Director of Corporate Services

Wards affected: (All Wards);

Appendices (attached):

Summary

This report provides information and options about the staff pay award which was considered by the Strategy and Resources Committee on the 14th November 2023. The committee made a recommendation which Council is asked to approve and recommend for inclusion in the 2024/25 budget setting process.

Recommendation (s)

The Council is asked to:

- (1) Consider the recommendation from the Strategy and Resources Committee for a 6% staff pay award (Option 4), and agree whether this should be implemented and taken forward into the 2024/25 budget setting process, or;**
- (2) Advise whether Option 1, 2, or 3 should be implemented instead.**

1 Reason for Recommendation

- 1.1 The reason is as set out above.

2 Background

- 2.1 The Strategy and Resources committee met on the 14th November 2023 and they considered and debated the issues set out below. After a vote on the options the 6% pay award was unanimously agreed upon.
- 2.2 By way of background to the debate, the council's annual pay award was previously agreed for a period of four years from 2020 – 2024. The year 2023/24 was the last year of that pay award so a new deal needs to be agreed for 2024/25.
- 2.3 Within the four-year period the cost of living pay award was aligned with Consumer Price Index inflation (CPI) in the month of September prior to the April when the pay award was implemented.

- 2.4 Where CPI exceeded 3%, a cap of 3% was applied to the pay award to ensure affordability.
- 2.5 As stated in the council's Employee Pay & Reward Procedure, we have endeavoured to maintain the partnership approach and have worked closely with the Staff Consultative Group (SCG) to actively consult on pay.
- 2.6 The cost of living pay award for 2022/23 was 3%, as CPI for September 2021 was 3.1%. The pay award for 2023/24 is 3% as the September CPI was 10.1% - in both years, the agreed 3% cap was triggered. For the past two years staff have received pay awards beneath the prevailing inflation rates.
- 2.7 At the time of presenting to the Strategy and Resources Committee writing, CPI inflation for September was 6.7%, down from 8.7% in April. According to the [Bank of England's latest Monetary Policy Committee Summary for September 2023](#), inflation is expected to keep falling:
 - 2.7.1 "CPI inflation is expected to fall significantly further in the near term, reflecting lower annual energy inflation, despite the renewed upward pressure from oil prices, and further declines in food and core goods price inflation. Services price inflation, however, is projected to remain elevated in the near term, with some potential month-to-month volatility".
- 2.8 The inflation rate for October 2023 dropped to 4.6%
- 2.9 Despite inflation moderating to some extent through 2023, there have been widespread strikes and industrial action across the public sector in response to pay deals. For 2024/25, the government has accepted the recommendations from a number of independent pay review bodies to award millions of public sector workers including police officers and teachers, pay awards in the range of 5-7%.
- 2.10 A survey was produced by SCG which sought to gauge staff opinion on a pay deal to which 140 responses were received. This equates to approx. 40% of all staff.
- 2.11 The survey responses have been discussed/analysed and the recommendations are as follows:
 - 2.11.1 Given the current uncertainty with inflation rates there was an overwhelming preference for a single year deal (82% of respondents in favour).

- 2.11.2 Annual pay progression applies to all employees who have not reached the maximum spinal column point of their grade. It is awarded to employees who are in post at the end of the financial year, i.e. 31 March and on or before 1st October of the previous year, based on a recommendation by their manager in line with the council's Performance Management Procedure.
- 2.11.3 Pay progression is budgeted for in the medium term financial strategy (MTFS). It equates to c.2% of salary and is only applicable to those staff who are not at the top of their pay grade. For some staff, pay progression is considered as separate to the pay award.
- 2.11.4 Approximately a fifth of staff are currently at the top of their pay grade and this will rise to approximately a third by next year.
- 2.11.5 Of the total percentage of respondents who expressed a specific view, 80% of staff indicated that an increase in the 5-7% range was appropriate, with the majority of staff expressing a view closer to 7%.
- 2.11.6 A further sentiment emerging from the survey was that the council should fund the highest percentage pay award possible rather than supporting one off, non-consolidated payments or payments in kind such as an increase to holiday entitlement, etc.
- 2.12 The cost of any deal is crucial, with the council already facing a budget deficit of £1.1m in 2024/25. In budget planning for the medium-term financial strategy (MTFS) pay has been assumed to be 3% for the next 4 years, therefore any award above 3% will increase the council's projected deficit and result in additional, compensating service income or savings having to be identified.
- 2.13 But based on the feedback above, wider-public sector settlements and the current level of inflation which remains high, 3% is not considered to be a suitable offer by staff.
- 2.14 The council also needs to consider its position as an employer (and its ability to recruit and retain staff) compared to other neighbouring authorities whose starting salaries are often higher than Epsom and Ewell.
- 2.15 In addition to the above, the UK National Living Wage (NLW) is expected to rise to at least £11.00 per hour (an increase of at least 5.7%) with effect from 1 April 2024. In line with the council's Pay Policy Statement, no employee will be paid below the NLW rate.
- 2.16 NLW has repeatedly risen by a higher percentage than our pay awards in recent years, which has eroded any headroom we previously had within our pay scales and this will need to be monitored and addressed as appropriate.

3 Options

- 3.1 Each 1% pay award costs the council circa £130k per annum. With a 3% pay award already factored into the council's most recent projections, this means a 4% pay award would increase the council's existing projected budget deficit (currently c.£1.1m) by £130k. A 5% pay award would increase the projected deficit by c.£260k, and so on.
- 3.2 In light of the above information on historic pay, current levels of inflation, staff expectations on pay, and the council's financial position, councillors of the Strategy and Resources Committee were asked to consider 4 options:
- 3.3 Option 1 would be a 3% pay award, in line with existing financial projections, with no increase to the council's existing projected deficit.
- 3.4 Option 2 would be a 4% pay award, increasing the council's projected budget deficit by c.£130k.
- 3.5 Option 3 would be a 5% pay award, increasing the council's projected budget deficit by c.£260k.
- 3.6 Option 4 would be a 6% pay award, increasing the council's projected budget deficit by c.£390k.
- 3.7 In all of the above options:
 - 3.7.1 staff will also remain eligible for pay progression (if not already at the top of their pay grade). Pay progression can typically be worth up to an additional 2% increase in salary, which has already been factored into the council's financial projections.
 - 3.7.2 no employee will be paid below the National Living Wage rate uplift.
- 3.8 The committee voted unanimously to recommend option 4 to full council.

4 Risk Assessment

Legal or other duties

- 4.1 Equality Impact Assessment
 - 4.1.1 The pay award applies equally to all staff.
- 4.2 Crime & Disorder
 - 4.2.1 There are no issues that arise as a result of this report.
- 4.3 Safeguarding
 - 4.3.1 There are no issues that arise as a result of this report.

4.4 Dependencies

4.4.1 None

4.5 Other

4.5.1 None

5 Financial Implications

5.1 Apart from a 3% pay award, the three other options – increases of 4%, 5% or 6% – would result in a requirement to identify additional savings or income of c.£130k, £260k or £390k respectively.

5.2 **Section 151 Officer's comments:** The council already faces a significant challenge to address its existing projected budget gap of £1.1m for 2024/25. The size of any pay award will have a direct impact the council's financial sustainability, particularly because additional savings/income typically become increasingly more difficult to identify.

5.3 If either of options 2-4 is chosen, the Council will need to be tasked with identifying additional savings or income, as set-out in paragraph 5.1.

6 Legal Implications

6.1 **Legal Officer's comments:** The committee is asked to make a recommendation to Full Council on a staff pay award, and it is within the remit of the committee to do so.

7 Policies, Plans & Partnerships

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

- The paper has implications on recruiting and retaining staff as well as providing a responsible budget to manage the council's finances.

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

7.3 **Climate & Environmental Impact of recommendations:** None

7.4 **Sustainability Policy & Community Safety Implications:** None

7.5 **Partnerships:** None

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CALENDAR OF MEETINGS 2024-2025

Head of Service:	Piero Ionta, Head of Legal and Monitoring Officer
Wards affected:	(All Wards);
Appendices (attached):	Appendix 1 – draft Municipal Calendar 2023-24

Summary

Approval of the extended Municipal Calendar from May 2024 to July 2025.

Recommendation (s)

The Council is asked to:

- (1) Approve the Municipal Calendar for 2024-2025.**

1 Reason for Recommendation

- 1.1 It is necessary to set dates for meetings of the Council, its Committees, Sub-Committees and Advisory Panels for the forthcoming year to enable their business to be efficiently processed.
- 1.2 A programme of meetings for 2024-25 has been devised on a similar basis as the current year's original programme in terms of the number of meetings, along with their scheduling for Tuesdays and Thursdays where possible. This pattern of meetings was to regularise the days of the week on which meetings occur. The programme has also taken into account the school term and half-term dates for the Surrey area.
- 1.3 To enable clearer forward-planning, the Calendar has been extended beyond the end of the next Municipal year, to July 2025.
- 1.4 Dates cannot be scheduled for the Licensing Sub Committee meetings as these will need to be convened when needed to be able to respond to applications.
- 1.5 The draft Municipal Calendar for approval is attached at Appendix 1.

2 Background

- 2.1 In drawing up the Calendar of Meetings for 2024-2025 (Appendix 1), the main considerations have been the need to retain certain reporting chains as far as practicable, the timing of fiscal requirements, and any constraints as a result of the Surrey County Council Elections on 1 May 2025. Consideration has also been given as far as practicable to school holidays.
- 2.2 In addition to the meetings listed on the calendar, a programme of briefings and information events will be provided for Councillors. These will be scheduled on a 3 month rolling basis.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None.

3.2 Crime & Disorder

3.2.1 None.

3.3 Safeguarding

3.3.1 None.

3.4 Dependencies

3.4.1 None.

3.5 Other

3.5.1 An effective decision-making programme should enable all committees and the Council to process business with the minimum of delay. If a forward-looking calendar were not to be agreed, uncertainty over the Council's ability to complete its business would result.

4 Financial Implications

- 4.1 The need to meet statutory deadlines, preserve reporting lines and other constitutional considerations means that at certain times of the year policy committee meetings are bunched together. The timetable is challenging for officers at certain points of the year and, whilst not the overriding consideration, the calendar has been devised to try and manage peaks in workload.
- 4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

- 5.1 Legislation requires that agendas are published five clear working days before a meeting.
- 5.2 The Council is entitled to amend any of the dates in the Calendar of Meetings at this time but should note that it is required to approve a programme of ordinary meetings of the Full Council for the year at its annual meeting, under FCR 2.1 xi of Appendix 4 of the Constitution. By considering and approving the extended calendar early allows the Council to plan more effectively for its decision-making processes.
- 5.3 **Legal Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None.
- 6.4 **Sustainability Policy & Community Safety Implications:** None.
- 6.5 **Partnerships:** Dates of meetings of Outside and Joint bodies, such as the Epsom and Walton Downs Conservators and Nonsuch Park Joint Management Committee are agreed by those bodies, but included within the Council's Calendar of Meetings to provide a comprehensive reference for Councillors and the public.

7 Background papers

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

Previous reports:

- [Calendar of meetings 2023-24, Council 23 May 2023](#)

Other papers:

- [The Constitution of Epsom and Ewell Borough Council](#)
- [School term dates - Surrey County Council \(surreycc.gov.uk\)](#)

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Meetings open to the public (start time as stated, unless otherwise amended on agenda papers)	MEETINGS OF THE COUNCIL AND COMMITTEES – MAY 2024 TO JULY 2025																
	Normal Time	Weekday	2024								2025						
			May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
COUNCIL	19.30 hrs	Tuesday	14a		30						10		11b		8	13a	29
AUDIT & SCRUTINY COMMITTEE	19.30 hrs	Tuesday Thursday			25			26		14			6				24
COMMUNITY & WELLBEING COMMITTEE	19.30 hrs	Tuesday Thursday			9				8			16			13		8
CRIME & DISORDER COMMITTEE	19:30 hrs	Tuesday						10				14					
ENVIRONMENT COMMITTEE	19.30 hrs	Tuesday		25					15			21		18			24
EPSOM & WALTON DOWNS CONSERVATORS	18:00 hrs	Monday		17						4		TBC					TBC
EPSOM & WALTON DOWNS CONSULTATIVE COMMITTEE	18:00 hrs	Monday							14					24			
FINANCIAL STRATEGY ADVISORY GROUP	14.00 hrs	Friday		28				27		22		31					27
HEALTH LIAISON PANEL	19.00 hrs	Tuesday Thursday			2					21				4			1
HUMAN RESOURCES PANEL	17.00 hrs	Tuesday									3						
LICENSING & PLANNING POLICY COMMITTEE <i>(Note: LICENSING SUB COMMITTEES arranged as required)</i>	19.30 hrs	Tuesday Thursday		18	11			24	17		5	23		11			17 10
NONSUCH PARK JMC	Nonsuch Mansion House at 10:00 hrs	Monday		TBC					TBC			TBC		TBC			TBC
PLANNING COMMITTEE	19.30 hrs	Thursday	23	27	18			5	3	7	12	9	13	6	10	22	26 17
SHAREHOLDERS SUB COMMITTEE	18.30 hrs	Tuesday								19							
STANDARDS & CONSTITUTION COMMITTEE	19.30 hrs	Tuesday Thursday		4						5							3
STRATEGY & RESOURCES COMMITTEE	19.30 hrs	Tuesday			23			17		12		28		25			22

a	Annual Meeting (Mayor Making) at 19.00 hrs
b	Budget meeting (determination of Council Tax)

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URGENT DECISIONS

Head of Service:	Victoria Potts, Interim Director of Environment, Housing and Regeneration
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	N/A

Summary

To report to Council the decisions taken by the Chief Executive and Directors on the grounds of urgency, in compliance with Appendix 2 to the Constitution – The Scheme of Delegation paragraph 3.1.

Recommendation (s)

The Council is asked to:

- (1) To note the urgent decision taken and the reason for that decision.

1 Reason for Recommendation

- 1.1 To report to Council the decisions taken by the Chief Executive and Directors on the grounds of urgency, in compliance with Appendix 2 to the Constitution – The Scheme of Delegation paragraph 3.1.

2 Background

- 2.1 Appendix 2 to the Constitution – The scheme of delegation sets out at Paragraph 3.1 that the Chief Executive and Directors are authorised to take decisions on grounds of urgency regarding matters which would otherwise be reserved for determination by a Committee or Council. A matter can be deemed urgent if, in the reasonable opinion of the officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision-making body in sufficient time to take the decision.

- 2.2 Since the last meeting of Council, one urgent decision has been taken by the Interim Director of Environment, Housing and Regeneration in consultation with the Mayor, Cllr Rob Geleit and the Chair of the relevant Policy Committee, Cllr Clive Woodbridge, and published in Member News in line with the Council's Constitution, Appendix 2, Paragraph 3.1. iii. The decision is set out below.
- 2.3 Decision 1 – To enter in to a contract with Housing Reviews Limited and to delegate (to Housing Reviews Ltd) the Council's statutory functions pursuant to the provisions of s166A(9) and s202 of the Housing Act 1996 to perform reviews of decisions made either regarding the suitability of accommodation offered s166A(9) or as the result of a decision upon a request for assistance as homeless s202.
- 2.4 Urgency reason 1 – Out of contract putting decision making at risk of successful legal challenge.

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 Financial implications are included within each decision form.
- 4.2 **Section 151 Officer's comments:** None for the purposes of this report.

5 Legal Implications

- 5.1 Legal implications are included within each decision form.
- 5.2 **Legal Officer's comments:** None for the purposes of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- To strengthen the Council's financial independence.
 - To encourage and support business creation and growth.
- 6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None arising from this report.
- 6.4 **Sustainability Policy & Community Safety Implications:** None arising from this report.
- 6.5 **Partnerships:** Not applicable to this report.

7 Background papers

- 7.1 The Urgent decision has already been published on Members News.

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MOTIONS

Head of Service:	Piero Ionta, Head of Legal and Monitoring Officer
Wards affected:	(All Wards);
Appendices (attached):	Appendix 1 - Motion 1 Appendix 2 – Motions Flowchart

Summary

This report sets out notices of motions ruled in order.

Recommendation (s)

The Council is asked to:

- (1) consider the Motion in accordance with Standing Orders.

1 Reason for Recommendation

- 1.1 The rules regarding the submission of motions to Council are set out in Appendix 4 of the Council's Constitution (Standing Orders of the Full Council). Motions ruled in order must be listed on the agenda.

2 Background

- 2.1 The table below set out the Motions ruled in order:

Motion Number	Title	Proposer & Seconder	Committee	Responding Chairman
1	Motion 1	Proposer: Councillor Dallen Seconder: Councillor Chinn	Neil Kate Community and Wellbeing	Clive Woodbridge

- 2.2 Each Motion will be taken in the order listed, with the proposer moving the motion and the seconder, seconding and confirming when they wish to exercise their right to speak.
- 2.3 Once a motion as been put, the Mayor will invite Members to decide how the motion should be dealt with. The Mayor will ask for a vote without debate, on whether the motion should be referred to an appropriate Committee for consideration (FCR 16.5). This will be on the basis of a simple majority.
- 2.4 All amendments must be in writing, proposed and seconded. The mover of the original motion will be asked if they wish to accept the proposed amendments. Those which are accepted in full or in part will result in the original motion being amended accordingly. If they are not accepted, then the amendments will be debated in accordance with Standing Orders (FCR 17).
- 2.5 FCR 14.1 sets 90 minutes to deal with all motions including amendments.
- 2.6 The process for debate is summarised in in the Motions Flowchart, Appendix 2.

3 Risk Assessment

Legal or other duties

- 3.1 Equality Impact Assessment
 - 3.1.1 No comments are provided on Motions.
- 3.2 Crime & Disorder
 - 3.2.1 No comments are provided on Motions.
- 3.3 Safeguarding
 - 3.3.1 No comments are provided on Motions.
- 3.4 Dependencies
 - 3.4.1 No comments are provided on Motions.
- 3.5 Other
 - 3.5.1 No comments are provided on Motions.

4 Financial Implications

- 4.1 No comments are provided on Motions.
- 4.2 **Section 151 Officer's comments:** No comments are provided on Motions.

5 Legal Implications

5.1 No comments are provided on Motions.

5.2 **Legal Officer's comments:** No comments are provided on Motions.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** No comments are provided on Motions.

6.2 **Service Plans:** No comments are provided on Motions.

6.3 **Climate & Environmental Impact of recommendations:** No comments are provided on Motions.

6.4 **Sustainability Policy & Community Safety Implications:** No comments are provided on Motions.

6.5 **Partnerships:** No comments are provided on Motions.

7 Background papers

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

Previous reports:

- None

Other papers:

- [Appendix 4 of the Constitution of Epsom and Ewell Borough Council](#)

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Motions to Council Request Form

For all requests for Motions to be added to an agenda, this pro-forma must be fully completed. You will need to set out the title you wish your motion to be referred to, the proposer, the seconder and the relevant committee and Committee chair.

If you are making more than one motion, each request for a motion must be on a separate proforma. The order for motions will be put in order of receipt on the agenda and will be numbered and titled in the agenda papers.

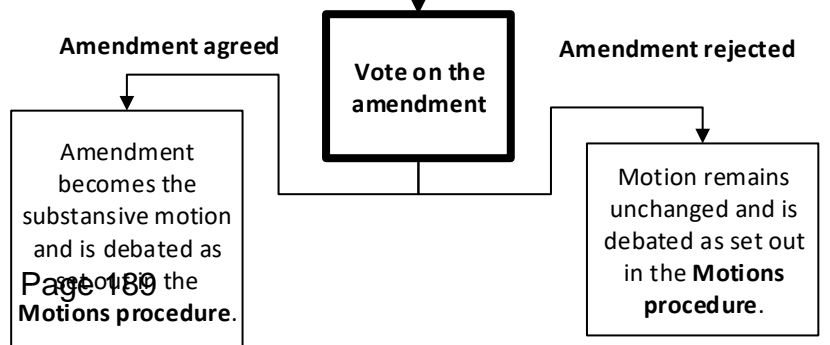
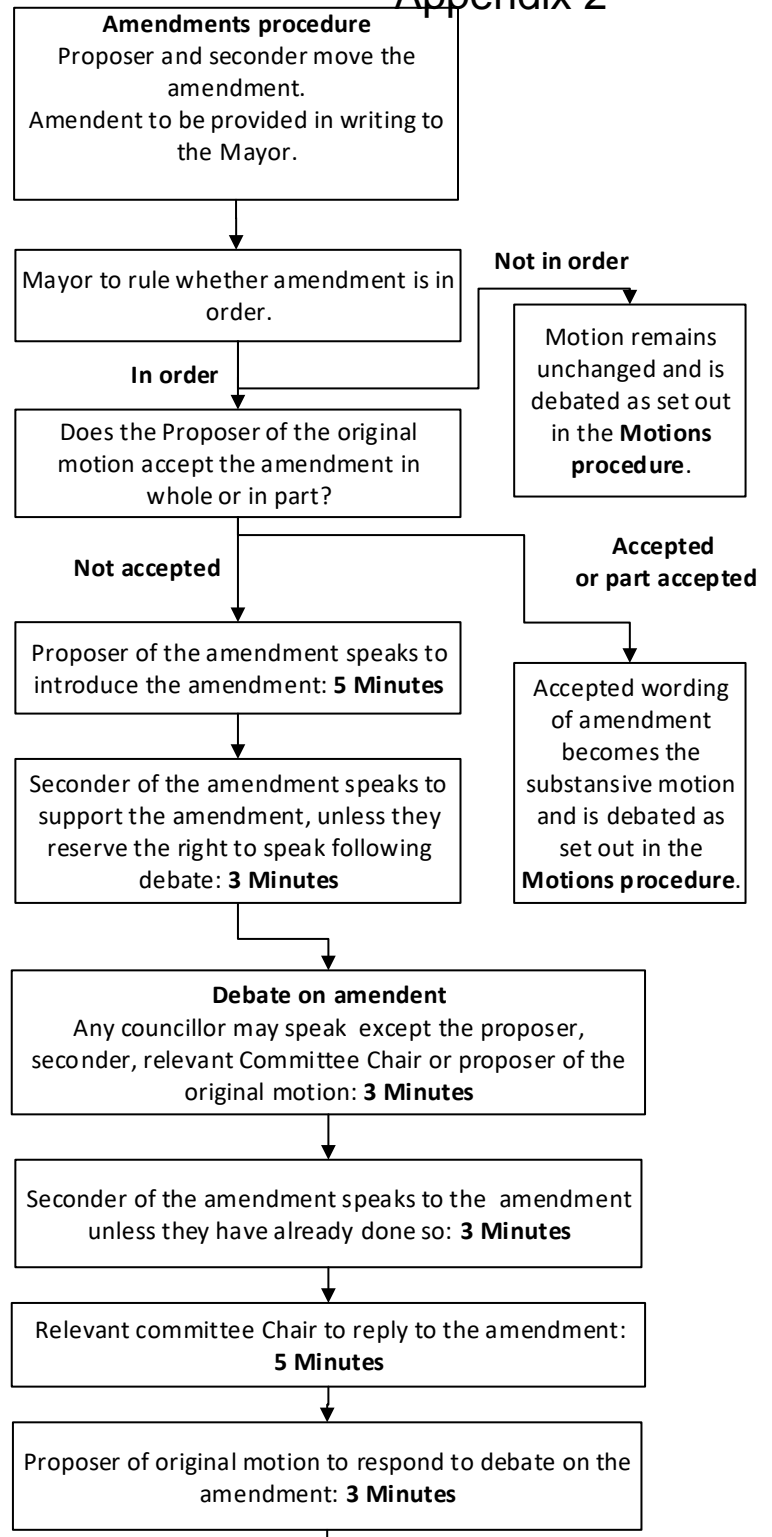
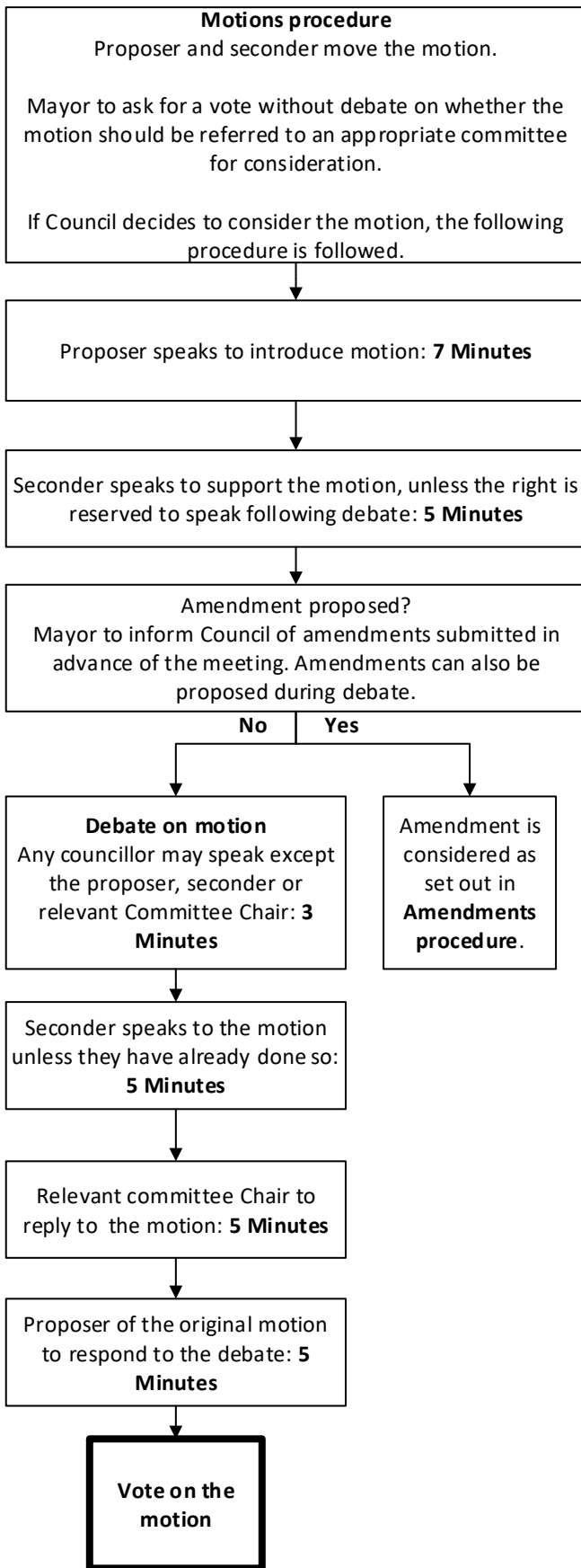
Please send or email this form to Democratic Services, email address democraticservices@epsom-ewell.gov.uk

Please complete all boxes	
Proposer	Neil Dallen
Seconder	Kate Chinn
Motion Set out motion in full	<p>Epsom and Ewell Borough Council (EEBC) is committed to welcoming asylum seekers and refugees fleeing violence and persecution in their own countries to the Borough of Epsom & Ewell.</p> <p>EEBC work with, and support, the Epsom and Ewell Refugee Network (ERN) which is an enthusiastic group of local people committed to the common goal of helping refugees and asylum seekers who find themselves in this area who need our help.</p> <p>Although with the shortage of homes for borough residents we cannot currently prioritise housing over and above our own residents needs we will continue to work with ERN in their search for alternative housing options both now and in the future.</p>

	<p>ERN aim to help in the following ways:</p> <ul style="list-style-type: none"> • Helping to build a local network and support for those moving into Epsom & Ewell. • Connecting with people and organisations who can help with English classes, housing, clothing, food and other essential needs. • Organising social events to enable refugees and supporters to meet others and learn from shared experiences. • Working with other charities and organisations who can assist and offer advice and support. • Collecting goods and donations to help refugees in the UK and abroad. • Coming together to try and address some of the greater issues around the current refugee crisis <p>A welcoming, fair and inclusive environment benefits everyone and builds resistance to the threats of fear, discontent, urban unrest and extremism.</p> <p>In order to strengthen our commitment to those who face the ordeal of being separated from their families and home, this Council pledges to continue to work with, and support, the ERN in their excellent work and to assist their application to make Epsom and Ewell a Borough of Sanctuary.</p>
<p>Relevant Committee(s) Motion would relate to</p>	<p>Community and Wellbeing</p>
<p>Name of the Chairman of such Committee</p>	<p>Clive Woodbridge</p>

Council motion and amendment flowchart

**Agenda Item 13
Appendix 2**



Note:
No Member may speak more than once on a motion or more than once on an amendment unless otherwise permitted by standing orders.

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EXCLUSION OF THE PRESS AND PUBLIC

Under Section 100(A)(4) of the Local Government Act 1972, the Council may pass a resolution to exclude the public from the Meeting for Part Two of the Agenda on the grounds that the business involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The following documents are included on Part Two of the agenda and have not been published:

Item 15 – Commercial Property

The report deals with information relating to the financial or business affairs of the Council.

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