



LICENSING COMMITTEE

Monday, 14th September, 2015

7.30 pm

Town Hall, Watford

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CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Sandra Hancock/Alan Garside in Democracy and Governance on 01923 278376 or by email to legalanddemocratic@watford.gov.uk .

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COMMITTEE MEMBERSHIP

Councillor J Brown (Chair)

Councillor K Crout (Vice-Chair)

Councillors S Bolton, I Brown, J Connal, G Derbyshire, F Ewudo, M Haley, K Hastrick, M Hofman, M Mills, T Rogers, S Silver, M Watkin and S Williams

AGENDA

PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

The minutes of the meeting held on 4 March 2015 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

(All minutes are available on the Council's [website](#).)

4. **HACKNEY CARRIAGE/PRIVATE HIRE SERVICES FOR DISABLED AND VULNERABLE PASSENGERS** (Pages 5 - 40)

Report of the Head of Community and Customer Services.

5. **LICENSED DRIVER KNOWLEDGE TEST** (Pages 41 - 46)

Report of the Head of Community and Customer Services.

6. **CHAUFFEUR KNOWLEDGE TESTS** (Pages 47 - 50)

Report of the Head of Community and Customer Services.

7. **CONTINUATION OF THE INTERIM TOWN CENTRE STREET TRADING POLICY** (Pages 51 - 70)

Report of the Head of Community and Customer Services.

8. UPDATE ON PUBLIC FUNDRAISING REGULATORY ASSOCIATION AGREEMENT (Pages 71 - 84)

Report of the Head of Community and Customer Services.

PART A

Report to: Licensing Committee
Date of meeting: 14 September 2015
Report of: Head of Community and Customer Services
Title: Hackney carriage/private hire services for disabled and vulnerable passengers

1.0 SUMMARY

- 1.1 Watford Borough Council is responsible for licensing hackney carriages (taxis) and private hire vehicles and has a general duty to promote equalities. In turn, providers of taxi and private hire vehicle services licensed by the council are under a specific duty to assist passengers with particular disabilities.
- 1.2 Consultants were appointed earlier this year to test and evaluate the service provided by local licensed drivers. This report sets out their findings and some proposals for future developments.

2.0 RECOMMENDATIONS

- 2.1 That a working party of licensed drivers, vehicle proprietors, private hire operators, members of Disability Watford, Councillors and officers be established to consider the best way to improve the standards of service provided to customers with disabilities wanting to use licensed vehicles.
- 2.2 That members of Disability Watford be engaged in training to give practical advice on how to ensure they are dealt with correctly and lawfully.
- 2.3 That the findings of the working party be brought back before the Committee for further decisions to be made on proposals.

Contact Officer:

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Report approved by: Alan Gough, Head of Community and Customer Services

3.0 **Background and discussion**

3.1 Around 13.5% of Watford's population have long-term health or disability problems that limit their day-to-day activities a lot or a little.¹ Official figures² suggest that nationally the use of taxis and private hire vehicles is lower than most other forms of public transport for people with disabilities but it is important to remember licensed vehicles are often the only direct door-to-door service available and therefore the quality of service provided is very important.

3.2 Drivers, proprietors and operators are under a number of legal duties to convey passengers in safety and comfort, to charge only certain pre-agreed or clearly advertised fares and to make sure all passengers are treated equally. The Disability Discrimination Act 1995 introduced a specific duty on drivers to convey assistance dogs without additional charge. This provision was reinforced by the Equalities Act 2010 and it remains a criminal offence for licensed drivers to refuse to carry an assistance dog in either a taxi or a private hire vehicle, or to make an additional charge to do so. It is important to note that this provision concerns only the driver of the vehicle and not the operator or proprietor unless it could be shown that the operator or proprietor had been complicit in the discrimination. Similar provisions concerning passengers travelling in wheelchairs are written in to the Act but have not yet been brought in to force. The Act in general prohibits discriminatory behaviour by service providers towards people with disabilities (as well as other protected characteristics such as race and sex). This could include, for example, making a passenger with an assistance dog wait longer than necessary for a vehicle to pick them up when pre-booked.

3.3 Between 2007 and 2012 all drivers then licensed by the council attended a free half-day disability awareness course by a specialist training company as a condition of their licence³. Over the last three years all existing drivers have received an update on disability awareness as part of their Professional Skills Update (PSU) course required to renew their driver licences. Since earlier this year applicants have to attend a disability awareness course prior to being granted a new licence, and a separate report to the Committee outlines proposals how this can be offered in future in conjunction with the council Knowledge Test.

3.4 Private hire operators licensed by the council are also required to have policies on assisting passengers with disabilities as a condition of their licence. In December 2012 officers held information sessions with operators to explain in detail their obligations under the Equalities Act 2010 and to help develop new disability policies in line with the Act. Although taxi and private hire drivers are in the main self employed, the Act makes clear that a service provider has responsibility and therefore liability for the actions of its agents be they directly employed or not.

3.5 Between 2008 and 2015 the council received 26 complaints concerning alleged discrimination by taxi or private hire drivers and operators as follows:

¹ Table [QS303EW](#), 2011 Census: Quick Statistics for Local Authorities (ONS, 30.01.13).

² Table [NTS0709](#), National Travel Survey 2013 (Department for Transport, 2014)

³ Thirty per cent of English and Welsh licensing authorities (93 councils) have a requirement for disability awareness training for hackney carriage drivers, with 75 having a requirement for private hire drivers to be trained (Source: [National Taxi Statistics 2013](#), DFT 2013).

2008 - 2
2009 - 3
2010 - 8
2011 - 2
2012 - 6
2013 - 1
2014 - 3
2015 to date – 1

- 3.6 All complaints about drivers, proprietors and operators are investigated in accordance with the Environmental Health and Licensing enforcement policy. Investigations will seek to determine if any relevant offence has been committed by a driver, proprietor and operator regardless of whether it be related to disability discrimination or not. In many cases reported to the council there are no taxi or private hire specific offences even if there may be discrimination involved. Conversely, there may be other offences detected that were not subject to the initial complaint and these will be dealt with in accordance with the enforcement policy where the council has a power to act. The council cannot take a case for discrimination to the court on behalf of a customer.
- 3.7 Of these twenty-six complaints, eleven resulted in formal action being taken against the driver, proprietor or operator. Where action was not taken in the remaining fifteen cases this was overwhelmingly due to either no evidence provided that identified the perpetrator, or the customer expressly forbade any contact with the driver for fear of being identified as a complainant. In one case a complaint that had elements of alleged discrimination turned out on investigation to be a case of poor customer service and charging, and was not specifically related to any discrimination or criminal offence.
- 3.8 These formal complaints do not include numerous informal conversations and emails received by officers concerning ad-hoc reports of poor experiences of journeys when using an assistance dog or wheelchair.
- 3.9 Complaints concerning wheelchair users are predominantly made when a company attempts to charge more for a journey, particularly when pre-booked, or a driver refuses to carry a passenger from a rank.
- 3.10 Complaints concerning assistance dogs are predominantly made when waiting at ranks; drivers arrive and then complain at having to carry a dog; or, where private hire operators do not refuse a journey, but give a very long and often fluctuating waiting time for a booking.
- 3.11 It is more difficult to take formal enforcement action in some discrimination cases because:
- (a) passengers are often vulnerable and reluctant to provide formal witness statements or even for contact with the driver to be made for fear of being 'blacklisted' from a particular company. Taxi or private hire may be the only way that this person can travel;

(b) in order to prove a criminal offence in court it must be shown beyond reasonable doubt that the person accused committed the offence. This is almost impossible without a witness statement or some other corroborating evidence.

(c) the matter may not be a criminal one for the which the council can take action. It may be a civil matter of discrimination only and this leaves the passenger to take their own action in the county court. Private litigation is a daunting task.

- 3.12 Although complaints are relatively low, the impression gained through informal discussion with customers and through study of the national situation was that this was an ongoing issue. Given the myriad difficulties in accurately assessing the situation in Watford, taking effective enforcement action, and the evidence that nationally discrimination was continuing, officers commissioned a specialist consultancy to conduct a mystery shopping exercise to assess the service currently offered to passengers with disabilities. The aim of this was to be able to support taxi users and taxi drivers in improving service levels and reducing discrimination if it was found to be an issue in Watford, and to get detailed information as to the actual issues so that this support could be targeted.
- 3.13 CTS and Social Research Associates were engaged following a tendering process. They were chosen as the outstanding candidate given their previous history of conducting similar surveys nationally, most recently in Coventry where similar findings illustrate the national nature of this problem.
- 3.14 Twenty-six trips were carried out during March and April 2015 by volunteer passengers who were wheelchair users, ambulant but with disabilities, blind, deaf or had learning disabilities. Details of each trip were recorded on a pro-forma and without the intention of recording any evidence for enforcement purposes.
- 3.15 The full report is attached at appendix 1 and some of the key findings include:
- (1) passengers waited longer than average for wheelchair accessible vehicles (WAVs), despite around quarter of the hackney carriage fleet being WAV (and no private hire vehicles being WAV)
 - (2) drivers having loud discussions at the Watford Junction rank over who would take a passenger in a wheelchair
 - (3) a number of WAVs and non-WAVs drove past wheelchair users and a passenger with a guide dog who was trying to hail them
 - (4) the lay-out of the ranks was generally convenient for the passengers except at Watford Junction and Watford General Hospital (which are both ranks on private land)
 - (5) only two out of eleven passengers were properly secured or their wheelchairs properly secured during the journey

(6) three drivers did not secure the wheelchair properly and did not secure the passengers' seat belts at all – none of the drivers checked that passengers were using their seat belts. Although the law states passengers over the age of 14 are responsible for wearing their own seatbelts, drivers are reminded on the PSU course that council byelaws and conditions make them responsible for their passengers' safety

(7) there were some good examples of customer care, (such as returning an excess fare to a passenger with learning disabilities), but these were reported as being in the minority

(8) overcharging – in one case, £4 was showing on the meter when the taxi arrived, and in another the meter was not turned off until the wheelchair user had manoeuvred their wheelchair out of the taxi

(9) passengers paying more because the driver did not have the correct change to give

(10) only two out of the twenty-six trips could be classed as satisfactory.

3.16 It is important that the trade is able to provide a safe and effective service to people with disabilities, who often rely on licensed vehicles as their primary form of transport. This was recognised by the Law Commission in its report on Taxi and Private Hire Services⁴ which said:

One of our key provisional proposals to promote equality and accessibility was that private hire and taxi drivers should be required to undergo recognised disability awareness training. This received unanimous support, and statistics published by the Department for Transport show that it is far from a universal requirement in current local licensing conditions. Lack of such training means that some drivers may be less likely to be aware of the needs and rights of disabled passengers; this can contribute to unacceptable practices, for example ignoring their attempts to hail a vehicle, carrying them in an unsafe manner, refusing to carry them at all or charging extra for the service.

3.17 Unfortunately all of the Law Commission's fears were found during this exercise.

3.18 The Council is under a duty to promote equalities, and at the same time has the opportunity to help a business sector it licenses fulfil their responsibilities under the Equalities Act.

3.19 The mystery shopping report contained four recommendations:

(1) training

(2) guidance for disabled taxi users

(3) improvements to ranks and drop-off points

⁴ *Taxi and Private Hire Services*, Law Com LC437 (2014), para 1.41
(http://lawcommission.justice.gov.uk/docs/lc347_taxi-and-private-hire-services.pdf)

(4) stakeholder consultation and monitoring.

4 **Recommendations**

4.1 Training

Officers would like to work with the trade to implement effective change, and would like to create a working party with representative drivers, proprietors, operators, passengers, officers and Councillors to consider the best way to do this. The working party's recommendations will be reported to a future meeting of the Committee for approval.

4.2 Guidance and formal training for disabled passengers

Officers have previously prepared guidance for passengers on what to expect from licensed drivers (and equally what drivers expect from passengers). A working party can review this and consider whether it should be republished.

It is proposed that officers can train members of Disability Watford in their rights, and how to take action if they feel the service they are receiving is not adequate or legal. Members of Disability Watford may then want to cascade this knowledge to other disabled people, or request council officers to attend further meetings/events to promote awareness.

4.3 Improvements to ranks and drop-off points

The comments about ranks and drop-off points have been passed to Hertfordshire County Council as the highways authority; London Midland (for the Watford Junction rank); Watford General Hospital and also the council's Transport and Infrastructure section.

4.4 Stakeholder consultation and monitoring

A working party will allow all stakeholders the opportunity to develop proposals for improvements. Officers are committed to holding three informal drop-in sessions a year for licensed drivers to come and discuss matters with Members, officers and others. Disability Watford representatives can be invited to future drop-in sessions so that the trade and passengers can learn from each others' experiences.

5.0 **IMPLICATIONS**

5.1 **Financial**

5.1.1 There are no direct implications from this report, and any proposals by the working party will have to be costed once known.

5.2 **Legal (Monitoring Officer)**

5.2.1 None identified in this report.

5.3 **Potential risks**

Potential risk	Likelihood	Impact	Overall score
No improvement in standards of service if no	3	3	9

training/advice provided to trade			
Reputational impact from low levels of service	3	3	9
Complaints (informal, formal or legal) to council about low levels of service	3	1	3

Appendices

Appendix 1 – Watford Mystery Shopping Survey Final Report

Background Papers

None used

File Reference



cts
TRAFFIC + TRANSPORTATION

THE DATA COLLECTION SPECIALISTS

**Watford Borough Council
Taxi mystery shopper
test purchase
Final Report**

June 2015

In association with
Social Research Associates



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Executive summary

CTS Traffic and Transportation in partnership with Social Research Associates were appointed by Watford Borough Council to undertake their taxi mystery shopper test purchase study on 19th February 2015. The Council (WBC) is seeking research to aid WBC in obtaining an overview of the general situation with respect to compliance with disability awareness training and legal requirements upon drivers with respect to their fair treatment of those travelling with disabilities. The project is specifically **NOT** to obtain evidence for use in prosecution or other enforcement action.

The report includes an analysis of the current licenced vehicle fleet (as at February 2015) which shows that the total hackney carriage fleet is 279 of which 27% are wheelchair accessible. There are also 126 private hire vehicles none of which are wheelchair accessible. Thus the total licenced vehicle fleet is 19% wheelchair accessible.

The mystery shopping research was carried out during March and April 2015, with two tranches of 26 trips comprising a mix of disabilities including wheelchair users, ambulant disabilities, deafness, blindness, learning difficulties and mental illness. The mystery shopping exercises have shown that there are a number of problems with only two out of 26 trips being completely satisfactory.

On the other hand most drivers knew the routes and most charges were correct and there were also some very good examples of helpfulness in relation to customer care.

The biggest problems relate to travel by wheelchair users. There was an alarming record of poor or non-existent securing practice not to mention reluctance by many drivers to carry wheelchair passengers. The same applies to people travelling with guide dogs.

Communication skills are also lacking largely due to lack of appropriate knowledge, embarrassment or awkwardness rather than deliberate rudeness.

1. Introduction

Watford Borough Council (WBC) is responsible for the licensing of hackney carriage and private hire vehicles operating within the council area. A cap on the number of hackney carriage vehicles was re-introduced to the area on 19th March 2012 by the Licensing Committee. A reducing limit policy was also introduced meaning that licences surrendered or revoked will not be reissued. Current vehicle licences however can be renewed, updated or transferred to another owner. Applications for new vehicle licences can be made and will be considered but only granted in exceptional circumstances by the Licensing Committee.

Over recent years, WBC has strengthened their disability training for licensed vehicle drivers. The training has also included operators, of whom ten have been briefed directly about their responsibilities.

Study timetable

Watford Borough Council appointed CTS Traffic and Transportation (CTS) in partnership with Social Research Associates (SRA) on 19th February 2015 to undertake this "taxi mystery shopper test purchase" study. The final scope of the study was confirmed at the inception meeting, held on Friday 20th February 2015 by telephone conference.

The review was carried out during March and April 2015, with tranche 1 shopper trips completed by 14 March and tranche 2 by Tuesday 28th April 2015. A Draft Final report was submitted and this was reviewed in May 2015 to identify any factual or missing issues. The Final Report was issued in June 2015.

National background and definitions

At the present time, hackney carriage and private hire licensing is carried out under the Town Police Clauses Act 1847 (as amended by various further legislation including the Transport Act 1985, especially Section 16) in regard to hackney carriages and the Local Government (Miscellaneous Provisions) Act 1976 with reference to private hire vehicles. A number of modifications have been made within more recent legislation and through case law.

The current status of legislation / practise with respect to how licensed vehicles meet the needs of those with disabilities sees a limited number of measures in place and a much larger number of potential measures as yet to be enacted or consulted upon before further moves might be made towards their becoming legislation.

The Equality Act 2010 includes a number of sections relating to hackney carriage and private hire and how individuals who are these vehicles customers should be protected from unfair treatment. Sections 160 to 173 provide a range of provisions which affect hackney carriage and private hire vehicles in different manners.

Sections 168 to 172 relate to assistance dogs and exemption on medical grounds for drivers if unable to service such requests. These sections are in force. None of the other sections are yet in place.

For the sake of clarity, this report will refer to 'licensed vehicles' when meaning hackney carriage and private hire collectively, and to the specific type when referencing either specific type of vehicle. The term 'taxi' will be avoided as far as possible, although it has to be used in its colloquial form when dealing with the public, few of whom are aware of the detailed differences. In fact, in some authorities the distinction between vehicle types can be relatively moderate – for example some authorities allow meters in private hire vehicles or require private hire to have roof signs and / or liveries, whilst in some places hackney carriages require very little distinctive in their appearance to the local private hire vehicles.

Review aims and objectives

Watford Borough Council (WBC) is seeking research to aid WBC in obtaining an overview of the general situation with respect to compliance with disability awareness training and legal requirements upon drivers with respect to their fair treatment of those travelling with disabilities. The project is specifically **NOT** to obtain evidence for use in prosecution or other enforcement action.

Scope of works and objectives

Watford Borough Council suggested the scope of work required as follows:

- A mystery shopper programme that adequately tests both taxi and private hire trades
- Sufficient visits to ensure that an accurate picture of trade and customer service to those with disabilities can be gauged
- Headline results from each tranche of surveys
- Recording of any additional relevant / helpful information from individual shoppers

In order to meet Watford Borough Council's objectives, a methodology was adopted which is further detailed in Chapter 3. The methodology used includes drawing guidance from both the 2004 DfT letter and their 2010 Best Practice Guidance (which includes the 2004 guidance as an appendix), as well as issues raised by the LC recommendations together with experience of similar studies.

Report structure

This Report provides the following further chapters:

- Chapter 2 – current background to taxi licensing statistics and policy and background information setting the scene of what is available to those with disabilities needing to use licensed vehicles in Watford
- Chapter 3 – results from the two mystery shopping exercises
- Chapter 4 - recommendations arising from this review.

2. Background to licensed vehicles in Watford in 2015

The Watford Borough Council area

Watford is one of the two major suburban regional centres of Hertfordshire located just north of London at a key interchange on the West Coast Main Line railway route. Over the next few years the Metropolitan underground line, which presently terminates in the suburban west of Watford itself, will be extended through to serve both Watford High Street and Watford Junction stations, making the Junction station (itself presently just having been rebuilt) even more a focus of passenger arrivals in the town.

Watford Borough licensing area has some 92,096 resident head of population according to the 2015 estimates from the latest 2011 census results. Of these some 13% are aged 66 or more.

The main shopping centre, just recently refurbished and renamed the 'intu Watford Shopping Centre' runs south-north along the axis of High Street between High Street railway station and the Town Hall. The centre of this axis is also the centre of the main night life area which draws large volumes not only from Hertfordshire but also from the London area and has a wide catchment. Many large companies have their headquarters in Watford and tourism has received a more recent boost with the development of the Warner Brothers studios.

A large number of people pass through Watford on journeys to a wide range of locations including Heathrow Airport and major tourist and business destinations including the Warner Brothers studios. Some leave Watford to work in London and other locations, others come in to shop or work in Watford central area. This makes provision for those with disabilities much more important to this area than for other places with more local journeys and focus.

Watford Borough is surrounded on three sides by the more rural Three Rivers licensing authority whose vehicles do provide some trips that might be felt to be due to Watford licensed vehicles, although these need to be excluded from any research as our focus is on Watford Borough provided licensed vehicle services. Watford residents may find it hard to differentiate such vehicles based on phone number differentiation although Watford vehicles are clearly identified. Our research focusses on the tight Watford Borough area whilst acknowledging that Watford Borough licensed vehicles will also undertake trips with just one end within the Borough – at least legally.

Background statistics

WBC currently licences both hackney carriage and private hire vehicles and has a clear set of conditions defined for differentiating both vehicle types (last updated in September 2011). The style of differentiation of vehicles has changed over the years but has remained the same since the revisions instigated in 2011.

Hackney carriage vehicles, which can pick up at ranks, be hailed or can operate through phone bookings, are differentiated by having a roof sign and door signs with the local authority crest. In the past these vehicles have also been painted black and white but this has not been the case for some while. Private hire vehicles can be differentiated from private cars and from hackney carriages by door signs clearly identifying them as Watford private hire vehicles. These signs also clearly state that the vehicle is for advanced bookings only.

Further, the vehicle can advertise the company it belongs to but that company must not have the words 'taxi' or 'cab' in their titles or on-vehicle advertising. The vehicle can be any colour but not white. For some disabilities, ability to be reassured that the vehicle is the one they have booked, or is one from a known provider, can be important.

Location of the 'plate' confirming the licensing of both hackney carriage and private hire vehicles is 'prescribed by the Council's inspecting officer' (private hire conditions). This is normally located on the rear bumper of the vehicle. Our demand study for the Council in 2011 proved that people had generally understood the change in how to differentiate vehicles and that the key sign to look for with a hackney carriage was the roof sign followed by the door sticker. Hackney carriages can be any colour, and those added when there was no limit had to be wheel chair accessible or have a swivel cushion and be capable of carrying a wheel chair folded.

Information was obtained to demonstrate the current make-up of the licensed vehicle fleet in the Watford Borough Council area, including current vehicle trends. The table below shows the historic level of vehicle numbers in this area, the split between private hire and hackney carriage and the level of wheel chair accessible vehicles in each fleet.

Hackney carriage vehicles (%WAV)	Private hire vehicles (%WAV)	Total licensed vehicles f	Driver numbers				Operators	
			Hcd	Phd	Dual	Total		
DfT 2005 data suggests limit began in 1985, removed 2006, replaced 2012								
1994	61	unknown	n/k	122	n/k	n/k	n/k	n/k
1997	63 (3%)	118	181	124	185	0	309	n/k
1999	63 (5%)	282	345	109	194	(109)	303	7
2002	63 (13%)	202	265	121	271	0	392	10
2004	63	450	513	0	0	665	665	44
2005	73 (42%)	199	272	131	235	0	366	12
2007	213 (23%)	92	305	57	54	254	365	25
2009	249 (36%)	69	318	0	0	404	404	23
2010	249 (18%)	135 (26)	384	Not collected				
2011	303 (19%)	115 (0)	418	0	0	442	442	20
2012	304 (25%)	116 (1)	420	Not collected				
2013	304 (18%)	161 (0.0)	465	0	29	484	513	10
2014 NPHA	295 (20%)	118 (0)	413	Not collected				
2015	279 (27%)	126 (0)	405 (19)					

Note: DfT statistics used from 1994 to 2009, 2011 and 2013.
 National Private Hire Association surveys for 2010 / 2012 and 2014.
 Council statistics provided end of Feb 2015.

The table above demonstrates that there are presently just over 400 licensed vehicles in the Watford licensing area – and that private hire vehicles make up 31% of the licensed vehicle fleet. This is a result of the period when there was no limit on hackney carriage vehicle numbers – before which the private hire fleet was around 66% of the total fleet. Private hire vehicle numbers are now very similar to what they were in 1997 when statistics were first collected. In comparison, hackney carriage numbers are now well over four times their 1994 level.

What is most interesting from the point of view of this survey is that there are no wheel chair accessible vehicles in the private hire fleet. At February 2015 just over a quarter of the hackney carriage fleet are wheel chair accessible. This means that there is about a fifth of the overall fleet wheel chair accessible. Further comments about the impact of this (and the practical outworking for those with disabilities) are discussed below.

The 'settling' limit set on hackney carriage vehicle numbers in 2012 is seeing some impact, with around an 8% drop in hackney carriage vehicle numbers since the 2012 peak. Private hire vehicles have generally stayed about the same level since 2010.

Driver numbers are presently about 66% higher than in 1997, although these are not much higher than the number of vehicles suggesting most vehicles tend to be operated by a single driver. There was a shift to a single driver type around 2008. Operator numbers have halved in the last two sets of information from a high of 44. The level of 10 is the same as it was in 1999.

Availability of licensed vehicles in Watford

Whilst there are other smaller centres around the Borough, including supermarket sites and business parks, and some suburban hackney carriage ranks, the main focus of hackney carriage ranking remains at Watford Junction station – and is likely to do so for some while. In 2011 this location saw 52% of passenger hiring from ranks.

The focus of any hackney carriage journey research will need to be journeys originating at this location, radiating to various places within the Borough (but acknowledging that there can also be longer distance trips from here including to Heathrow Airport). The next largest rank in passenger terms is Rickmansworth Road although this is principally a night location mainly operating at weekends. Other High Street (formal and informal) locations (including Central Rank and Lower High St) took some 19% of passengers in 2011 – generally providing shopping to home trips which are much more likely to be local residents.

Many of the hackney carriage fleet belong to radio or private hire circuits which increases their availability and can be important for those with disabilities who do not wish to risk finding an appropriate vehicle at a rank for their return trip. The breakdown of the current fleet in terms of telephone availability is a key factor in setting up our surveys (see discussion below).

The private hire vehicles service telephone bookings only, many of which will originate from homes whilst they will also often include return trips from the central area which may or may not be booked at time of outward journey. Many such trips will also be using free phones located at key supermarkets and some other key centres such as the hospital, often outside the main central area. More recently people are tending to book vehicles using mobile phones, with 'apps' starting to see much more use in the last year or so.

Night private hire trips are focussed on a key pick-up point encouraged at the Rickmansworth Road roundabout (the 2011 survey identified about 7% of observed passenger trips from this location). This may not, however, be a particularly good location for those with disabilities to get to.

At the present time there are a wide range of vehicles in the hackney carriage fleet – the kinds of vehicle available determine the service possible to those with a range of disabilities. Whilst some persons need wheel chair accessible (WAV) or mobility impaired accessible vehicles, other disabilities require different types of adaptation, such as for those with visual or auditory issues, who may find fully WAV style vehicles actually worsen their ability to use the service. The review of available vehicles is reported below.

Further, at the present time in Watford, the vast majority of drivers are able to drive either hackney carriages or private hire vehicles without distinction with all being able to drive private hire vehicles. This should mean a level playing field in terms of their training and experience towards the passenger, but can also widen the number of persons needing to be reviewed if a passenger reports an issue but failed to obtain the driver badge number.

Vehicle Types

Of the current hackney carriage fleet of 279 vehicles there are:

- 49 London style (fully wheel chair accessible)
- 26 other WAV style
- 93 people mover style
- 11 estate cars

Of the 26 other WAV style, there are some seven different makes at the present time with appropriate fitments to be counted as WAV:

- Mercedes Vito (12)
- Fiat Scudo (5)
- Mercedes Viano (4)
- Nissan Primastar (2)
- Hyundai i800 (1)
- Ford Tourneo (1)
- VW Transporter (1)

The total WAV fleet at this time is therefore 75 vehicles, or 27% of the fleet but it must be reiterated that all of these are within the hackney carriage fleet.

Of the 126 private hire vehicles:

- 78 are saloon
- 16 are estate
- 32 are MPV

Licensing advised us that none of the MPV style private hire vehicles are wheel chair accessible – even if the vehicle could be, none have the relevant adaptations fitted. As this is the case, the overall proportion of the licensed vehicle fleet which is WAV is therefore 19%.

Fleet ownership structure

Approximate information was provided to identify the current fleet structure for the licensed vehicle fleet. There are ten private hire operators at this point in time. Three are 'one-man' operations each with a single vehicle. There is one hackney carriage operation without a private hire operator licence, and one hackney carriage operation which has just gained a private hire licence but has no private hire vehicles allied as yet. There are two private hire companies who only operate as private hire (one being the largest operator in the area).

The hackney carriage only circuit is the next largest operator. There are four companies who operate a mixed fleet of hackney carriages and private hire vehicles – two of whom have London style WAV. The other two have MPV but it is not clear if any of these are WAV style.

Overall there are six companies / hackney operations with 19 or more vehicles, two with around 10 (although we are aware that one of these seems to be under-reported in terms of hackney carriages allied to them) and three one man band independents.

Around 40% of the hackney carriage fleet are allied to either the hackney carriage operation or private hire companies and therefore directly available by phone (we are aware that this figure is an under-estimate as many work for one operator and do not appear to have recorded this). Including in this total are 20 (7% of hcv total) London style and 41 MPV (15%) although it is assumed that none of these are WAV.

We were advised that any company without WAV style vehicles will have some agreement with a driver with a WAV to be able to provide for any person calling requiring such a vehicle – best practise. From the information we have, this would definitely apply to the two private hire only operators (one of whom is the largest operator in the area), and may apply to one of the mixed fleet operators who have MPV but which are not WAV.

3. Results from Mystery Shopping surveys

3.1 Methodology

In order to meet Watford Borough Council's objectives, the following methodology was adopted:

- A telephone inception meeting to confirm outline details and methodology
- Collation of background information to set the context in which the mystery shopping exercise was undertaken (Chapters 1 and 2 above).
- A visit to Watford to meet key stakeholders and identify potential mystery shoppers
- Two tranches of 13 mystery shopper trips including an interim report after Tranche 1, split between wheelchair users, ambulant disabled, deaf and hearing impaired, blind and visually impaired and those with learning difficulties (this chapter)
- Production of this Final Report summarising results and providing practical recommendations

3.2 Contact with stakeholders

Face to face discussions have been held with:

- Members and associates of Disability Watford
- Administrators and reception staff at Watford General Hospital
- Direct face to face interviews including some who were recruited to undertake mystery shopping taxi trips with disabled people in Watford Town Centre
- Staff at Watford Junction and Watford Underground Station
- Staff at supermarkets and other key venues such as the Central Library and Museum

In addition contact was made with staff or users of:

- Disability Watford
- PHAB Watford
- Mencap
- Drums Day Centre
- Watford Social Centre for the Blind

3.3 Mystery Shopping Trips

During the period early March to late April the following trips were carried out on a mystery shopping basis:

	6 th – 14 th March	16 th – 28 th April
Wheelchair users	5	6
Ambulant disabled	2	3
Deaf	2	1
Blind	2	2
Learning disabilities	2	1

Participants recorded details of pick up and drop off points, the type of vehicle as well as qualitative aspects of the trip. A copy of the form used is included at Appendix 1 together with a summary of each trip made.

Although the majority of trips were made by hackney carriages, some were booked by telephone. Where a wheelchair accessible vehicle was required all vehicles were hackney carriages but on some occasions the disabled passenger preferred a saloon type vehicle. For journeys in saloon vehicles it was not always possible to ascertain whether the status of the trip was by hackney carriage or private hire.

3.4 The results

Booking and hailing

All the wheelchair users, two of the ambulant disabled and three of the blind passengers (one travelling with a guide dog) needed an accessible vehicle. This requirement resulted in longer waits on average ranging from 5 minutes (at the Central rank) to over 50 minutes at the hospital. For example, at the hospital three patients who also used the courtesy phone to book after the mystery shopper made their booking - but were able to use saloon vehicles were collected before the mystery shopper's wheelchair accessible taxi. In other cases (for example at the library) there were no accessible taxis available for "at least two hours" and our mystery shopper agreed (and was able) to transfer to a saloon albeit with some pain and difficulty.

"We used the Freephone in the hospital reception but they said they didn't have any accessible taxis in their company. They were apologetic but it didn't help us and if we hadn't had some other taxi company numbers we'd have been completely stuck."

One of the difficulties with a mixed hackney fleet is that bookings need to specify the need for a wheelchair accessible taxi and this allows for the possibility of discrimination. This is hard to prove but one of the mystery shoppers who phoned and was told none was available called back five minutes afterwards requesting a 'taxi which would take a buggy' and a wheelchair accessible taxi turned up almost immediately.

"We were resigned to booking a saloon and collapsing the wheelchair but then a London type cab turned up immediately after they said they didn't have one."

Other wheelchair users found it embarrassing at the Station rank when drivers had loud discussions about who would take the wheelchair booking.

"There was a bit of a conflag about who would pull out of the queue to take me especially when I said where I was going which was only a short trip away."

Attempts were also made by two wheelchair users and one person with a guide dog to hail from the street. One taxi stopped for the wheelchair user (after five had failed to stop) but none stopped for the other wheelchair user (passed by four taxis during a 1 hour period at The Crescent/Exchange Road) or the person with the guide dog (waiting with companion for half an hour and passed by three accessible and two saloon taxis).

Ranks

The location of ranks in Watford was found to be convenient with the exception of the layout at Watford Junction Station and the provision for taxi pick-up within the Hospital site.

At the Station, the signage directs wheelchair users to the main rank to the right of the entrance (as you leave the station). However, there is inadequate room for loading wheelchairs at this location and wheelchair passengers are further directed to a disabled loading point. This represents an additional effort by the wheelchair user especially when travelling alone which added to the reluctance of some drivers to lose their place in the queue is not a welcoming experience especially to first time visitors to Watford.

"I went across to the head of the rank but the first three were saloons. Then there were arguments between the drivers about who was going to take me which made me feel bad. Then I was told to go over to the other side of the station and wait. I didn't know where to go but finally found a marking on the road where I waited for another 5 minutes. The camber to this new space was steep and when the driver arrived he seemed cross."

At the hospital there is a lot of congestion and at the main entrance ambulances take up space in the reception area resulting in some wheelchair users needing to cross the road to reach the taxi parking place. One driver was moved on by security before the passenger could get to the parking place and another found the ramp too steep in the absence of access to a kerb.

Loading, seat belts and wheelchair securing

One driver of a wheel chair accessible vehicle did not have a ramp available. Another parked so that the swivel seat required for an ambulant disabled passenger could only be accessed from the road.

Of the 11 wheelchair users two were properly secured for both wheelchair and passenger.

One driver asked the wheelchair user if she wanted to be secured in a tone of voice implying it would be a nuisance if she did. Another driver claimed the wheelchair was "too big" to be secured.

"He said my wheelchair was too big to be strapped down – but I had already had this done OK in a similar taxi earlier in the day. He then said 'don't worry I'll drive slowly' but as we turned the corner my friend had to hang on to stop my leg banging against the seat."

Three drivers did not secure the wheelchair properly and did not secure the passengers' seat belts at all. One driver bumped the passenger's leg against the door whilst loading.

None of the drivers checked that passengers were using their seat belts (this is not to imply they should have done so but perhaps something to expect especially in the case of the person with learning difficulties).

"I was left to travel sideways not correctly strapped in – I was travelling with a child also not strapped in until I asked."

There were also some problems with ambulant disabled passengers in terms of not offering the choice of a swivel seat where one existed or failing to move the front seat of a saloon car forwards or backwards to give more room. There were also problems in helping with luggage and storage of crutches or walkers.

"He made no attempt to help put my sticks in the boot or hand them out when we arrived. He just sat there."

Customer Care

There were some very good reports of excellent customer care for all types of disabled customers but sadly these were the minority.

Both the deaf passengers and those with learning difficulties carried a note giving the name of their destination. In four out of the five cases the driver did not attempt to communicate with them during the journey although the fifth driver was excellent and returned money to the passenger with learning difficulties who had the wrong fare. One passenger had Tourette's syndrome and was told by the driver to 'be quiet'. Others reported language difficulties.

"I was taken to the theatre when I had said the museum but the driver didn't seem to understand me and I certainly didn't understand him either."

For those requiring the accessible vehicles, the general impression was of reluctance by drivers although there were exceptions with two drivers being very helpful in carrying luggage and giving onward directions within the pedestrian area.

"When I approached the taxi driver, he seemed really (annoyed) and got the ramps out with a lot of huffing and puffing and never said a word to me. When someone acts like that it's embarrassing ...awkward to be loaded especially as he has to bend down close to you to anchor the chair."

Other drivers were unprofessional – for example, grumbling about the foolishness of the Council's traffic management, swearing at other drivers. Two trips resulted in people being dropped at the wrong place.

"Even when he took the booking, the driver said he was late for his next booking and when we got near the shopping centre he dropped me off two streets away because he said it was too congested."

"The driver didn't know the way and got lost - in the end I used my sat-nav to help him but he didn't take anything off the meter."

There were clearly issues with guide dogs – one accessible taxi had an old blanket apparently permanently draped across the back seat on the grounds "in case a dog gets hairs on the seat."

"In spite of it being illegal - I've come to know that guide dogs are not welcome by many of the Watford taxi drivers – over the years I've had excuses such as diabetes, asthma and allergy."

Charging

Most drivers charged the amount on the meter but in one case there was already £4 on the clock when the taxi arrived (in Clarendon Road) and in another case the meter was not turned off until the wheelchair user was unloaded (at the Council Offices).

One driver gave insufficient change – apologising when this was pointed out – so there is no way of knowing if this was a genuine mistake.

Another driver appeared to use a longer than necessary route (from the town centre to the football ground via Whippendale Road) but this was said to be due to road works.

Finally there were two instances of drivers not having any change resulting in the passenger paying more.

"The fare was £8 and I would've given a £1 tip but I didn't want to give £2 but I ended up having to because he said he didn't have any change and there was nowhere at the cemetery to get any."

Conclusion

The mystery shopping exercises have shown that there are a number of problems with only two out of 26 trips being completely satisfactory.

On the other hand most drivers knew the routes. Most charges were correct. There were also some very good examples of helpfulness in relation to customer care.

The biggest problems relate to travel by wheelchair users. There was an alarming record of poor or non-existent securing practice not to mention reluctance by many drivers to carry wheelchair passengers. The same applies to people travelling with guide dogs.

Communication skills are also lacking largely due to lack of appropriate knowledge, embarrassment or awkwardness rather than deliberate rudeness.

4. Recommendations

Introduction

Our research into the experiences of disabled taxi users has been undertaken in over twenty towns and cities some with a hundred percent wheelchair vehicles and some with mixed fleets.

Although the focus of this exercise was on the customer experience, it is clear from the point of view of some in the taxi trade that disabled passengers are perceived as representing additional challenges. Disabled taxi users often need extra help with loading and securing. Others may have different communication needs or tip less due to low incomes. Added to this, some drivers may have cultural or religious beliefs about disability which lead to discrimination.

Nevertheless, there can be no excuses for discrimination and poor service such as the mystery shopping exercise in Watford has shown.

Recommendation 1: Training

It is clear that drivers need training in both disability awareness and practical skills in loading and passenger handling in general. This should include offering appropriate help such as luggage storage and communication. Being more aware and understanding the vulnerability of some disabled people is a key factor in improving service standards.

There are some excellent training courses on offer in terms of disability awareness including from Disability Watford. However, it is also recommended that these incorporate participation from drivers or others knowledgeable about the trade, practical demonstrations and frank discussions about real and perceived problems associated with the work. The training should also show evidence of the economic benefits of good service to disabled passengers including reducing potential for unmet demand and opportunities for contracts.

The training should be accredited and marketed as an essential aspect of professional taxi service provision. It would be ideal if hackney carriage and private hire drivers as well as operators enrol.

Recommendation 2: Guidance for disabled taxi users

One of the ways to improve taxi services is to provide good information to customers. During the research we found a gap in such provision and a number of misunderstandings by users. For example, some of the mystery shoppers thought that wheelchair accessible hackney carriages charged higher fares than saloon hackneys. Another issue was wheelchair size with guidance needed about which sizes and types would be acceptable for use in taxis.

The existence of swivel seats in some vehicles was also a feature of which most were unaware and which would have been helpful especially for ambulant disabled passengers.

Recommendation 3: Ranks and Drop off points

The mystery shoppers experience a range of problems with the placement of ranks and taxi pick-up points especially (as described above) at the station and the hospital. We understand that there are new plans for the layout of the hospital site so the Council have an opportunity to ensure that the needs of disabled taxi users are properly considered within the planning considerations for the revised site.

Similarly there should be a better arrangement at Watford Junction station – at the very least signing to the disabled pick up point although this would not solve the initial problem of needing to hail from the main rank and then moving over to the other side for loading. The Council need to continue working with those responsible for the design and operation of the station rank and environment to see significant improvement.

On a broader basis it would be useful for an audit of all ranks and private hire office parking arrangements to be carried out bearing in mind the issue of wheelchair accessible vehicle and saloon car front seat left side loading being essential.

Recommendation 4: Stakeholder consultation and monitoring

The mystery shopping exercise has been modest with only 26 trips spread across all disabilities. However, contact has been made with stakeholder organisations representing disabled people and also staff of key public venues. The key message from such organisations especially those representing disabled people is that there needs to be more discussion and ongoing monitoring by disabled taxi users themselves.

Appendix A – Summary of Mystery Shopping Trips and questionnaire schedule

Date	Start	End	Type	Waiting time	Loading	Route	Charge	Customer Care	Other problem
6/3	High St	Watford Jn Station	WAV	10 min	X	✓	✓	x	Yes
6/3	Watford Met Station	Clarendon Rd	WAV	30 min	X	✓	x	x	No
6/3	Rickmansworth Rd	Watford General Hospital	WAV	20 min	x	✓	✓	x	Yes
6/3	Watford Jn Station	Hospice	WAV	15 min	x	✓	x	✓	Yes
7/3	Exchange Rd	Bushey Station	Saloon	40 min	x	✓	✓	x	Yes
8/3	High Street	Football Ground	WAV	5 min	x	x	✓	✓	Yes
12/3	DWP Neasden Lane	Bushey	WAV	2 min	✓	✓	✓	✓	No
12/3	Watford General Hospital	High Street	WAV	50 min	x	✓	x	x	No
13/3	Albert Road	Bushey Grove	WAV	30 min	x	✓	✓	x	No
13/3	Rickmansworth Rd	Century Park	WAV	20 min	x	✓	✓	x	Yes
14/3	Watford Jn Station	George St	WAV	10 min	x	✓	✓	x	Yes
14/3	Beecham Grove	Watford Jn Station	Saloon	40 min	x	✓	✓	x	Yes
14/3	Library	Stratford Rd	Saloon	3 min	✓	✓	✓	✓	No
16/4	Watford United Football Ground	Watford General Hospital	Saloon	10 min flagged down	✓	✓	✓	✓	Yes
16/4	Watford Jn Station	Watford General Hospital	WAV	0 mins At rank	x	✓	✓	X	Yes
18/4	Watford General Hospital	INTU shopping centre	Saloon (Toyota)	40 mins	x	✓	✓	X	Y
18/4	Rickmansworth Rd	Watford Jn Station	WAV	50 mins	✓	✓	x	X	Yes
21/4	Central rank	Vicarage Rd Cemetery	WAV (LTI)	0 mins	✓	✓	✓	X	Yes
21/4	Cassiobury Park	Museum	WAV	5 mins	x	x	x	X	Yes
25/4	Rickmansworth Rd	Premier Inn	WAV	35mins	x	✓	✓	X	Yes
24/4	Watford Business Park	Watford Jn Station	WAV	50 mins	x	✓		✓	Yes
24/4	Watford General Hospital	Bushey Station	Saloon	10 mins	x	✓	✓	✓	No
25/4	Watford Jn Station	Derby Rd Baptist Church	Saloon	0 mins	x	✓	✓	x	Yes
28/4	Bell pub	Tolpits Business Park	Saloon	0 mins	✓	✓	✓	✓	No
28/4	Langleybury Farm	Cassiobury Park Cafe	Saloon	5 mins –	✓	✓	✓	✓	Yes
29/4	High Street	County Court	Saloon	10 mins	✓	✓	✓	x	Yes

Key

Wheelchair user (11)	Ambulant disabled (5)	Deaf (3)	Blind (4)	Learning difficulties (2) or mental illness (1)
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Watford Taxi User Research – “Mystery Shopping” exercise

Thank you for your offer to help with this study which is to understand more about the experience of disabled people (especially wheelchair users) in using taxis in Watford. We are especially interested in what happens if you hail a taxi from a rank (hackney carriage) rather than pre-booked (private hire).

The plan is for you to make a taxi journey in the Watford area and then tell us how they got on via a short questionnaire or telephone interview. It is important that you do not tell the driver about the survey as that could bias the results. We would then ask you to complete the form below describing your experience (plus the general questionnaire also below). The results will be anonymous at the individual level. We need to carry out this research by the end of April.

Kristine Beuret OBE, Director,
Social Research Associates
07771 661156 or Freephone number 0800 0854414

Report Form (fill in one for each trip and tick the answers that apply)

1. Starting point

Give details	
Rank (give street name)	
Other location (give details)	
Refused to accept booking (give more details in box 5 below)	

2. End point

Give details	
Rank (give street name)	
Other location (give details)	

3. Type of taxi

3(a) Type of booking		3(b) Type of vehicle			
Hackney (legal to hire from street). In Watford some of these are purpose built (e.g. wheelchair accessible)	Private Hire (these are prebooked)	Traditional black cab (made by LTI)	Other purpose built wheelchair accessible make (specify if possible)	Saloon car type	Don't know

4. Quality of trip

	Yes	No	Comments
Did you have any problems booking or finding a taxi			
Did the driver provide good customer care?			
Was the type of vehicle suitable for your trip			
Did the driver know the way?			
Was the charge correct?			

5. Any other comments you would like to make about your trip?

Q6 Do any of these apply to you? (Indicate as many as apply)	I need a wheel chair accessible vehicle	1
	I need an adapted vehicle, but not wheel chair accessible	2
Other comments – write in		

Q7a Have you ever given up waiting for a hackney carriage at a rank in Watford?	Yes 1	No 2
Q7b Have you ever given up when trying to hail a taxi in Watford	Yes 1	No 2
Q7c If Yes to a or b above – please write in where and more details		

Q8 Do you have regular access to a car?	Yes 1	No 2
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Q9 Do you live in the area?	Yes 1	No 2
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Q10 Sex	Male 1	Female 2
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Q11 Age	Under 30 1	31 – 55 2	Over 55 3
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Q12a Nature of disability	Ambulant 1	Visual 2	Aural 3	Cognitive 4	Other 5
Q12b	Are you travelling with a child/buggy			Yes	No

*PART A

Report to: Licensing Committee
Date of meeting: 14 September 2015
Report of: Head of Community and Customer Services
Title: Licensed Driver Knowledge Test

1.0 **SUMMARY**

- 1.1 The council is responsible for licensing hackney carriage and private hire drivers. Current policy requires new applicants to pass a written multiple choice style knowledge test taken over 3 hours. The test comprises four parts: routes, regulations, highway code and basic maths. The Committee is asked consider amendments to the style, delivery and cost of the test for prospective drivers.
- 1.2 Introduction of a training module for regulations, safety, customer service and disability awareness will significantly improve a new driver's understanding of the role and responsibilities of being a professional taxi or private hire driver.

2.0 **RECOMMENDATIONS**

- 2.1 That from 1 April 2016 applicants for a hackney carriage driver's or private hire vehicle driver's licence
- (1) attend a full day course which includes training in the relevant legislation and other key information required to be a competent and safe driver.
- (2) that the course comprise half a day of training, half a day of practical disability awareness training, and a formal examination to test new knowledge.
- 2.3 That candidates for the Knowledge Test pay a fee of £97 for a test, or £67 for a re-test. No refunds will be available unless cancelled at least 3 working days in advance, although attendance will be transferable to the next available course if the Council is notified within 24 hours of the course and with good reason.
- 2.4 That officers are authorised to procure a provider for the disability awareness element of the proposed Knowledge Test.
- 2.5 That officers have delegated authority to make minor modifications to the scheme, in consultation with the Chair of the Licensing Committee.

Contact Officer:

For further information on this report please contact: Jamie Mackenzie (Licensing Officer) on extension 8520 or email jamie.mackenzie@watford.gov.uk.

Report approved by: Alan Gough, Head of Community and Customer Services

3.0 DETAILED PROPOSAL

- 3.1 Current policy requires that an applicant for a hackney carriage or private hire vehicle driver's licence must undertake, at their own cost, a written knowledge test. The test comprises of routes, mental arithmetic and relevant rules and regulations. Applicants must also undertake a separate disability awareness training course within three months of the grant of a licence. Knowledge tests are organised on at least a monthly basis.
- 3.2 There are at least sixteen places available each month for the knowledge test and courses are generally full at least one month in advance. At peak demand time, for example nearing December, places on courses can be full two or even three months in advance. The main reason for the level of demand is the failure rate of applicants meaning most require to retake the test a few times. This process is now significantly slowing the rate at which applicants are able to obtain a licence and in relation to private hire drivers, this is impacting on private hire operators who inform us of a shortage of drivers.
- 3.3 Most applicants, over 85%, fail the first test they sit. Many drivers (75-80%) fail the second test they sit. Most pass on the third or fourth attempt.
- 3.4 Officers verbally and via the website advise drivers of how to prepare for the test, including having example papers on the website. However, this does not appear to be effective and brings into question what the test is currently achieving. This proposal is to modernise the test to improve driver standards, but also to support candidates to achieve success and reduce the need to retake the test if candidates are suitable. The reason for the failures can be lack of local knowledge of routes, which is not something that is proposed as a training topic, but it is just as likely that applicants will fail on their knowledge of rules and regulations and highway code. Almost all applicants pass the mental arithmetic segment of the test.
- 3.5 Candidates are currently tested on their knowledge of the rules and regulations governing hackney carriages and private hire vehicles. These rules are taken from national legislation, local bylaws and conditions attached to licences.
- 3.6 On application for a test, applicants are directed to online information in the form of various literature containing the information they need to learn.
- 3.7 The rules and regulations governing hackney carriages and private hire vehicles are wide ranging and fairly complicated. It seems that the high failure rate of most first time applicants is linked directly to a lack of understanding of the principles behind these regulations, and a failure to grasp the necessary important information from the literature provided. Furthermore, it is possible that some applicants who pass the test on their third or fourth attempt have done so simply by remembering and learning the questions rather than by way of fully understanding the relevance or importance of the

questions. Different test papers are used but given the nature of the test it is inevitable that questions are repeated across some papers. If an applicant takes the test enough times, it is likely they will see the same questions appearing.

- 3.8 It is anticipated that a period of focused training prior to the examination will instil in new applicants a genuine understanding of the principles behind the regulations leading them to be able to make informed decisions from the very start of their careers.
- 3.9 Training prior to a competency test is common place in many spheres of work, a notable example being training for holders of personal licences. It is a requirement of the Licensing Act 2003 that holders of a personal licence will have a formal qualification. Likewise, the Security Industry Authority require new security staff to have formal, accredited training. There is no intention to accredit driver training yet but this could be a future possibility.
- 3.10 In addition to training about rules and regulations it is proposed to deliver elements of the current professional driver update course currently provided for existing drivers. Much of what is discussed at this update course would be relevant to new drivers, particularly the segments on driver safety and customer service. Whilst there would not be a test for this part of the training it is felt that the opportunity to deliver this additional information should not be missed.
- 3.11 It is important that new entrants to the trade are able to provide a safe and effective service to people with disabilities, who often rely on licensed vehicles as their primary form of transport. This was recognised by the Law Commission in its report on Taxi and Private Hire Services¹ which said:
- One of our key provisional proposals to promote equality and accessibility was that private hire and taxi drivers should be required to undergo recognised disability awareness training. This received unanimous support, and statistics published by the Department for Transport show that it is far from a universal requirement in current local licensing conditions. Lack of such training means that some drivers may be less likely to be aware of the needs and rights of disabled passengers; this can contribute to unacceptable practices, for example ignoring their attempts to hail a vehicle, carrying them in an unsafe manner, refusing to carry them at all or charging extra for the service.
- 3.12 Current policy requires applicants to arrange, at their own cost, training in disability awareness. Currently, the nearest provider (at St Albans District Council) who we were recommending applicants use as the cost is only £30, have a lengthy waiting time of between 2-3 months. Naturally, applicants are reluctant to book ahead without first having passed the knowledge test. This adds further delay to them attaining a licence with attendant knock-on effect on local private hire business.
- 3.13 It is proposed that a partner provider be found to deliver disability training in house as part of the improved and extended driver training and knowledge test. The council would be assured training would be delivered to an acceptable standard and prospective drivers would have less to organise when applying for a licence.

¹ *Taxi and Private Hire Services*, Law Com LC437 (2014), para 1.41
(http://lawcommission.justice.gov.uk/docs/lc347_taxi-and-private-hire-services.pdf)

3.14 Costs

The current cost paid by applicants for the test is £35. This is paid at the time of booking and is non-refundable, non-transferable. Given that most drivers take either three or four attempts to pass the test, the average cost to the driver is currently £105 - £140. The average time spent taking these tests is therefore 9 – 12 hours (and the average officer time per candidate per test is around two hours) Additionally, disability awareness training costs approximately £30 if undertaken at St Albans Council. If undertaken privately, the cost would likely be greater. Therefore, at present the average total cost is between £135 - £170.

3.15 It is proposed to charge £97.00 per driver for the new test. Current charges across Hertfordshire and Bedfordshire vary between £15 and £105 – but these charges don't include the disability awareness training too. It is understood the cheapest council, Three Rivers District Council, is about to review their test and fee, Stevenage charge £75 for an hour-long test, and Luton charge £74 for a computerised test. None of the councils offer training as part of the test, and all report high failure rates similar to Watford that indicate most applicants will pay repeatedly before passing.

This charge is comprised of the following costs per driver based on 16 drivers per course:

Administration, booking, database management - £7
Correspondence to driver – £5
Room Booking - £8.75
Training – £6.25
Test Supervision – £6.25
Disability Awareness - £30
Marking test papers/notification to driver – £25
Training Booklet - £10.00
General knowledge test administration and development - £5.00

Costs are calculated from council charges and no profit is made on this basis.

3.16 Applicants who failed the test would be able to re-book to sit the test, without the need for training in disability awareness, for £67 per application. This secondary cost is calculated by way of comprising the same administration and training costs as the first test minus the costs of the disability segment.

3.16 Example Syllabus

09:00 – 11:00:

Rules and Regulations
Driver Safety
Customer Service
How to report safeguarding concerns (Adult and Children)

11:15 – 12:15

Test of local routes

12:30 – 13:15

Rules and regulation examination

13:15 – 14:00

Lunch

14:00 – 17:00

Disability Awareness Training

- 3.17 It is proposed that drivers should undertake a topographical test on routes and how to plan ahead. This test should apply for hackney carriage and private hire licences although the format of each test would be significantly different.
- 3.18 As private hire drivers are in a position to pre-plan a route, the topographical test will focus on using a map, planning ahead for local delays or traffic conditions, and testing of some major routes such as to or from the hospital and other landmarks. It is the experience of the licensing team that a test on routes, however basic, shows a candidates' willingness to approach the examination and the job of a driver in a more serious and professional manner. Some degree of learning outside of the training course must remain to ensure high standards. However this will not be taught as part of the training syllabus.
- 3.19 The route test for hackney carriage drivers will remain unchanged from the current format.
- 3.20 The remainder of the test will be (as now) a multiple choice paper consisting of ten questions on rules and regulations, ten questions on the Highway Code and five questions on basic mathematics.
- 3.21 The test will be conducted in two parts. The first, on routes, will take 60 minutes. The second, consisting of all other parts, will take 45 minutes.
- 3.22 Applicants will undertake the test after the morning training period. The afternoon will be spent in disability awareness training.
- 3.23 Further benefits to this approach are anticipated through early contact and team building among prospective new drivers and the opportunity to prevent bad habits from forming when drivers are without guidance at the beginning of their careers. Drivers will have access to a concise syllabus and example questions booklet prior to the course date. This will incorporate all of the relevant information. They will be expected to study and learn this prior to the course. The information will be available to download from our website in line with current policy on providing information to customers and a paper format provided on the day.
- 3.24 Consultation with stakeholders has taken place over the last twelve months with verbal and written comments received from four private hire operators. Further consultation is proposed on the specific content of the course though not the general format.
- 3.25 It is proposed that the new knowledge test should commence from 1 April 2016. This allows for procurement of the provider for the disability awareness training, preparation

and a period of transition from the existing scheme. Initially the course will be run twice a month but demand will continually be assessed with the aim that applicants do not wait longer than 30 days to attend. It is anticipated that with an increased first pass rate demand is likely to decrease substantially and the course will then only be necessary once a month.

3.24 Given that courses are generally booked in advance by up to two months, candidates for the first course in April 2016 will likely be booking by February 2015 and provision should be in place by then to provide course information and literature for applicants.

3.26 Wider Application

Each borough determines its own application criteria. In Hertfordshire there is a mix of application procedures with some boroughs requiring that all drivers undertake a written knowledge test, whilst others require only hackney carriage drivers to undertake a test.

3.27 This local approach has both benefits and drawbacks. The benefit to the local authority is the ability to set criteria that best suits local residents. The drawback is that drivers working 'cross-border' are likely to have very different regulations imposed upon them potentially leading to poor customer service and confusion.

3.28 It is proposed that all local authorities Hertfordshire, Bedfordshire and Buckinghamshire be offered the opportunity to use this training in order that standards be homogenised across the most likely cross border trading zones. This would have the simultaneous benefit of both raising standards and ensuring that all drivers are happy that they are working on an equal footing. This is being discussed by Heads of Service across Hertfordshire and will be further explored if the recommendations proposed are agreed.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that there are no financial implications arising from this report. The training and tests are self-funding.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that individuals have the right of appeal against the refusal or revocation of a licence to the Magistrates Court.

4.4 **Potential Risks**

None identified

Background Papers

None

File Reference

None

*PART A

Report to: Licensing Committee
Date of meeting: 14 September 2015
Report of: Head of Community and Customer Services
Title: Chauffeur Knowledge Tests

1.0 **SUMMARY**

1.1 The Council is responsible for licensing private hire vehicles and drivers. This currently includes licensing some private hire drivers under different criteria as chauffeurs. The Committee is asked to consider whether it is appropriate to maintain this distinction and whether one common set of criteria ought to apply to all private hire drivers.

2.0 **RECOMMENDATIONS**

2.1 That officers review the current chauffeur scheme and bring a report to a future Licensing Committee with any recommendations for changes following appropriate consultation, and whilst this officer review is occurring any new applicants for “chauffeur” private hire driver licences be required to first complete the Council’s knowledge test before being granted a licence.

Contact Officer:

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on telephone extension: 8476 (email: jeffrey.leib@watford.gov.uk)

Report approved by: Alan Gough, Head of Community and Customer Services

3.0 **DETAILED PROPOSAL**

3.1 The Council is responsible for licensing private hire operators, drivers and vehicles. The Committee has set policies controlling the criteria by which those licences may be granted, refused or revoked and the licences are subject to reasonable conditions governing their use.

- 3.2 On 3 October 2001 the then-Environmental Health and Licensing Committee approved the introduction of a slightly separate scheme to licence chauffeurs. This was to accommodate a small number of businesses that were affected by the introduction of compulsory private hire licensing in London on the grounds that they provided a higher degree of discretion and security for their passengers, who typically at the time included film companies, royalty and other passengers requiring a high degree of security and discretion.
- 3.3 The key differences between routine private hire licensing and chauffeur licences are:
- (1) applicants for chauffeur driver licences do not take the council Knowledge Test
 - (2) applicants for chauffeur driver licences do not take the Driver and Vehicle Standards Agency driving assessment if they have some form of advanced driving qualification (such as the Institute of Advanced Motorists' certificate)
 - (3) chauffeur vehicles are exempt from the need to display a licence plate on the rear of their vehicles but still have to display a licence identification sign in the front windscreen
 - (4) chauffeur drivers are exempt from the need to wear (but must still possess) a drivers' identification badge
 - (5) chauffeur vehicle operators have to supply monthly records to the licensing team of the journeys they undertake to demonstrate they fulfil the exemption requirements.
- 3.4 Chauffeur drivers are subject to the same criminal record and medical checks, licence conditions and enforcement as all other private hire drivers.
- 3.5 There are only currently eleven chauffeur drivers, six of whose licences were granted for the first time within the last year. There are also only currently eleven chauffeur vehicles, and four operators.
- 3.6 Officers believe there is no longer a need for chauffeurs and private hire drivers to be differentiated. The licensees perform the same job, and there is a view that applicants will try and become licensed as "chauffeurs", particularly to avoid taking the Knowledge Test and considering the current high demand for driver licences (with approximately 100 candidates currently applying).
- 3.7 Officers intend to consult with existing operators on the proposal that in future only private hire vehicle, driver and operator licences are issued, subject to the same criteria and conditions.

4.0 **IMPLICATIONS**

4.1 **Financial**

- 4.1.1 The fees for chauffeur and private hire licences are the same and there are no financial implications.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 Applicants who are refused a licence or are aggrieved by the conditions of a licence may appeal to the magistrates' court. The recommendation is not to impose more onerous conditions on applicants but to ensure there is a level playing field within the private hire sector.

4.3 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Appeal to magistrates against refusal/licence conditions	1	2	2
<i>Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.</i>			

Background Papers

File Reference

Private hire vehicle operators

PART A

Report to: Licensing Committee
Date of meeting: September 2015
Report of: Head of Community and Customer Services
Title: Continuation of the interim town centre street trading policy

1.0 SUMMARY

1.1 In July 2014, Members agreed on an interim town centre street trading policy which runs until September 2015, in The Parade, to complement the Big Events programme. Apart from the purpose of regenerating The Parade area this was also adopted to support a few micro-businesses and small to medium enterprises to add quality and value to the events.

1.2 The policy was set up as an interim measure to gauge support and feasibility of street trading in the town centre which ties in with the Big Events programme and complements the market offer. Members are now being asked to consider continuing with this policy subject to minor modifications.

2.0 RECOMMENDATIONS

2.1 That the Committee approve the town centre street trading policy 2015 - 18 as attached at appendix 1.

2.2 That the Head of Community and Customer Services be given delegated authority to make minor amendments to the policy in consultation with the Chair of the Committee.

Contact Officer:

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on telephone extension 8429 or email: jeffrey.leib@watford.gov.uk.

Report approved by: Alan Gough, Head of Community and Customer Services

3.0 **DETAILED PROPOSAL**

- 3.1 The council has powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to control street trading within the Borough. Streets may, with the agreement of the highways authority, be:
- (1) prohibited streets, where no street trading activities may take place
 - (2) licence streets, for formalised street markets
 - (3) consent streets, for more irregular and ad-hoc trading
 - (4) undesignated, where trading may take place without restriction.
- 3.2 Street trading means offering for sale or selling any goods (including living things) but not the offer or sale of services. Therefore offering or selling balloons, food, jewellery or DVDs would be within this definition, but not offering or selling television subscription or car breakdown membership subscriptions.
- 3.3 There are a number of exemptions to the street trading controls. These include:
- (1) sales of newspapers and periodicals
 - (2) sales by holders of pedlar's certificates
 - (3) sales for charitable purposes where a street collection permit has been issued
 - (4) sales at pavement cafes licensed under the Highways Act 1980 and
 - (5) sales by a roundsman
 - (6) trading as part of a charter market.
- 3.4 Generally speaking the council's current policy is that all streets outside of the town centre are designated as 'consent' streets where prior permission is needed to trade from within 10 metres of the roadway. Major roads within the Borough such as the A405, A41, A411 and part of the A412 are generally designated as prohibited streets.
- 3.5 Within the town centre, the High Street and roads leading from the High Street are designated as prohibited streets as is Albert Road South. St Mary's Square and The Parade are designated as consent streets. In the case of The Parade, this has been restricted since 1984 to non-commercial trading. In the case of St Mary's Square any commercial trading was limited to street markets organised by the council but only for a one-year trial in 2006 – 2007.
- 3.6 To avoid confusion it should be made clear that this policy does not impact or regulate operations of the charter market, which operates separately.
- 3.7 Under the interim town centre street trading policy, a maximum of six street trading consents are issued at any one time to coincide with events and activities associated

with the Big Events programme, or with events approved by the Council and organised by members of the cultural leaders group, the Town Centre Partnership and One Watford partners (or similar programmes if this policy is extended). The consents are granted for a day at a time and are time-limited to coincide with the operating times of the events or activities within The Parade. The current interim policy is attached at appendix 2.

- 3.8 This report seeks approval from the Committee for a more permanent policy to replace this interim policy as part of a wider town centre strategy to operate for up to the next three years.
- 3.9 Only three consents have been issued since the policy was introduced (out of a theoretical maximum of around sixty). No significant issues were identified with those traders, nor any incidences of illegal trading reported. Part of the reason for the low take-up may be that potential traders were not aware of the new opportunity, which is part of the marketing mix for each Big Event. Some of the events (eg the Big Dance or the Big Sports Day) did not naturally lend themselves to being suitable for trading either because of the timing or the available space to place traders.
- 3.10 This policy has been subject to the Government's guidance on consultation principles¹. We have consulted with internal departments and have also asked the Town Centre Manager and Town & Country Markets (TCM), as the operators of the market, for their views. A copy of the questions asked as part of the consultation are attached at appendix 3.
- 3.11 The foremost concern from TCM is that they would like a clearer demarcation between their "day stalls" for casual traders, and the Big Event stalls. Officers feel that there is sufficient demarcation of the two zones, because the town centre street trading policy is not intended to apply between Bentine Lane and Clarendon Road, where the day stalls are located. The policy only applies to The Parade, from its junction with Rickmansworth Road down to Bentine Lane.
- 3.12 TCM have also suggested we mention the size of the pitches available under the policy. Officers are not aware of any complaints being made regarding pitch sizes which have been granted consents so far, although there has only been a limited take-up of consents. The location of pitches is agreed with the events team, and they consider pitches are not located to obstruct the pavement or hinder access. This is also how street trading consents throughout the rest of the Borough are considered, ensuring that they do not cause unnecessary obstruction or nuisance, but not by prescribing a maximum size of pitch. It is suggested that this approach continues, and if size or particular location of pitches does become an issue, this can be reviewed on a case-by-case basis with the events team.
- 3.13 Furthermore, because of the difference in the fees (currently the council's pitches are for £21 per day and market stalls are rented for £24 per day) there is a concern that traders may choose to book directly with the council as it is cheaper. The licensing team operate on a cost recovery basis, and the fee which is charged is the cost of processing these applications. To increase the fee would be to make a profit, which would be illegal.

¹ <https://www.gov.uk/government/publications/consultation-principles-guidance>

- 3.14 The Section Head (Culture and Play) has responded in favour of a more permanent policy although has suggested some changes as below..
- 3.15 He suggested that the policy states that the goods which are offered for sale must complement the event and have the approval of the events team. This will replace clause 4(1) of the interim policy which requires that goods must not simply appear to be of a better quality than something already on offer for sale within The Parade or the charter market. The events team will still be able to exercise control over what goods are appropriate for each event, and can also ensure that different stalls do not sell the same goods and enter into direct competition with each other as per the interim policy, although this could be relaxed if the events team felt it appropriate for the event.
- 3.16 It is also suggested that the list of preferential goods be expanded to include:
- potatoes, fries, hotdogs
 - popcorn
 - fruit juice, smoothies, prosecco, frozen cocktails, soft drinks

This list was never intended to be exhaustive and officers did realise that this may be modified from time to time. It is proposed that this list remains flexible and can be subject to modification by the Head of Community and Customer Services, and therefore these specific additions are not included other than pop corn, fruit juice, smoothies and soft drinks to complement the wider preferences of the policy of healthy eating.

- 3.17 Finally, it was suggested that the maximum number of consents which could be issued for events be increased from six to ten. This is a maximum number, and will not be appropriate for every event, but does allow greater flexibility. There is little evidence that there is demand for more consents, and this issue can be revisited at a later date if it is felt that the number of available consents should increase. The Town Centre Manager indicates that she feels 6 is sufficient and so it is proposed to leave it as 6 at present.
- 3.18 Since the introduction of this interim town centre street trading policy we have had several requests from different businesses and organisations who would like to trade in the town centre during the Big Events programme. Taking into consideration the demand of street trading in the town centre during the Big Events programme, it is proposed that continuing with the current interim policy will satisfy the demands of the local trade and continue to offer a wide choice of shops trading in quality products to the residents during the showcasing of the various events in The Parade.
- 3.19 Given the experimental nature of the policy, officers also recommend that the Head of Community and Customer Services be given delegated authority to make any minor modifications to the policy where necessary, in consultation with the Chair of the Committee.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that there are no financial implications arising from this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that there are no legal implications arising from this report.

4.3 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Not implementing the policy	1	1	2

Appendices

Appendix 1 – Draft street trading policy

Appendix 2 – Interim street trading policy

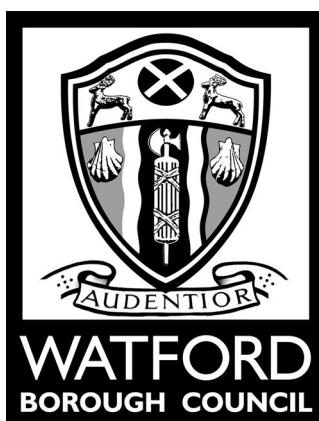
Appendix 3 – Consultation questions and tabulated responses of consultees

Background Papers

No papers were used in the preparation of this report.

File Reference

Town Centre Street Trading Policy



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 Schedule 4

TOWN CENTRE STREET TRADING POLICY

1. Duration and scope

- (1) This policy applies to The Parade, Watford between its junctions with Rickmansworth Road and Bentine Lane.
- (2) It applies from 01 October 2015 to 31 December 2018, unless the Council's Licensing Committee resolves to revoke, vary or extend it before that time.
- (3) No more than six street trading consents will be granted at any one time to coincide with events and activities associated with the Big Events programme (or similar programmes if this policy is extended).
- (4) Consents will not be issued for more than one day at a time. They may be time-limited to coincide with the operating times of the events or activities in The Parade.

2. Locations

- (1) Applicants should liaise with event organisers to agree a provisionally suitable location. A maximum of six locations that are suitable for street trading will be approved on an event-by-event basis by Licensing Officers in consultation with event organisers, the Council's Event Planning Group and where necessary the Watford and Three Rivers Safety Advisory Group.

3. Application process

- (1) Applications must be submitted no later than 10 working days before the date of the event.
- (2) Applications will be considered in the strict date order in which they are received. If more than one application is received on the same day the one which most closely meets the criteria in this policy will be considered first.

- (3) Applications must be accompanied by:
 - (a) passport-size photographs of the applicant(s);
 - (b) copies of food registration and food hygiene training where appropriate;
 - (c) copies of public liability insurance showing at least £1 million cover;
 - (d) three colour photographs showing different elevations of the stall, barrow or vehicle;
 - (e) the fee of £21 for each day to be traded.
- (4) Applications will be determined by the licensing team in consultation with the Town Centre Manager and the event organiser to ensure the proposed goods to be sold complements the event in question.
- (5) A successful applicant may re-apply for a consent, subject to the first come-first served criteria above.
- (6) Unsuccessful applicants will be given reasons as to why their application has not been accepted and may submit applications for future dates.

4. Selection criteria

- (1) The Council wishes to enhance the quality of goods and stalls that are available in The Parade. Accordingly goods that are offered for sale must complement the event and have approval of the events team. Consents will be issued to allow goods to be sold exclusively from one stall at a time, and not for stalls to compete against each other.
- (2) Preference will be given to applicants:
 - (a) that have a food hygiene rating of four stars or above
 - (b) that promote healthy eating
 - (c) that will have a low environmental impact, eg low-running generators, little or no waste generation, use of recyclable packages/cartons, low-emission engines and efficient waste management policies
 - (d) stalls that are of good quality, eg well-maintained, no obvious damage or repairs, clean and presentable and in keeping with the amenity of The Parade.
- (3) Preference will be given to goods which complement the event or activity that will be taking place in The Parade for the duration of the street trading consent and to:
 - (a) arts/crafts
 - (b) seasonal items
 - (c) jewellery
 - (d) candles
 - (e) paintings (include portraits/face painting)
 - (f) balloons
 - (g) confectionary/Nuts/Doughnuts
 - (h) ice cream
 - (i) hot potato vendors
 - (j) crepes/waffles
 - (k) popcorn
 - (l) fruit juice, smoothies, soft drinks

NB: This list is not exhaustive and may be modified from time to time by officers

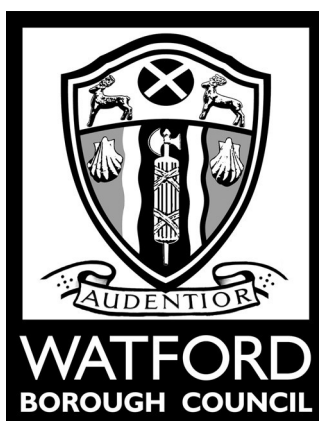
- (4) Consents will not be granted for:
- (a) age-restricted products (excluding alcohol – however, sales of alcohol must also be authorised under the Licensing Act 2003)
 - (b) gas and electrical appliances
 - (c) general household goods
 - (d) pets and livestock
 - (e) explosive and flammable products
 - (f) good that do not carry where appropriate the relevant CE safety marking
 - (g) motor vehicles
 - (i) other goods deemed as unsuitable by Council officers.
- (5) The Provision of Service Regulations 2009 (SI 2009 No 2999) has been taken into account in drafting this policy to ensure the requirements are not discriminatory and that it is proportionate, clear and unambiguous, objective, publicly available, transparent and accessible.
- (6) Consents cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent by reason of providing unsatisfactory references if requested, having been convicted of a criminal offence or for any other reason.

5. Licence conditions

Consents will be issued subject to the following reasonable and proportionate conditions:

1. This consent allows the consent-holder to trade at the location shown overleaf, providing that authorised officers of the Council may require the location to be changed for operational reasons relating to events or activities in The Parade.
2. The consent-holder is not permitted to place any stall, barrow or vehicle at the location more than 60 minutes before the time specified overleaf, nor remain on site for more than 60 minutes after the time stated overleaf, unless agreed otherwise with authorised officers of the Council.
3. The consent-holder may employ agents if required, providing the consent-holder exercises proper control over the stall or vehicle at all times and the names of those agents are notified to the Council in writing.
4. The consent-holder must ensure that they, any staff and agents, are familiar with:
 - (a) the event plan for the event coinciding with the duration of this street trading consent ;
 - (b) the identify of the relevant event manager, event safety officer and/or person in charge;
 - (c) the emergency arrangements for the event in question, including means of communication and action to be taken should the event need to be cancelled.

5. The consent-holder must ensure that this consent is displayed on the stall, barrow or vehicle at all times.
6. The consent holder(s) shall not cause any nuisance or annoyance to any other user of the highway or the occupier(s) of nearby premises.
7. No recorded or amplified music or radio shall be played by the consent holder(s) or any agent at the stall.
8. The consent-holder or his agent must ensure that they implement a Litter Management Strategy.
9. (1) No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property into any surface water inspection chamber or gully;
(2) At the end of the period for trading the consent-holder must ensure a radius of 50 metres from the stall, barrow or vehicle is swept clear of litter;
(3) No waste must be disposed of in litter bins placed in The Parade and must be treated as trade waste by the consent-holder.
10. No leaflets, flyers or printed matter may be distributed within The Parade, High Street or surrounding roads unless the consent-holder has also obtained the appropriate consent from the Council.
11. The following are not permitted to be sold:
 - (a) age-restricted products (excluding alcohol – however, sales of alcohol must also be authorised under the Licensing Act 2003)
 - (b) gas and electrical appliances
 - (c) general household goods
 - (d) pets and livestock
 - (e) explosive and flammable products
 - (f) good that do not carry where appropriate the relevant CE safety marking
 - (g) motor vehicles
 - (i) other goods deemed as unsuitable by Council officers.
12. If this consent is granted for street trading from a trailer vehicle:
 - (1) the towing vehicle may not be parked on any footway or part of a footway;
 - (2) this consent does not give permission for the holder to park any towing vehicle where waiting is normally prohibited;
 - (3) towing vehicles must be immediately removed from the designated trading location once the trailer vehicle is in position;
 - (4) any trailer vehicles must be secured against unexpected movement, for example by use of wheel-chocks if necessary;
 - (5) tow-bars and other apparatus must be secured against slips, trips or falls;
 - (6) access to The Parade is prohibited unless consent-holder obtains a dispensation from the Parking Service on 01908 223507 for the towing vehicle
13. Any damage to the highway at the location for trading must be notified to the Council's Transport and Infrastructure Section on 01923 278081 together with photographic evidence. Unreported damage to the highway that is subsequently found may result in a claim against the consent-holder for making good the damage.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 Schedule 4

INTERIM TOWN CENTRE STREET TRADING POLICY

1. Duration and scope

- (1) This policy applies to The Parade, Watford between its junctions with Rickmansworth Road and Bentine Lane.
- (2) It applies from 15 July 2014 to 30 September 2015, unless the Council's Licensing Committee resolves to revoke, vary or extend it before that time.
- (3) No more than four street trading consents will be granted at any one time to coincide with events and activities associated with the Big Events programme (or similar programmes if this policy is extended).
- (4) Consents will not be issued for more than one day at a time. They may be time-limited to coincide with the operating times of the events or activities in The Parade.

2. Locations

- (1) Applicants should liaise with event organisers to agree a provisionally suitable location. A maximum of four locations that are suitable for street trading will be approved on an event-by-event basis by Licensing Officers in consultation with event organisers, the Council's Event Planning Group and where necessary the Watford and Three Rivers Safety Advisory Group.

3. Application process

- (1) Applications must be submitted no later than 10 working days before the date of the event.
- (2) Applications will be considered in the strict date order in which they are received. If more than one application is received on the same day the one which most closely meets the criteria in this policy will be considered first.

- (3) Applications must be accompanied by:
 - (a) passport-size photographs of the applicant(s);
 - (b) copies of food registration and food hygiene training where appropriate;
 - (c) copies of public liability insurance showing at least £1 million cover;
 - (d) three colour photographs showing different elevations of the stall, barrow or vehicle;
 - (e) the fee of £21 for each day to be traded.
- (4) Applications will be determined by the licensing team in consultation with the Town Centre Manager and the event organiser to ensure the proposed goods to be sold complements the event in question.
- (5) A successful applicant may re-apply for a consent, subject to the first come-first served criteria above.
- (6) Unsuccessful applicants will be given reasons as to why their application has not been accepted and may submit applications for future dates.

4. Selection criteria

- (1) The Council wishes to enhance the quality of goods and stalls that are available in The Parade. Accordingly goods that are offered for sale must complement the existing offer, and not simply appear to be of a better quality than something already on offer for sale within The Parade or Watford's charter market. Consents will be issued to allow goods to be sold exclusively from one stall at a time, and not for stalls to compete against each other.
- (2) Preference will be given to applicants:
 - (a) that have a food hygiene rating of four stars or above
 - (b) that promote healthy eating
 - (c) that will have a low environmental impact, eg low-running generators, little or no waste generation, use of recyclable packages/cartons, low-emission engines and efficient waste management policies
 - (d) stalls that are of good quality, eg well-maintained, no obvious damage or repairs, clean and presentable and in keeping with the amenity of The Parade.
- (3) Preference will be given to goods which complement the event or activity that will be taking place in The Parade for the duration of the street trading consent and to:
 - (a) arts/crafts
 - (b) seasonal items
 - (c) jewellery
 - (d) candles
 - (e) paintings (include portraits/face painting)
 - (f) balloons
 - (g) confectionary/Nuts/Doughnuts
 - (h) ice cream
 - (j) hot potato vendors
 - (k) crepes/waffles

NB: This list is not exhaustive and may be modified from time to time by officers

- (4) Consents will not be granted for:
- (a) age-restricted products (excluding alcohol – however, sales of alcohol must also be authorised under the Licensing Act 2003)
 - (b) gas and electrical appliances
 - (c) general household goods
 - (d) pets and livestock
 - (e) explosive and flammable products
 - (f) good that do not carry where appropriate the relevant CE safety marking
 - (g) motor vehicles
 - (i) other goods deemed as unsuitable by Council officers.
- (5) The Provision of Service Regulations 2009 (SI 2009 No 2999) has been taken into account in drafting this policy to ensure the requirements are not discriminatory and that it is proportionate, clear and unambiguous, objective, publicly available, transparent and accessible.
- (6) Consents cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent by reason of providing unsatisfactory references if requested, having been convicted of a criminal offence or for any other reason.

5. Licence conditions

Consents will be issued subject to the following reasonable and proportionate conditions:

1. This consent allows the consent-holder to trade at the location shown overleaf, providing that authorised officers of the Council may require the location to be changed for operational reasons relating to events or activities in The Parade.
2. The consent-holder is not permitted to place any stall, barrow or vehicle at the location more than 60 minutes before the time specified overleaf, nor remain on site for more than 60 minutes after the time stated overleaf, unless agreed otherwise with authorised officers of the Council.
3. The consent-holder may employ agents if required, providing the consent-holder exercises proper control over the stall or vehicle at all times and the names of those agents are notified to the Council in writing.
4. The consent-holder must ensure that they, any staff and agents, are familiar with:
 - (a) the event plan for the event coinciding with the duration of this street trading consent ;
 - (b) the identify of the relevant event manager, event safety officer and/or person in charge;
 - (c) the emergency arrangements for the event in question, including means of communication and action to be taken should the event need to be cancelled.
5. The consent-holder must ensure that this consent is displayed on the stall, barrow or vehicle at all times.

6. The consent holder(s) shall not cause any nuisance or annoyance to any other user of the highway or the occupier(s) of nearby premises.
7. No recorded or amplified music or radio shall be played by the consent holder(s) or any agent at the stall.
8. The consent-holder or his agent must ensure that they implement a Litter Management Strategy.
9. (1) No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property into any surface water inspection chamber or gully;
(2) At the end of the period for trading the consent-holder must ensure a radius of 50 metres from the stall, barrow or vehicle is swept clear of litter;
(3) No waste must be disposed of in litter bins placed in The Parade and must be treated as trade waste by the consent-holder.
10. No leaflets, flyers or printed matter may be distributed within The Parade, High Street or surrounding roads unless the consent-holder has also obtained the appropriate consent from the Council.
11. The following are not permitted to be sold:
 - (a) age-restricted products (excluding alcohol – however, sales of alcohol must also be authorised under the Licensing Act 2003)
 - (b) gas and electrical appliances
 - (c) general household goods
 - (d) pets and livestock
 - (e) explosive and flammable products
 - (f) good that do not carry where appropriate the relevant CE safety marking
 - (g) motor vehicles
 - (i) other goods deemed as unsuitable by Council officers.
12. If this consent is granted for street trading from a trailer vehicle:
 - (1) the towing vehicle may not be parked on any footway or part of a footway;
 - (2) this consent does not give permission for the holder to park any towing vehicle where waiting is normally prohibited;
 - (3) towing vehicles must be immediately removed from the designated trading location once the trailer vehicle is in position;
 - (4) any trailer vehicles must be secured against unexpected movement, for example by use of wheel-chocks if necessary;
 - (5) tow-bars and other apparatus must be secured against slips, trips or falls;
 - (6) access to The Parade is prohibited unless consent-holder obtains a dispensation from the Parking Service on 01908 223507 for the towing vehicle
13. Any damage to the highway at the location for trading must be notified to the Council's Transport and Infrastructure Section on 01923 278081 together with photographic evidence. Unreported damage to the highway that is subsequently found may result in a claim against the consent-holder for making good the damage.

Consultation questions:

- (1) Do you think the interim policy is still appropriate? Or not?
- (2) Do you think the policy is working for Big Events? Or not?
- (3) Do you think it has been successful? Or not?
- (4) Do you think the policy should be extended to other days of the week (i.e. non-Big Event days)?
- (5) Do you think that we should continue to issue a maximum of six consents or increase the number?
- (6) What are your views on the promotion of commercial goods or services in the town centre?
- (7) What are your views on the 'pitch' outside Yates'? Should we still issue street trading licences for this location or not?

Issues raised by consultees and responses to the issues:

Consultee	Consultation response	Licensing department's response
Town and Country Market (TCM)	<ul style="list-style-type: none"> • The foremost concern from TCM is that they would like a clearer demarcation of the stalls for the big event in the Parade which would fall under this trading policy from the day stalls operated by them. • TCM have also suggested we mention a size of the pitches available under the policy 	<ul style="list-style-type: none"> • Officers feel that there is sufficient demarcation of the two zones, because the town centre street trading policy is not intended to apply between Bentine Lane and Clarendon Road, where the market day stalls are located. The policy will not apply to the High Street, and only applies to The Parade, from its junction with Rickmansworth Road down to Bentine Lane. • Officers are not aware of any complaints being made regarding the size of pitches which have been granted consents under the interim policy, although there was only a limited take-up of consents. The location of pitches is agreed with the events team, and they do consider that no pitch is located in such a way as to obstruct the pavement or hinder access. This is also

	<ul style="list-style-type: none"> • Furthermore, because of the difference in the fees (currently the council's pitches are for £21 per day and market stalls are rented for £24 per day) there is a concern that traders may choose to book directly with the council as it is cheaper. 	<p>how street trading consents throughout the rest of the Borough are considered, ensuring that they do not cause unnecessary obstruction or nuisance, but not by prescribing a maximum size of pitch. It is suggested that this approach continues, and if the issue of size or particular location of pitches does become an issue, this can be reviewed on a case-by-case basis, with the events team bearing any previous issues in mind when considering new street trading applications.</p> <ul style="list-style-type: none"> • The licensing team operate on a cost recovery basis, and the fee which is charged is the cost of processing these applications. To increase the fee would be make a profit, which would be illegal.
<p>Town Centre Manager</p>	<ul style="list-style-type: none"> • The Town Centre Manager thinks that the policy is still appropriate and has mentioned that it would be nice to have some high quality traders on the Parade who should not have any affiliation with TCM. • Under the present interim policy there is no provision for commercial organisations to promote their goods and/or services in the town centre during the big events. The Town Centre Manager has referred to schemes operated by other local 	<ul style="list-style-type: none"> • The promotion of goods and services does not fall under street trading, and so does not need to be covered by this policy.

	<p>authorities like Stevenage Borough Council where the commercial organisations have to pay a fee (£1156.50 from Monday to Saturday) to the Town Centre Management Company to carry out promotion of their goods and/or services.</p> <ul style="list-style-type: none"> • One of the questions in our consultation was whether we should increase the number of consents from six to ten and the Town Centre Manager has confirmed that for management purposes it is better that we keep it at six. 	
<p>Section Head of Culture and Play</p>	<ul style="list-style-type: none"> • It is has been suggested that the policy states that the goods which are offered for sale must complement the event and have the approval of the events team. • It is also suggested that the list of preferential goods be expanded to include the following: <ol style="list-style-type: none"> 1. potatoes, fries, hotdogs 2. popcorn 3. fruit juice, 	<ul style="list-style-type: none"> • This will replace 4 (1) of the interim policy which requires that goods must not simply appear to be of a better quality than something already on offer for sale within The Parade or the charter market. The events team will still be able to exercise control over what goods are appropriate for each event, and can also ensure that different stalls do not sell the same goods and enter into direct competition with each other as per the interim policy, although this could be relaxed if the events team felt it appropriate for the event. • This list was never intended to be exhaustive and officers did realise that this may be modified from time to time. It is proposed that this list remains flexible and can be subject to modification by the Head of Community and Customer Services, if such

	<p>smoothies, prosecco, frozen cocktails, soft drinks</p> <ul style="list-style-type: none"> • Finally, it was suggested that the maximum number of consents which could be issued for events be increased from six to ten. 	<p>authority is delegated by the Committee.</p> <ul style="list-style-type: none"> • This is a maximum number, and will not be appropriate for every event, but does allow greater flexibility. There is little evidence that there is demand for more consents, and this issue can be revisited at a later date if it is felt that the number of available consents should increase. However, it is up to the Committee to determine if it is appropriate to increase the maximum number of consents to allow for greater flexibility and future growth in applications, or to remain with the current limit of six.
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Agenda Item 8

Report to: Licensing Committee
Date of meeting: 14 September 2015
Report of: Head of Community and Customer Services
Title: Update on Public Fundraising Regulatory Association Agreement

1.0 **SUMMARY**

- 1.1 This report is to update Members on the progress and performance of the Site Management Agreement (SMA) with the Public Fundraising Regulatory Association (PFRA) in relation to direct debit fundraising in Watford Town Centre.
- 1.2 The report also requests officers in consultation with the Chair of Licensing Committee be authorised to amend or review the site management agreement on behalf of the Council when needed.

2.0 **RECOMMENDATIONS**

- 2.1 That Members note the report and authorise officers (in consultation with the Chair of the Licensing Committee where necessary) to make minor amendments to the site management agreement with the Professional Fundraising Regulatory Association

Contact Officer:

For further information on this report please contact Parminder Seyan (Licensing Officer) on telephone extension 8434 or email parminder.seyan@watford.gov.uk

Report approved by: Alan Gough, Head of Customer and Community Services

3.0 **Background**

The council has the power to issue permits under the Police, Factories, etc (Miscellaneous Provisions) Act 1916 for sales of goods and collections of cash for charitable purposes to be made in public places. Applicants for a permit need not be a registered charity.

3.1 The Act permits the council to make regulations with respect to 'the places where and the conditions under which persons may be permitted in any street or public place, to collect money or sell articles for the benefit of charitable purposes...' Permit holders are required to submit returns to the council within one month of collection showing the amounts raised and the amounts spent on any administration expenses.

3.2 Whilst direct debit collectors are fundraising, they do not collect cash in the sense of an immediate donation. Any individual who signs up a direct debit can cancel at any time and amounts of donation can vary. Therefore, the fundraiser has no way of knowing how much is collected at each collection. This means this type of collection is not within the scope of licensing requirements.

3.3 Whilst majority of these direct debit collectors are responsible, there can be concerns raised from time to time over unregulated collections. Therefore bona fide collectors tend to belong to the Public Fundraisers Regulatory Association (PFRA) who set agreed standards on behalf of the charities on whose behalf collections are made. The PFRA will then enter into agreements with local councils to monitor compliance with these standards and importantly to limit and specify locations that collections can take place.

3.4 At a meeting of the Licensing Committee on 14 March 2014 authority was delegated to the Chair of Licensing Committee and the Head of Customer and Community Services to enter into a voluntary agreement with PFRA on behalf of Watford Borough Council known as a Site Management Agreement (SMA). The main aim of this SMA is to control the activities of direct debit street collectors in Watford Town Centre.

3.5 In March 2014, the council entered into an SMA attached at Appendix 1 which clearly sets out the parameters in relation to when, how, where, hours and days direct debit street collections and collectors can operate. This report is to inform members of the effectiveness of this agreement and to seek approval to continue with it.

4.0 **Analysis and effectiveness of the agreement**

4.1 There is no legislation which specifically regulates the activities of face-to-face direct debit charitable street collectors. By signing this agreement PFRA has become an effective partner in ensuring a safe and legitimately operated collection. Through their rules, which are signed up to by all the main charities, they enforce the terms of the agreement by giving penalty points for breach of protocols.

4.2 Members may wish to note that collectors who do not conform to the terms of the agreement and who do not have permission to collect are reported to PFRA. The PFRA has a published code of practice for collecting produced by the Fundraising Standards Board, and which is published on its website.

4.3 Since March 2014 PFRA have administered approvals and monitored charity

fundraising in agreed locations within the town centre and have provided a balance between the right of the charities to fundraise and the right of the public to go about their business with the least level of inconvenience.

- 4.4 The PFRA have reported that since the SMA was introduced, approximately twenty fund-raising companies have visited Watford, which is line with similar-sized towns. There have not been any complaints to the council about the activities of fund-raising companies, whereas a handful a year were received previously. Officers have only identified one occasion when an unexpected collection took place (at the start of the agreement) and when collectors occasionally mistake The Parade for the High Street as places they can collect. The PFRA have not undertaken specific spot-checks within Watford because most of the collecting companies visiting here also work in London, where most of the spot-checks are conducted.
- 4.5 SMAs are voluntary agreements, they are not legally binding and cannot be enforced through formal enforcement action. However, officers believe that it has worked well to reduce the issues of over-capacity and collector behaviour in the town centre.
- 5.0 **Future developments**
- 5.2 Officers are of the opinion that there is likely to be little or no impact on the collection process but that the review of Site Management Agreement would be advantageous to residents, visitors of the borough and businesses as it clarifies the parameters for these collections and ensures that only legitimate collections take place. For example, two collectors are currently allowed to collect in the High Street between Clarendon Road and Charter Place. The proposed 94-week redevelopment of Charter Place may make that area unsuitable and so it would be helpful to be able to amend the SMA in consultation with the Chair of the Committee to allow collections in another logistically feasible location.
- 5.3 In addition to the above the agreement promotes good practice and which in turn enhances the reputation of collections and charities involved.

6.0 **IMPLICATIONS**

6.1 **Financial**

- 6.1.1 The Shared Director of Finance comments that there are no financial implications arising from this report.

6.2 **Legal Issues** (Monitoring Officer)

- 6.2.1 The Head of Democracy and Governance comments that the legal framework behind the issue of permits is set out in the body of the report.

6.3 **Potential Risks**

- 6.3.1 None identified.

6.4 **Staffing**

- 6.4.1 The site management agreement with the PFRA has freed time currently taken up by the licensing team in processing and investigating complaints about direct debit collections.

Appendices

Appendix 1 – Site Management Agreement

Appendix 2 - Council's policy for Charity Collections

Background Papers

Police, Factories, etc (Miscellaneous Provisions) Act 1916 (available on www.legislation.gov.uk)

Watford Borough Council Regulations on Street Collections (available on www.watford.gov.uk)

File Reference: Charity collection policy review 2014

Site Management Agreement

Between PFRA and Watford Borough Council

1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Watford town centre and provide balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Code of Fundraising Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

If local authority officers note fundraisers contravening the PFRA's Rule Book or any local clause within the SMA, they will inform the PFRA's Head of Standards by contacting them on 020 7401 8452, providing details of the incident.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

Watford

Pedestrianised area of the High Street:

1. 4 fundraisers between Clarendon Road and the Market Place
2. 2 fundraisers between the Market Place and Kings Street

Capacity: maximum of 6 fundraisers

Positioning: Fundraisers should be spread out in each of the sites, using pathways on both sides of the road.

Frequency: Tuesdays, Wednesdays and Thursdays.

Fundraising is not permitted on a Saturday.

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present on any one site on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g specific event days) are to be announced by the Council to the PFRA to be booked into the PFRA's diary management system, giving a minimum of 4 weeks' notice to the PFRA from date of diary delivery.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. street traders, Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for Watford Borough Council is Jeffrey Leib and his contact details are [insert](#). In his absence all enquiries should be made to [secondary email](#) or [secondary telephone number](#).

4.2 Required Information

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

Jeffrey Leib
Licensing Manger, Watford BC
01923 278476
Jeffrey.Leib@watford.gov.uk

[Name, Town Centre Manager](#)
[email: ...\]](#)

These contact details shall be updated as and when necessary.

4.3 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.

5 Complaint Management

PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Standards Board ([FRSB](#)).

6 Working Together

Watford Borough Council agrees to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Fundraising Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the Code of Fundraising Practice, PFRA Rules, and Site Management Agreements. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA will be reviewed 6 months after it is signed, and then once every 12 months, if necessary, or earlier if there is just cause to do so. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

Sally de la Bedoyere, CEO

Date:

Signed For and On Behalf Of Watford
Borough Council:

Print name:

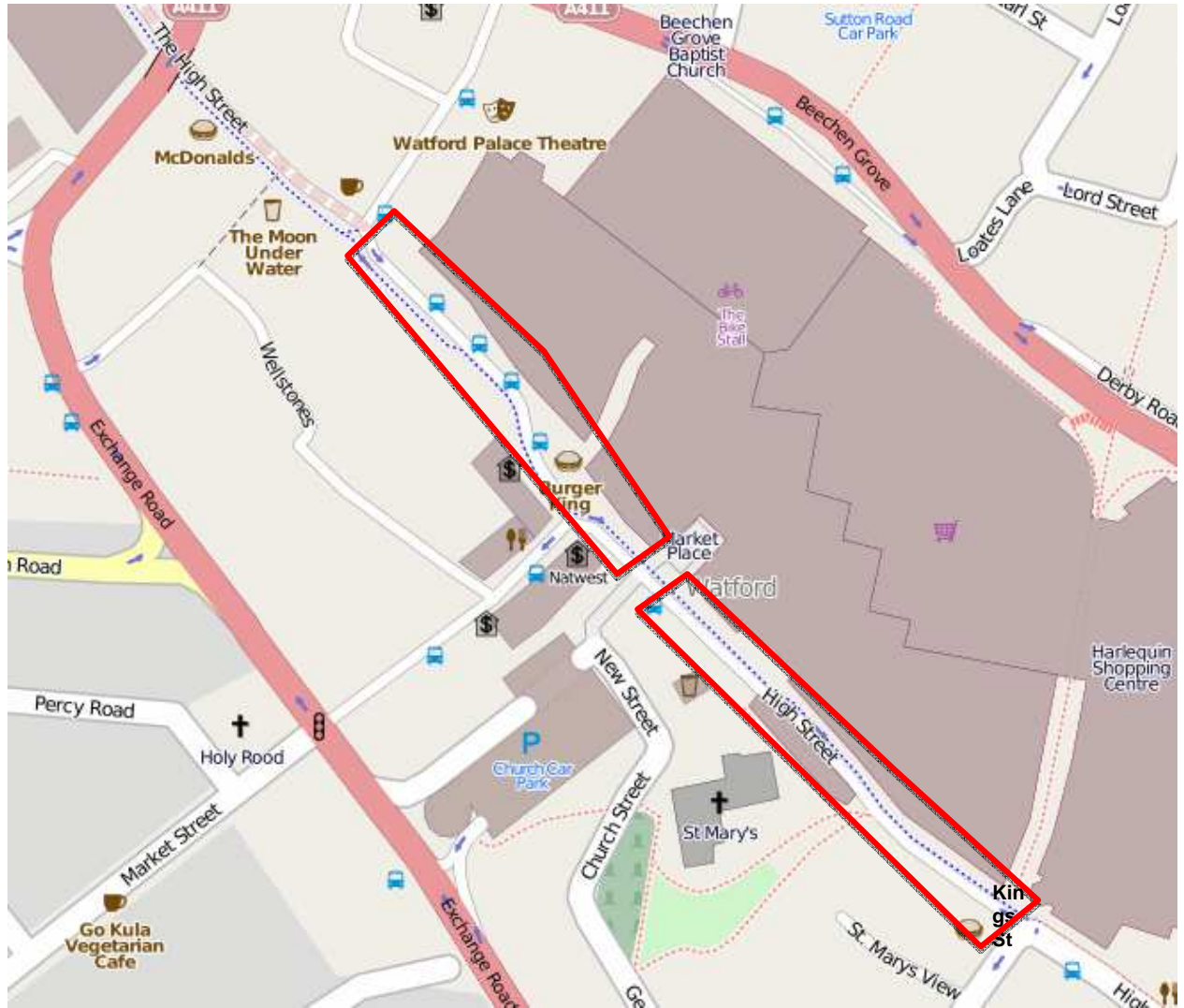
Job title:

Date:

Appendix 1 - Map

Clarendon Road

Plan showing the area where fundraising is to be permitted:



Appendix 2 - Direct Debit Guarantee

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

POLICY FOR CHARITY COLLECTIONS IN THE TOWN CENTRE

- Applications must be made at least 28 days and no more than three months in advance. Applications made with less than 28 days' notice cannot be guaranteed to be processed unless there are special reasons for the delay in submitting the application (eg an appeal in response to a national disaster).
- Applications cannot generally be made for more than two days in any one week unless they are either part of a national fund-raising campaign (eg the Poppy Appeal) or there are no other applications for the dates in question.
- Applications cannot generally be made for more than two Saturdays in one month unless there are no other applications for those dates.
- All applications are granted subject to the Council's regulations for street collections.
- Unless otherwise requested, permits will be granted for collections to take place between 9 am and 7 pm.
- Permits may be applied for in the following locations and times:

Location	Number
<i>The Parade between Rickmansworth Road and Bentine Lane</i>	<ul style="list-style-type: none"> • No charity collections allowed except as part of an appeal recognised by the Council where the collection is being promoted by a commercial organisation with premises in the town centre.
<i>The Parade between Bentine Lane and Clarendon Road</i>	<ul style="list-style-type: none"> • One charity collection allowed on three days of the week, collecting on behalf of one charity • Maximum of one non-commercial stall allowed at a time subject to space being available in consultation with the Charter market
<i>High Street between Clarendon Road and Charter Place</i>	<ul style="list-style-type: none"> • Up to four direct debit collectors allowed (2 on each side of the street) at any one time on three days a week (but not Saturdays or when a charity collection is taking place) – collectors being from the same company and collecting for the same

	<ul style="list-style-type: none"> charity Up to four charity collectors allowed on four days a week including Saturdays, collecting on behalf of one charity
<i>High Street between Charter Place and King Street</i>	<ul style="list-style-type: none"> Up to two direct debit collectors allowed (1 on each side of the street) at any one time on three days a week (but not Saturdays or when a charity collection is taking place) – collectors being from the same company Up to four charity collections allowed on four days a week including Saturdays, collecting on behalf of one charity
<i>St Mary's Square</i>	<ul style="list-style-type: none"> No direct debit collectors allowed No charity collections allowed except in conjunction with a non-commercial stall
<i>Queens Road between High Street and Beechen Grove (specifically the area directly between the two entrances to Watford Intu)</i>	<ul style="list-style-type: none"> No direct debit collectors allowed Maximum of one non-commercial stall allowed at a time Up to two charity collectors, collecting on behalf of one charity allowed but not at the same time as a non-commercial stall
<i>High Street between King Street and Beechen Grove</i>	<ul style="list-style-type: none"> Up to two charity collectors on behalf of one charity but no non-commercial stalls
<i>Other town centre areas</i>	<ul style="list-style-type: none"> No direct debit collectors allowed No charity collections allowed apart from a recognised appeal such as Red Nose Day or Children in Need where the collection is being organised by a commercial organisation in the town centre
<i>The Hornets</i>	<ul style="list-style-type: none"> No more than four collectors on Vicarage Road Stadium match days all collecting for the same charity as those in Vicarage Road
<i>Vicarage Road</i>	<ul style="list-style-type: none"> No more than two collectors on Vicarage road Stadium match days all collecting for the same charity as those in The Hornets

