



# LICENSING COMMITTEE

**Tuesday, 18th March, 2014**

**7.30 pm**

**Town Hall, Watford**

**Publication date: 10 March 2014**

**CONTACT**

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Jodie Kloss in Democracy and Governance on 01923 278376 or by email to [legalanddemocratic@watford.gov.uk](mailto:legalanddemocratic@watford.gov.uk) .

Welcome to this meeting. We hope you find these notes useful.

## **ACCESS**

Access to the Town Hall after 5.15 pm is via the entrance to the Customer Service Centre from the visitors' car park.

Visitors may park in the staff car park after 4.00 p.m. and before 7.00 a.m. This is a Pay and Display car park; the current charge is £1.50 per visit.

The Committee Rooms are on the first floor of the Town Hall and a lift is available. Induction loops are available in the Committee Rooms and the Council Chamber.

## **FIRE/EMERGENCY INSTRUCTIONS**

In the event of a fire alarm sounding, vacate the building immediately following the instructions given by the Democratic Services Officer.

- Do not use the lifts
- Do not stop to collect personal belongings
- Go to the assembly point at the Pond and wait for further instructions
- Do not re-enter the building until authorised to do so.

## **MOBILE PHONES**

Please ensure that mobile phones are switched off before the start of the meeting.

## **MINUTES**

Copies of the minutes of this meeting are usually available seven working days following the meeting and can be found on the Council's website [www.watford.gov.uk/meetings](http://www.watford.gov.uk/meetings)

## **RECORDING OF MEETINGS**

An audio recording may be taken at this meeting for administrative purposes only.

# COMMITTEE MEMBERSHIP

Councillor J Brown (Chair)

Councillor P Jeffree (Vice-Chair)

Councillors I Brown, J Connal, K Crout, G Derbyshire, J Dhindsa, K Hastrick, H Lynch, M Meerabux, M Mills, G Saffery, D Scudder, L Scudder and M Turmaine

## AGENDA

### PART A - OPEN TO THE PUBLIC

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

To submit for signature the minutes of the meeting held on 22 October 2013.

*(All minutes are available on the Council's website).*

4. **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICIES** (Pages 1 - 28)  
Report of the Head of Community and Customer Services
5. **REVIEW OF THE CHARITY STREET COLLECTION POLICY** (Pages 29 - 52)  
Report of the Head of Community and Customer Services

This page is intentionally left blank

# Agenda Item 4

**Report to:** Licensing Committee  
**Date of meeting:** 18 March 2014  
**Report of:** Head of Community and Customer Services  
**Title:** Hackney Carriage and Private Hire Vehicle Policies

The Chair agreed that this report could go 'to follow'. This was to ensure compliance of the enforcement proposals within the delegation of the constitution.

## 1.0 SUMMARY

- 1.1 After a consultation exercise last year with licensed hackney carriage and private hire drivers, it became apparent that some of the current controls helping to maintain standards within the trade were misunderstood and were perhaps in need of review and updating. The purpose of the review was to maintain safety for the public whilst ensuring effective support for the trade to enable compliance that does not reduce standards. It is intended that the outcomes will ensure requirements are not over-burdensome or causing difficulties in compliance and enforcement, which in some cases can prevent businesses from developing.
- 1.2 Officers have since undertaken a more exhaustive consultation exercise with licence-holders to identify a set of prioritised specific concerns. This report documents an overview of the findings of the consultation programme and sets out three initial policy changes to be considered by the Committee prior to formal consultation.

## 2.0 RECOMMENDATIONS

- 2.1 (1) That officers consult with the hackney carriage and private hire licence-holders, operators and other stakeholders about the emerging policy recommendations, with any amendments by the Committee at paragraph 3.37 of the report.
- (2) That after consulting as above the Head of Service is authorised to implement the policies in consultation with the Chair of the Licensing Committee unless any substantial changes to the policies are proposed in which case the policies will be referred back to the Committee for further consideration.

### **Contact Officer:**

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

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

## 3.0 DETAILED PROPOSAL

- 3.1 In 2013, officers conducted a consultation exercise with hackney carriage and private hire drivers licensed by the Council on proposed changes to the penalty point scheme

which forms part of the enforcement and compliance regime for those licences.

- 3.2 Responses to the proposals indicated that further consultation was needed on a wider number of issues than the penalty point scheme alone. Officers subsequently held eight workshops last December and January attended by around 80 licence-holders, and received a small amount of correspondence as well. These workshops were designed to encourage debate and discussion, to increase understanding between the council and the trade and to develop suggestions for improvements to the licensing regime that both support the vast majority of professional and compliant drivers, but also ensure we maintain suitable standards to ensure public safety and tackle any drivers that bring the reputation of the trade into disrepute.
- 3.3 Licence-holders were invited to list out their current concerns about issues affecting their businesses in Watford, and were then asked to prioritise them. They were then asked to think about possible solutions to address those concerns and discuss the viability of these with officers. Officers found these workshops beneficial in helping us to understand the trade's perspective and exploring more effective ways of regulating. The feedback from attendees was also generally positive and certainly they welcomed an open discussion recognising not all their issues could be solved immediately or perhaps at all. What was clear however, was that there was a commitment on both sides to maintain and improve standards, to improve working relationships and to ensure a high standard was provided to customers and residents of Watford.
- 3.4 The issues raised varied but some clear priorities emerged. The issues can be split into four general categories:
- a) procedural issues that can be addressed by the licensing team in consultation with the Chair;
  - b) issues that are outside the direct control of the Council but which we could attempt to influence where appropriate;
  - c) issues that are within the control of the Council and partners but are not directly linked to the licensing regime and are therefore for officers to take forward in consultation with the Chair and those other service areas / organisations; and
  - d) policy issues that require the Committee's consideration.

This report gives an overview of all the issues raised in Appendix 1. Its main purpose is to ask members to consider the recommendations for changes to policy developed by officers to address some of the issues raised under point (d) above. These proposals will then be taken for formal consultation to the trade and other stakeholders, along with responses and proposals to the other issues raised. A feedback and consultation session is set for April with the trade. The proposals do not address all the policy issues raised by the trade, these are the ones that have been prioritised for consideration.

- 3.5 The policy issues for consideration are:
- (a) the Penalty Points scheme and our general method of enforcement;

(b) repeat Driving Standards Agency tests; and

(c) vehicle age limits.

This is all within the context of a sea change in the relationship between the trade and the Council in line with the corporate objective of promoting growth and reducing regulatory burdens.

### 3.6 **Penalty Points scheme and approach to enforcement**

#### Legislative background

The Council licences hackney carriage and private hire drivers on the basis that they are, and remain whilst licensed, “fit and proper persons” within the terms of the Local Government (Miscellaneous Provisions) Act 1976.

3.7 The Act allows that licences may (as the case may be) be suspended, revoked or not renewed where the individual concerned:

(1) has been convicted of an offence of indecency, violence or dishonesty;

(2) has been convicted of an offence under the 1976 Act, (or the Town Police Clauses Act 1847 relating specifically to hackney carriages), or failed to comply with the requirements of those Acts; or

(3) for any reasonable cause.

3.8 A driver must be notified in writing that their licence is proposed to be suspended, revoked or not renewed. The decision takes effect 21 days after they have been notified, to allow for an appeal to be lodged at the magistrates’ court by way of a complaint. If an appeal is lodged, the decision to revoke or refuse the licence is “stayed” until the disposal of the appeal.

3.9 Licences may be suspended or revoked with immediate effect (notwithstanding any appeal) if it appears to the licensing authority that this is required for reasons of public safety.

### 3.10 **Penalty points scheme**

The penalty points scheme was approved by the Licensing Committee on 29 March 2007 with the aim of introducing an out-of-court, consistent, evidence-based approach for officers dealing with non-compliance with driver and vehicle licence conditions. The scheme has been amended from time to time but the general principle has been that the accrual of a specific number of points over a given time period could lead to a driver’s licence being revoked or not renewed (as the case may be). Criteria exist to justify the imposition of points, including evidence to demonstrate that the contravention took place and consideration of the licence-holder’s history of compliance. Currently the criteria is set at twenty points within a rolling twelve month period, and last year’s proposal was for that to be reduced to fifteen points. The use of penalty points is designed to act as a warning that licence-holders risk losing their licences - rather than as a punishment in its own right - with licence-holders able to appeal internally against the imposition of points. Only two drivers have accrued the requisite number of points to justify reconsideration of their entitlement to a licence.

- 3.11 Officers receive a number of complaints each year about drivers' conduct which are currently covered by the penalty points scheme, the most frequent of which are:
- (1) passengers complaining about hackney carriage drivers over-charging, particularly for short journeys from Watford Junction during the day or for journeys from the Rickmansworth Road rank at night;
  - (2) passengers complaining about hackney carriage drivers refusing to carry passengers short distances within the Borough, particularly from the above two locations;
  - (3) Members, the public, local residents, businesses and the police complaining about hackney carriage drivers misusing the Clarendon Road and Rickmansworth Road taxi ranks;
  - (4) businesses, the public and the Parking Service complaining about hackney carriages parking in inappropriate places in the High Street, Clarendon Road, Shady Lane and Westland Road (e.g. on loading bays, pay-and-display bays and on yellow lines);
  - (5) residents and the Parking Service complaining about hackney carriages and private hire vehicles parking in inappropriate places in King Street and Smith Street; and
  - (6) passengers and other road-users complaining about the behaviour of hackney carriage and private hire drivers.
- 3.12 The first three examples above are criminal offences under the Council's byelaws and attract a maximum penalty upon conviction of £500. The penalty point scheme offers an alternative, cheaper and faster out-of-court disposal which builds up an objective picture of a driver's conduct to help defend future decisions to revoke a licence on the basis that the individual is no longer a fit and proper person to hold the licence.
- 3.13 Feedback from 44 drivers at the workshops indicated the scheme was viewed in different ways from the original intention, particularly by hackney carriage drivers. Many drivers saw the imposition of penalty points as punitive rather than advisory or as a deterrent. Several reported that it appeared to be ineffective in dealing with the more serious breaches such as when passengers are over-charged, or drivers refuse to carry passengers for short distances – two specific examples which damage their business reputation. This view was also particularly true for points given for contraventions arising from misuse of taxi ranks and parking spaces, when hackney carriage drivers believe there is insufficient available rank space. From officer's perspective, the Penalty Points system has led to some bureaucracy in administration given the various categories and ranges of points. It has also at times seemed to hinder our ability to tackle the very small number of drivers who repeatedly flout the law, but possibly do so in a way that means with the 12 month rolling period they never get considered for further action.
- 3.14 Licence-holders proposed a number of alternative approaches such as:
- defining and separating minor contraventions from major contraventions and



having a separate approach in dealing with each

- abolishing penalty points for some categories of contravention, eg parking, over-ranking
- replacing penalty points with financial penalties (eg fixed penalty notices) for some offences
- suspending licences for periods from two days to weeks
- introducing a “three strikes” scheme
- issuing strong warnings before revoking (or not renewing) a licence
- only issuing points for serious or proven offences
- revoking the licences of repeat offenders
- call in offenders for a stern face-to-face warning.

3.15 There was strong support at the workshops for licensing powers to be used in some specific cases, such as licence-holders refusing to carry passengers or over-charging. Several participants were in favour of quite strong penalties in those circumstances, including licences being suspended for lengthy periods or financial penalties being imposed. The Council does not currently have the power to issue fines as there is no lawful authority for doing so.

3.16 Officers have given careful consideration to these proposals. All enforcement action by the licensing team is guided by the Environmental Services Enforcement Policy, which Members approved in June 2011 (and which will be revised again in June 2014). This lays down a framework for dealing with all licensing contraventions using:

- warnings and advice
- licensing powers (imposing conditions on some categories of licences, suspension, revocation, review or non-renewal of some licences and the penalty points scheme at present).
- formal enforcement powers (cautions and prosecutions).

This policy guides all enforcement activity for all businesses in the town such as food hygiene, health and safety at work and waste disposal etc.

3.17 Officers suggest that the time is now right for the penalty point scheme to be revoked and that contraventions should be dealt with by following the Enforcement Policy’s principles and guidelines in the same way that any other business is dealt with. It is however proposed that the policy be amended to include the introduction of a new formal “licence review” and an “Driver Standards Committee” that will give some clarity and detail in relation to taxi enforcement. Minor contraventions would, as now, result in warnings and advice and more significant contraventions would result in the use of appropriate licensing or formal enforcement powers. The principles of this new way of

working are set out in Appendix 2. If the decision is taken to consult on this reviewed enforcement approach, and it is found to be the right decision to take it forward, the new Enforcement Policy will be brought for approval to Members later this year

### 3.18 Repeat driving assessments

The council's policy is that applicants must pass the specialist hackney carriage/private hire driving assessment administered by the Government's Driving Standards Agency (DSA) when they first apply for their drivers' licence. Drivers who attended the workshops and officers think it is right to continue to require this assessment at first application.

### 3.19 The DSA assessment includes:

- a manoeuvre where drivers are asked to turn their vehicle to face the opposite direction
- around 10 minutes of driving without being given turn-by-turn directions by the examiner
- stops at the side of the road as if a passenger is getting in or out
- related questions, eg what to do if a passenger leaves property in the vehicle
- questions from the Highway Code and identifying traffic signs and road markings

Drivers might also be asked to do an emergency stop. The assessment is passed if the driver makes 9 or less faults, but will fail if they make a serious or dangerous fault.

3.20 Drivers who have six or more current penalty points endorsed on their standard Driver and Vehicle Licensing Agency (DVLA) license are required to re-take the test. This is designed to act as a warning that a driver is potentially at risk of losing their DVLA licence if they accrue a further six points typically within the following two years, to reinforce good driver behaviour and as a means of providing an independent assessment of their continued fitness to drive members of the public. If a driver fails to present a pass certificate to officers within three months of being required to re-take the test they have their WBC licences revoked. They may be renewed, but only after they re-take the Knowledge Test and DSA test again.

3.21 The trigger level was reduced from nine to six points in the face of opposition from the trade in 2012. At the time the council made a commitment to review the lower trigger level after a year.

3.22 Thirteen drivers have been required to re-take the test since May 2012 due to the following endorsements on their DVLA licences. One of those drivers subsequently did not take the test. The remaining twelve drivers re-passed the test without their licences being revoked.

No of DVLA POINTS	REASON FOR ENDORSEMENT
9	<ul style="list-style-type: none"> <li>• failing to comply with traffic signal</li> <li>• exceeding statutory speed limit</li> </ul>

9	<ul style="list-style-type: none"> <li>• exceeding statutory speed limit</li> </ul>
9	<ul style="list-style-type: none"> <li>• exceeding statutory speed limit</li> </ul>
9	<ul style="list-style-type: none"> <li>• not recorded</li> </ul>
9	<ul style="list-style-type: none"> <li>• using a vehicle with defective tyres</li> <li>• exceeding statutory speed limit</li> <li>• failing to comply with traffic signal</li> </ul>
9	<ul style="list-style-type: none"> <li>• exceeding statutory speed limit</li> </ul>
9	<ul style="list-style-type: none"> <li>• exceeding statutory speed limit</li> <li>• failing to comply with traffic signal</li> <li>• using mobile phone etc whilst driving</li> </ul>
9	<ul style="list-style-type: none"> <li>• using mobile phone etc whilst driving</li> <li>• exceeding statutory speed limit</li> </ul>
6	<ul style="list-style-type: none"> <li>• using vehicle without third-party insurance</li> </ul>
6	<ul style="list-style-type: none"> <li>• exceeding statutory speed limit</li> </ul>
9	<ul style="list-style-type: none"> <li>• using mobile phone etc whilst driving</li> <li>• failing to give information as to identify of driver</li> </ul>
6	<ul style="list-style-type: none"> <li>• driving without due care and attention</li> </ul>
6	<ul style="list-style-type: none"> <li>• exceeding statutory speed limit</li> <li>• failing to comply with traffic signal</li> </ul>

- 3.23 Feedback from the vast majority of drivers at the workshops was the DSA re-test did not necessarily change the driver's behaviour, as they tend to "drive to the test". They noted that the majority of points were accrued through speeding in areas they knew and drove frequently. Furthermore they felt that as this did not bring about behaviour change, this was not an effective deterrent. They stated the deterrent is the risk of the loss of their DVLA licence and so the DSA retest can be viewed as a further punishment that costs them approximately £80 to £112 as well as lost working time.
- 3.24 It could be argued that the DSA test is an appropriate tool to re-examine most of the contraventions in the above table – speeding, using mobile phones whilst driving, failing to comply with traffic signals and driving without due care and attention. There is also an argument that it is not appropriate when a driver has used an uninsured vehicle or failed to give information about a driver of their vehicle suspected of an offence.
- 3.25 Officers have considered whether driver refresher education would be more productive than the DSA re-assessment. A suitable alternative might be the Drive Check Plus assessment conducted by the Institute of Advanced Motorists (IAM), the nationally recognised road safety charity which is quality-assured by the DSA. This consists of an informal session with an approved IAM examiner (serving or retired police advanced drivers) to support most best practise driving procedures with a 60-minute on-road general assessment. At the end of the drive the driver is given a written assessment form. Drivers may then be encouraged to prepare for the IAM's Advanced Driving Test, which brings many other benefits to them. The assessment is more tailored to the individual driver and the fee (currently £35) is less than the DSA fee.
- 3.26 Officers have considered the purpose and apparent outcome of the current policy and would request members consider two options of which either or both could be put forward for further consultation:

(1), that the DSA test is replaced by the IAM assessment when drivers accrue 9 points

on their DVLA licence; or

(2) that Members remove the requirement for a DSA retest in all circumstances and allow the deterrent of the loss of the DVLA licence to be sufficient control, and any offences relating to driving standards can be considered as part of any review of a driver's licence if necessary.

### 3.27 **Vehicle age limits**

The council has set a policy concerning vehicle age limits which it has revisited in relation to hackney carriages in July 2013 and previously in relation to hackney carriages and private hire vehicle in July 2010. The current policy is that:

- no vehicle will be licensed for the first time as a hackney carriage if it is more than four years old at the time of licensing
- no London-style or purpose-built vehicle will be licensed as a hackney carriage if it is more than 20 years old
- no other type of vehicle will be licensed as a hackney carriage if it is more than 13 years old
- no mini-buses will be licensed as private hire vehicles if it is more than three years old at the time of first licensing
- no multi-purpose vehicle will be licensed for the first time as a private hire vehicle if it is more than three years at the time of first licensing.

3.28 The vast majority of attendees at the workshops thought that the initial four-year age limit was too restrictive and made buying replacement vehicles too expensive meaning they may be less likely to replace their vehicles as soon / often. They have suggested that modern vehicles are made to a very high standard but there can be a considerable price difference between a second-hand four-year old car and a second-hand six or seven year-old car. There was also support for abolishing the upper (20 year and 13 year) age limits. Hackney carriage drivers argued that those changes would make it more likely vehicles would be replaced more frequently. There is an argument that as all licensed vehicles have to pass the MOT and meet the Council's vehicle conditions that the standards should not drop but accepting that the fleet will potentially appear less modern if cars aren't replaced as regularly.

3.29 There are presently 292 licensed hackney carriages, of which the average age is 6.74 years. Around a quarter are younger than four years old. Furthermore:

- two London-style or purpose-built taxis are seventeen years old, but none are at the current maximum of twenty years old
- there are no saloon, estate or MPVs that are thirteen years old, (the current policy maximum)
- there is currently one vehicle that is eleven years old which would be required to be replaced within the next two years under the current policy.

3.30 In comparison, the average of the 188 private hire vehicles is 6.95 years, with six vehicles being less than two years old. Sixty-six vehicles are less than seven years old and fifty-two more than seven years old.

3.31 Non-statutory guidance from the Department of Transport<sup>1</sup> suggests that

“It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.”

3.32 Many local authorities require vehicles more than five, seven or ten years old to be re-tested twice yearly. Officers are not convinced that this is necessary for Watford. All licensed vehicles have an annual independent MOT and then have annual compliance checks by officers so standards can be maintained for non-MOT features such as seating covers, signage, paintwork, non-structural rusting etc. More frequent testing is also more of an administrative burden on licence-holders and the council. It is not necessarily risk-related, particularly if a newer vehicle for example covers a much greater annual mileage than an older vehicle.

3.33 Officers conclude that the age policy is more about quality rather than safety. The Committee may wish to take a view on whether it wants a hackney carriage fleet that is relatively new and regularly renewed with “younger” vehicles. The existing policy would achieve that aim, by restricting only newer vehicles onto the fleet and setting a specific end-of-life date. However officers would ask Members to consider the suggestions from the licence-holders at the workshops to increase the age of vehicles when first licensed and to remove the maximum age requirement.

3.34 Officers propose that the new policy states no vehicle will be licensed for the first time as a hackney carriage if it is more than seven years old at the time of licensing.

3.35 Private hire vehicles generally have never been subject to age limits. Quality control is also exercised more vigorously by the operators on whose circuits the private hire drivers work. Officers therefore recommend that the current policies in relation to mini-buses (of which there are have only been a handful) and multi-purpose vehicles used for private hire be abolished.

### 3.36 **Regulators’ Code**

The Committee is required to have regard to the Regulators’ Code published under section 23 of the Legislative and Regulatory Reform Act 2006 when developing policies and operational procedures that guide its regulatory activities. The relevant extracts appear below:

#### ***1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow***

1.1 Regulators should avoid imposing unnecessary regulatory burdens through

---

<sup>1</sup> Taxi and Private Hire Vehicle Licensing: Best Practise Guidance (Department for Transport, 2010): see [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/212554/taxi-private-hire-licensing-guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf).

their regulatory activities<sup>1</sup> and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities;
- minimising the costs of compliance for those they regulate;
- improve confidence in compliance for those they regulate; and
- encourage and promote compliance.

1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.

***2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views***

***3. Regulators should base their regulatory activities on risk***

3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.

3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.

***5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply***

***6. Regulators should ensure that their approach to their regulatory activities is transparent***

**3.37 Summary of recommendations**

Following any amendments by the Committee, officers will consult with licence-holders on the following proposals:

1 Enforcement regime

That the penalty point scheme for licensed drivers introduced on 29 March 2007 be

revoked and that the Environmental Services Enforcement Policy be updated to include the principles set out in appendix 2 including “Case Reviews” and “Driver Standards Committee”.

## 2 DSA assessments

(1) That the policy adopted on 29 March 2007 of requiring licence-holders to re-take the DSA hackney carriage/private hire drivers’ assessment in certain circumstances be revoked; and, if Members wish to introduce a new requirement:

(2) that licence-holders whose DVLA licences are endorsed with nine or more current points are to be required to produce at their own cost within three months of being required to do so a written Drive Check Plus assessment (or equivalent as may from time to time be offered) from the Institute of Advanced Motorists. Licence-holders who are unable to produce such assessments without good cause will have their licences revoked until they have produced such evidence and fulfilled all the Council’s current criteria for the grant of a licence.

## 3 Vehicle age limits

(1) All existing policies, conditions and requirements relating to the age of hackney carriages and private hire vehicles be revoked.

(2) That from the date of approval no vehicle shall be first licensed as a hackney carriage if at the time of licensing it has been registered at DVLA for seven or more years

## 4.0 **IMPLICATIONS**

### 4.1 **Financial**

4.1.1 The Shared Director of Finance comments that there are no additional financial implications arising from this report. The policy of suspending driver licences that can be challenged in the magistrates’ court may lead to an increase in the number of appeals against the council but officers estimate no more than one additional appeal a year. Costs of unsuccessful appeals may usually be recovered from the appellant.

### 4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that there are no legal issues arising from the changes in policy to the vehicle age limits and this can be adopted if the Committee think they are reasonable, proportionate and justified.

The Environmental Services Enforcement Policy already sets out the basis of how the council makes enforcement decisions., Members have previously endorsed this. The use of the power to suspend drivers’ licences is not a local decision, it is the use of an existing statutory power that this Council has not previously used.

The High Court has ruled that it is lawful for local authorities to require drivers to pass the DSA test before renewing their licence as it amounted to a lawful request for information in order for it to assess whether the applicant was a fit and proper person.<sup>2</sup> By extension it is argued that requiring licence-holders to provide details of an independent assessment during the currency of a licence is a lawful request in order to assess their continuing fitness and propriety when evidence of poor driving (shown by endorsements on the DVLA licence) has come to light.

### 4.3 Equalities

4.3.1 No new evidence has emerged that the changes in policies would have any adverse impact on the protected characteristics listed in the Equalities Act.

### 4.4 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Judicial challenge to any of the policies	1	4	4
Older and less reliable vehicles if no vehicle age limits are applied	4	2	8
Appeals against suspension of driver licences	4	1	4
<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>			

### Appendices

Appendix 1 – Results from driver workshops

Appendix 2 – Principles to be included in Environmental Service Enforcement Policy

### Background Papers

As listed in the footnotes within the report

### File Reference

Driver workshops 2014



RESPONSES FROM HACKNEY CARRIAGE DRIVERS' WORKSHOPS

Item of concern	Number of 'votes' NB: Drivers had to vote for their top 5 issues	Proposed solutions
<b>Penalty Points</b>	<b>44</b>	<ul style="list-style-type: none"> <li>• Consider if they're justified.</li> <li>• Minor and major offences: define and separate them.</li> <li>• Abolish penalty points altogether until there is sufficient rank space.</li> <li>• Drop points for some categories of offence.</li> <li>• Scrap points for parking related offences but keep the others.</li> <li>• Replace points with financial penalties for certain offences.</li> <li>• Suspension instead of points?: 2 days to a week?</li> <li>• Replace points with a 'three strikes' system.</li> <li>• Warnings before points?</li> <li>• Strong warnings, then revocation?</li> <li>• Increase severity of points before suspension</li> <li>• Points only for serious and proven offences?</li> <li>• Star system for good drivers.</li> <li>• Watch repeat offenders closely and revoke dual licence if they reoffend.</li> <li>• No letters or points but call in offenders for a stern face-to-face warning.</li> <li>• Refusals: Introduce a fixed £5 fare for short journeys to discourage this.</li> </ul>
<p><i>Officer's response:</i> The Licensing Committee is being asked to review the existing enforcement regime.</p>		

Ranks - space and location

37

- Only one town centre rank required but sufficient to be within reach of whole town centre.
- One Bell: swap rank and disabled parking spaces for greater visibility.
- Suggested locations for new ranks: Vicarage Road, Station Road, Ascot Road; St Albans Road (near shops and Wishing Well pub, 24 hour rank both sides of the road); Dome (near Pizza Hut); Tesco Express loading bay; Café Nero; Palace Theatre; Roosters Chicken; BHS; all supermarkets; at the new town centre market; Halifax (replace the bus stop?); all stations (including new Met line stations); hospital; Harry Potter studios; The Horns Pub (a 24 hour rank for 6 cars?)
- **Barclays rank:** re-examine when loading takes place and expand period when rank is available to drivers.
- **Shady Lane:** extend rank and move Pay & Display to Westland Road.
- **Harlequin centre rank:** possible to extend it?
- **Outside Revolution:** space for 4 vehicles.
- **Rickmansworth Road:** offer 24 hour rank by extending layby around bus stop.
- Watford Junction – road ownership – only leased to London Midland? Is the permit fee valid?
- Enforcement officer to be 'on call' to deal with public parked on Waterstones rank.
- Talk to the big supermarkets and encourage them to use WBC drivers instead of 3R.
- Need to make the current trial at the Junction effective: drivers to collaborate to ensure it works.
- Improve visibility at junction – eg. At Zebra crossing.
- Planning permission for new developments: new taxi rank space to be pertinent to applications
- There needs to be 24 hour rank space for approx 20% of the taxis (suggested by Westminster Council and Transport & General Workers' Union).
- Albert Road South: impose a night time traffic order to avoid illegal taxis plying for hire and anti-social behaviour in and around Sainsbury's car park.
- Put a cap on driver badges (the cap

<p style="text-align: center;"><b>Ranks – space and locations</b></p>		<ul style="list-style-type: none"> <li>• Albert Road South: impose a night time traffic order to avoid illegal taxis plying for hire and anti-social behaviour in and around Sainsbury's car park.</li> <li>• Iceland rank is facing the wrong way and is on the wrong side of the road: not safe as customers have to walk in the road to reach the first car and drivers take jobs from the back of the queue - can it be reversed?</li> <li>• Put a cap on driver badges (the cap on vehicle licences is not effective because several drivers will share a car)</li> </ul>
<p><i>Officers' response:</i> A review has been conducted of town centre ranks and is due to be considered by the Head of Regeneration and Development.</p>		
<p style="text-align: center;"><b>Door Signs</b></p>	<p style="text-align: center;">34</p>	<ul style="list-style-type: none"> <li>• Abolish door signs: vehicle already has a plate and roof sign – keep it simple.</li> <li>• Allow magnetic door signs; (50% of drivers in one workshop would be happy with magnetic signs instead of no signs).</li> <li>• Allow magnetic door signs <b>or</b> a front or back screen sticker: drivers to be given a choice between the two.</li> <li>• Can the council crest appear on the side of the roof sign instead? - on the opposite side from the disability logo.</li> </ul>
<p><i>Officers' response:</i> This is a procedural issue for officers to explore rather than requiring a policy decision. Officers discussing with Chair of Licensing a trial of 12 months with the option for magnetic signs. Drivers to be consulted.</p>		

<b>Vehicle Age limits</b>	28	<ul style="list-style-type: none"> <li>• Change lower limit to 6, 7 or 8 years old for all vehicles.</li> <li>• Bring down upper age limit in exchange for a more generous lower age limit.</li> <li>• Upper age limit to be scrapped altogether if the vehicle still passes its MoT.</li> </ul>
<p><i>Officers' response:</i> This is a policy decision for the Licensing Committee to consider. Officers recommending a maximum 7 year age limit for vehicles when first licensed.</p>		
<b>Repeat DSA assessment</b>	22	<ul style="list-style-type: none"> <li>• Keep test for new drivers (generally agreed by all drivers).</li> <li>• DVLA resit to offer exemption from council request to resit.</li> <li>• Only resit if banned but not required by DVLA.</li> <li>• Revert request to resit from 6 to 9 points.</li> <li>• Abolish any requests to resit after 9 points when already previously taken at 9 points.</li> <li>• Mandatory DSA resit every 9 years/3 badge renewals: abolish it.</li> </ul>
<p><i>Officers' response:</i> This is a policy decision for the Licensing Committee to consider. The mandatory requirement to retake the test every 9 years has already been abolished. Officers recommending a different approach, either stop the requirement to resit, or replace with an alternative that is more educative in focus.</p>		

<p style="text-align: center;"><b>Traffic Wardens: targeting licensed drivers unfairly/Town Centre pick-ups</b></p>	<p style="text-align: center;">17/13</p>	<ul style="list-style-type: none"> <li>• Arrange a meeting between parking shop and driver representatives.</li> <li>• CEOs to allow licensed drivers 2- 5 minutes' grace when picking up or dropping off passengers.</li> <li>• CEOs to move drivers on instead of reporting them.</li> <li>• Improve rank space: less need to park on double yellow lines.</li> <li>• Introduce designated drop-off / pick-up spots – not to be used as ranks!</li> <li>• Introduce a 'green card' / stars on the doors system: drivers with a good record to be exempt from points.</li> </ul>
<p><i>Officer's response:</i></p> <ul style="list-style-type: none"> <li>• Officers have had initial meeting with the Parking Service to develop better understanding of the pressures faced by CEOs and drivers.</li> <li>• A review of the ranks has been conducted and will be considered by the Head of Regeneration and Development. Proposals include increased rank space and pick up drop off areas.</li> <li>• Officers are developing proposals for a licence-holder recognition scheme.</li> </ul>		
<p style="text-align: center;"><b>Vehicle Tests/MoT: Inconvenient and too strict</b></p>	<p style="text-align: center;">16</p>	<ul style="list-style-type: none"> <li>• Introduce a 'one stop shop test': Council to do actual MoT as well as licence plate inspection.</li> <li>• Allow a period of grace if a vehicle fails on a minor item – plate to be offered and driver to address the 'failed' item within a week.</li> <li>• Drop First Aid kit requirement as drivers rarely qualified to administer first aid</li> <li>• Drop requirement for 'first aid kit on board' sign as the kit is not for passenger use.</li> <li>• Re-examine vehicle regulations.</li> </ul>
<p><i>Officer's response:</i></p> <ul style="list-style-type: none"> <li>• Officers are reviewing and updating the vehicle licence conditions and test requirements and will bring further recommendations to the Licensing Committee as required.</li> <li>• A "grace period" of up to 10 working days (unless the licence expires beforehand) already exists</li> <li>• Council does not have appropriate facilities to offer MOT tests as well</li> <li>• When this was discussed at workshops the majority of drivers agreed the changes had been beneficial now that improvements had been made to</li> </ul>		

the current system and drivers were more familiar with it.		
<b>Tariff / Minimum fare</b>	9	<ul style="list-style-type: none"> <li>All drivers to have automatic meters (tariffs 3 and 4 open to abuse).</li> <li>Scrap tariffs 3 and 4 / simplify the tariff.</li> <li>Replace tariffs 3 and 4 with a surcharge.</li> <li>Tariffs to follow the PCO rate of increase.</li> <li>Increase tariff and decrease distance.</li> </ul>
<p><i>Officer's response:</i> Officers will review the current fare tariff with representatives from the trade commencing in April.</p>		
<b>Parking</b>	8	<ul style="list-style-type: none"> <li>Solutions not discussed in detail at the workshops (see above)</li> </ul>
<b>Fare refusals</b>	8	<ul style="list-style-type: none"> <li>Solutions not discussed in detail at the workshops other than in the context of enforcement policy (see above)</li> </ul>
<b>Dual licence fees</b>	8	<ul style="list-style-type: none"> <li>Introduce a hackney carriage only badge which is cheaper than a dual badge.</li> <li>Pay for badges by instalments (direct debit?).</li> <li>Reduce fees for drivers who 'renew with no changes' (less processing time).</li> <li>Introduce a 5 year badge.</li> <li>Good drivers to get a reduction in badge fee.</li> </ul>
<p><i>Officer's response:</i> Officers are exploring options to pay by direct debit and instalments, although licences (badges) are currently granted for the legal maximum period of three years. Officers explained the process of granting a dual or sole licence is the same and therefore it would not impact on pricing.</p>		
<b>Other drivers working in Watford</b>	7	<ul style="list-style-type: none"> <li>Solutions not discussed in detail at the workshops other than in relation to enforcement approach and in relation to trying to restrict access to Albert Road South (see above)</li> </ul>

<b>Bus lanes (including poor signage)</b>	6	<ul style="list-style-type: none"> <li>• Check traffic regulation order.</li> <li>• Try to obtain access to all lanes.</li> <li>• Woodmere Avenue: bus access through width restrictions.</li> </ul>
<i>Officer's response:</i> Officers to explore this further with Hertfordshire County Council.		
<b>Width restrictions</b>	5	<ul style="list-style-type: none"> <li>• No specific solutions proposed</li> </ul>
<b>Rank signage</b>	6	<ul style="list-style-type: none"> <li>• Introduce bigger signs at ranks.</li> <li>• New signs for areas from where public likely to need a taxi.</li> <li>• Advertising: can the ranks be promoted on the screens in the Intu Watford shopping centre?</li> <li>• Need to advertise where ranks are and when they are open.</li> </ul>
<i>Officer's response:</i> A review of the ranks has been conducted and will be considered by the Head of Regeneration and Development. This includes increased signage and information of location.		
<b>Driver Safety</b>	5	<ul style="list-style-type: none"> <li>• Solutions not discussed in detail at the workshops.</li> </ul>
<b>Private hire drivers plying for hire</b>	4	<ul style="list-style-type: none"> <li>• Restrict access to Albert Road South to taxis only and Watford private hire vehicles only (10pm to 5am).</li> <li>• Request greater Police co-operation:</li> <li>• Police to question drivers and remove those plying for hire; also at supermarkets.</li> <li>• High visibility patrols.</li> <li>• Areas for consideration: Roslyn Road, Wilmington Close, Palace Theatre, Market Street, Barclays rank, Oceana layby and Horns layby.</li> <li>• Continue with prosecutions.</li> <li>• Drivers to accompany Licensing Enforcement Officer to gain an understanding of enforcement issues.</li> </ul>
<i>Officer's response:</i> <ul style="list-style-type: none"> <li>• Officers will continue with their enforcement activities.</li> <li>• Officers to explore whether powers under the Anti-Social Behaviour, Crime and Policing Bill can be used in relation to Albert Road South</li> <li>• Options for limiting access to Albert Road South at night are being explored with the Police.</li> </ul>		

<b>Christmas tree in St Mary's Square / Visibility of One Bell rank</b>	4	<ul style="list-style-type: none"> <li>No specific solutions proposed other than consider location next year subsequent to any change in rank provision.</li> </ul>
<b>Zafiras licensed for only 4 passengers: complaints from public / same insurance costs</b>	3	<ul style="list-style-type: none"> <li>Revert to licensing for 6 passengers (it's a matter of comfort, not safety).</li> </ul>
<i>Officer's response:</i> Officer will consider this issue in more detail and take any proposals to the Licensing Committee in June 2014.		
<b>Police - assistance with recovery of fares not paid</b>	3	<ul style="list-style-type: none"> <li>No specific solutions proposed. Officers advised to continue to inform Police and Licensing; some recoveries now being made.</li> </ul>
<b>Taxi marshalls</b>	3	<ul style="list-style-type: none"> <li>A difficult job and they need more training.</li> </ul>
<i>Officer's response:</i> Officers are working with the marshalls to improve the service offered.		
<b>Members of the public parking on the ranks</b>	2	<ul style="list-style-type: none"> <li>No specific solutions proposed.</li> </ul>
<i>Officer's response:</i> Officers advised CEOs able to enforce, will liaise with CEOs.		
<b>First Aid training for drivers</b>	2	<ul style="list-style-type: none"> <li>No specific solutions proposed</li> </ul>
<b>Poor communication between WBC and drivers (including no feedback)</b>	2	<ul style="list-style-type: none"> <li>Arrange an annual meeting for all drivers.</li> <li>Send important updates by text message.</li> </ul>
<i>Officer's response:</i> Officers will make proposals for better communication to the drivers for consideration.		
<b>Vehicle cleanliness (other drivers' cars)</b>	2	<ul style="list-style-type: none"> <li>No specific solutions proposed</li> </ul>
<i>Officer's response:</i> Officers will continue to make check inspections of cars on the ranks.		
<b>Lack of toilets / washing facilities for drivers at night</b>	2	<ul style="list-style-type: none"> <li>Could the council have an arrangement with a local hotel for drivers to use the toilet and to change their clothes if wet?</li> </ul>
<i>Officer's response:</i> Officers will investigate options.		



<b>Different rates for private hire and hackney carriage</b>	1	<ul style="list-style-type: none"> <li>No specific solutions proposed</li> </ul>
<b>Overcharging</b>	1	<ul style="list-style-type: none"> <li>Solutions not discussed in detail at the workshops other than in the context of enforcement policy (see above)</li> </ul>
<b>Appeals system</b>	1	<ul style="list-style-type: none"> <li>Solutions not discussed in detail at the workshops other than in the context of enforcement policy (see above)</li> </ul>
<b>Accident damage policy</b>	1	<ul style="list-style-type: none"> <li>No specific solutions proposed</li> </ul>
<b>Other Watford drivers - poor standards - dress, attitude, road knowledge, etc etc</b>	0	<ul style="list-style-type: none"> <li>Solutions not discussed in detail at the workshops other than in the context of enforcement policy (see above)</li> </ul>
<b>Zebra crossing (Junction) - poor visibility for drivers</b>	0	<ul style="list-style-type: none"> <li>No specific solutions proposed</li> </ul>
<i>Officer's response:</i> Officers advised Watford Junction review underway.		
<b>Rank space at new developments</b>	0	<ul style="list-style-type: none"> <li>No specific solutions proposed</li> </ul>
<i>Officer's response:</i> Officers advised Planning and Transportation Section made aware of need for consideration of rank space at development approval stage.		
<b>Hospital and supermarket driver contracts with other authorities</b>	0	<ul style="list-style-type: none"> <li>No specific solutions proposed</li> </ul>
<i>Officer's response:</i> Officers advised rank options are being explored on private land and officers will promote the use of Watford Companies where possible.		
<b>Buses to Harry Potter studios - reduces work</b>	0	<ul style="list-style-type: none"> <li>No specific solutions proposed</li> </ul>

## PRIVATE HIRE DRIVER WORKSHOPS

Item of concern	Proposed solutions
<b>No drop off points near town centre (Marks &amp; Spencer) for elderly passengers.</b>	None detailed.
<b>No parking/pick up point at the Met quarter.</b>	None detailed.
<i>Officer's response:</i> A review of the ranks has been conducted and will be considered by the Head of Regeneration and Development. This includes options for drop off and pick up.	
<b>Watford Junction: very poor traffic flow - takes 15 minutes to go around and back.</b>	None detailed.
<i>Officer's response:</i> Officers advised Watford Junction review underway.	
<b>Hackney carriage drivers use the Horns lay-by as a taxi rank.</b>	Consider review of provision.
<i>Officer's response:</i> A review of the ranks has been conducted and will be considered by the Head of Regeneration and Development. This includes options for drop off and pick up.	
<b>Lack of bus lay-bys leads to buses parking in the road.</b>	Arrange a meeting between town planners and road users?
<b>Traffic lights are "a punishment".</b>	Different timings possible for day and night – especially in Hagden Lane and Stratford Way?
<b>Road narrowing restrictions on Woodford Avenue.</b>	None suggested
<b>Rosslyn Road - dangerous for drivers.</b>	One way system needs enforcing to avoid accidents when drivers leave the car park.
<b>Top of Bushey Mill Lane - drivers get 'trapped' at junction.</b>	<ul style="list-style-type: none"> <li>• Allow a right turn into Balmoral Road to relieve pressure on traffic headed for the Dome.</li> <li>• Can drivers assist by marking congestion spots on a map or compile a list for the council?</li> </ul>
<i>Officer's response:</i> Officers will make Highways aware and consider a meeting between driver representatives and them .	
<b>DSA test resit now at 6 points - drivers are "punished twice".</b>	None detailed.
<i>Officer's response:</i> This is a policy decision for the Licensing Committee to consider. The mandatory requirement to retake the test every 9 years has already been abolished.	

<b>Private hire drivers from other authorities ranking in the town at weekend evenings.</b>	None suggested
<i>Officer's response:</i>	
<ul style="list-style-type: none"> <li>• Officers will continue with their enforcement activities.</li> <li>• Officers to explore whether powers under the Anti-Social Behaviour, Crime and Policing Bill can be used in relation to Albert Road South</li> <li>• Options for limiting access to Albert Road South at night are being explored with the Police.</li> </ul>	
<b>Hackney drivers "stealing customers" when cars are mistaken by customers as pre-booked.</b>	None suggested
<b>Dropping the colour restrictions on hackney vehicles has lead to public confusion.</b>	Reinstate black and white livery for hackneys to avoid confusing the general public.
<i>Officers' response:</i>	
Officers will consult with hackney carriage licence-holders on possible solutions.	
<b>MoT bookings: drivers can't always get a booking for the following day if required.</b>	Have 'reserve' appointments for new cars and courtesy vehicles ('emergencies' only).
<i>Officers' response:</i>	
Appointments are generally available within a day or so apart from peak times. Officers reviewing bookings system for peak times to see if "reserve appointments" can be accommodated.	
<b>Poor communication between council and licensed drivers.</b>	None suggested
<i>Officer's response:</i>	
Officers will make proposals for better communication to the drivers for consideration.	

## PRIVATE HIRE OPERATORS' WORKSHOP

<p><b>No designated drop-off/pick-up points in town.</b></p>	<ul style="list-style-type: none"> <li>• Introduce and advertise designated pick-up points at Barclays bank or Marks and Spencer.</li> <li>• Maybe Halifax could also be a night drop-off point?</li> </ul>
<p><i>Officers' response:</i> A review of the ranks has been conducted and will be considered by the Head of Regeneration and Development.</p>	
<p><b>Inadequate feedback on the Knowledge Test results: discouraging for new drivers.</b></p>	<p>Suggested an apprentice/probationary type scheme.</p>
<p><i>Officers' response:</i> Officers are reviewing how the Knowledge Test procedure currently works and will explore if a provisional type licence is needed.</p>	
<p><b>There are not enough new private hire drivers - operators have to take on hackney drivers instead.</b></p>	<ul style="list-style-type: none"> <li>• Probationary driver scheme where new drivers serve an 'apprenticeship' with an operator and have a time limit by which they need to pass the knowledge test.</li> <li>• Apprenticeships would also help operators to decide which drivers they would like to keep.</li> </ul>
<p><i>Officers' response:</i> Officers are exploring this as above. Probationary licences may be complex and difficult to justify, particularly if licences are granted before a person has passed the Knowledge Test.</p>	
<p><b>Hackney carriage drivers pick and choose their jobs.</b></p>	<p>None suggested</p>
<p><b>Hackney carriage drivers also have a poor attitude towards private hire drivers - it undermines their skills.</b></p>	<p>None suggested</p>
<p><b>Tariff difference between hackney carriage drivers (who work for operators) and the operator's own private hire tariff causes problems for operators - leads to complaints from members of public who are unhappy and confused with the different types of fare.</b></p>	<p>None suggested</p>
<p><i>Officers' response:</i> Officers will review the current hackney carriage tariff with trade representatives although private hire operators are entitled to set their own tariffs.</p>	

<b>Penalty points system not fair or effective.</b>	Introduce a £20 fine for offences or a system of suspensions.
<i>Officer's response:</i> The Licensing Committee is being asked to review the existing enforcement regime.	
<b>Watford Junction: no obvious drop-off points.</b>	Can the lay-bys be made into designated drop-off points?
<i>Officers' response:</i> Officers are working with London Midland and others to re-examine Watford Junction.	
<b>Operator door stickers: Not popular with (1) private hire drivers and (2) operators who undertake a lot of VIP work. Also discourages new private hire drivers who would want to use their vehicle for private use without a plate and stickers.</b>	<ul style="list-style-type: none"> <li>• Give private hire drivers a choice of magnetic or permanent stickers</li> <li>• for executive (but not chauffeur) cars could the requirement for a plate be dropped if the sticker is retained?</li> <li>• Could a badge in front and rear windcreens could replace the sticker and/or plate?</li> </ul>
<i>Officers' response:</i> Officers are examining alternative options.	
<b>DSA resit</b>	Keep the DSA for new drivers only and extend validity to five years if they have already passed the test for another borough.
<i>Officers' response:</i> This is a policy decision for the Licensing Committee to consider.	
<b>MoT/plate inspection test: operators already ensure that their drivers' vehicles have the road fund licence and MOT. What can the council do to help them in return?</b>	None detailed.
<i>Officers' response:</i> Officers are examining how a licence-holder recognition scheme could be introduced	
<b>Communication between council and drivers could be better.</b>	<ul style="list-style-type: none"> <li>• Newsletter could be emailed to operators (instead of posted as previously) who would print copies for their notice boards.</li> <li>• Could the council hold quarterly meetings for drivers?</li> </ul>
<i>Officer's response:</i> Officers will make proposals for better communication to the drivers for consideration.	

This page is intentionally left blank

**Principles to be embedded within the Environmental Services Enforcement Policy in relation to hackney carriage and private hire vehicle licensing**

Every complaint received shall be investigated thoroughly and with due regard to evidential procedure.

Complaints shall be investigated on their own merits and facts and no weight shall be given to considerations of driver history.

Evidence shall be sought both in proving and disproving the alleged offence in accordance with the guidelines for the investigation of criminal cases.

In cases where there is insufficient evidence to prove the case, no further action shall be taken.

Drivers shall be notified of all complaints received against them whether proven or not. These notifications, unless proven, shall not count when determining the character of a driver in future enforcement or licensing decisions.

Where evidence of an offence can be verified the nature of the offence shall be determined and proportionate action taken in accordance with the Environmental Service Enforcement Policy 2011-2014 (Appendix 1)

Offences by drivers or proprietors concerning dishonesty, breach of trust, violence or aggression, or putting a member of the public in danger or an unsafe position, shall result in the following action:

For a first offence, a written warning.

For second or subsequent offences, or where it is deemed that the first offence is serious enough, suspension of the driver's licence for 2 days. For first offences this must be authorised by the Environmental Health and Licensing Section Head or Head of Service.

In accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976 any suspension of a drivers licence will not take effect until 21 days after the service of the suspension notice unless there is a significant risk to public safety. Drivers have the right to appeal against suspensions by way of application to the Magistrates Court.

For offences not included in the above categories, drivers or proprietors shall receive formal written warnings. Drivers who receive repeated written warnings at such a frequency or for similar offences will be invited to attend a Case Review.

For further serious offences after a period of suspension, or where the evidence and outcomes of any individual offence or case review support such a decision, referral will be made to the Driver Standards Committee for consideration of whether the driver remains a fit and proper person to hold a licence.

A Case Review is a formal meeting, with the Section Head of Environmental Health and Licensing or the Head of Service, where all driver history will be reviewed and discussed. Outcomes of this meeting will include a review date being placed on a licence whereby any future proven offences before this date will automatically result in the Licence being considered for revocation by the Driver Standards Committee, a referral at that time to the Driver Standards Committee, or any other sanction or outcome as detailed in the Environmental Services Enforcement Policy.

The Driver Standards Committee is a panel made up of 2 Members of the Licensing Committee and one Officer of Section Head seniority or above. This committee will be convened and will consider cases where there is a question as to whether the driver remains a "fit and proper" person to hold a Licence. The Committee can take any such action as it is legally allowed to do as set out in the Enforcement Policy and if they are minded to revoke the Licence the driver has the right to appeal to the Magistrates Court. In relation to formal actions such as a prosecution or formal caution, the committee would make the recommendation for consideration by the Council's authorised officer to consider.



# Agenda Item 5

**Report to:** Licensing Committee  
**Date of meeting:** 18 March 2014  
**Report of:** Head of Community and Customer Services  
**Title:** Review of the charity street collection policy

## 1.0 SUMMARY

- 1.1 The Council grants consents for collections of cash and other goods for charitable purposes to take place in public places. Typically, these consents are to allow local charities or local branches of national charities to collect in the High Street and The Parade. A more recent development has been the use of professional fund-raising companies by national charities, who canvass for donations via regular direct debit payments rather than cash contributions.
- 1.2 Complaints have been made to the Council over the last few years about the number and frequency of both cash and direct debit collections in the High Street. Given the current changes within the town centre, officers have consulted on a new policy for consideration by the Committee.

## 2.0 RECOMMENDATIONS

- 2.1 The Committee approve the new charity street collection policy set out at appendix 2.
- 2.2 That officers enter into the Site Management Agreement with the Public Fundraising Regulatory Association as set out at appendix 3.
- 2.3 That delegated authority be given to the Environmental Health & Licensing Section Head and Head of Community & Customer Services as set out in the report.

### **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](mailto:jeffrey.leib@watford.gov.uk).

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

## 3.0 DETAILED PROPOSAL

### 3.1 Cash collections

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.

- 3.2 Collections are regulated to ensure collectors are properly authorised; that the money is collected in a secure way; and that the total proceeds collected are properly accounted for. Permit holders are required to submit returns to the council within one month of the collection showing the amounts raised and the amounts spent on any expenses associated with the collection. It is a criminal offence to organise or collect money for charitable purposes without a valid permit.
- 3.3 Permits are issued free of charge and subject to long-standing regulations approved by the Council. This report does not propose any changes to those regulations which are available from the licensing team or on the council website.<sup>1</sup>
- 3.4 Non-commercial street trading  
Many charities also apply to sell or distribute promotional goods associated with their organisation, either by applying for a non-commercial street trading consent or for a charitable collection consent from the council. There were 27 non-commercial street trading consents issued in 2013. This report covers proposals about where and when those stalls may also be placed.
- 3.5 Direct debit collections  
Direct debit (also known as Face-to-face collections) started in the UK in 1997<sup>2</sup> and are now a familiar, if not always welcome, feature of many town centres. It typically comprises of teams of collectors (either voluntary or paid) soliciting members of the public to make regular direct debit payments to the charity<sup>3</sup>. Charities use this technique as a secure means of collection that allows them to predict regular income streams. It is used by very large charities such as the British Red Cross Society, Oxfam, British Heart Foundation and Greenpeace as well as smaller ones such as the Hertfordshire and Middlesex Wildlife Trust.
- 3.6 No authoritative definition exists as to whether direct debit collections are within the ambit of the 1916 Act. Legal opinion differs as to whether or not direct debits amount to “cash” being collected at the time and proposals to clarify the situation through the Charities Act 2006 have not been implemented. The Council has, as a rule, required direct debit organisers to obtain a permit, to try and fairly allocate space between charities for collections and to provide reassurance to the public that collections are subject to some scrutiny.
- 3.7 In response to the growing numbers of direct debit collections, the Public Fundraising Regulatory Association<sup>4</sup> (PFRA) was established as a charity-led self-regulatory membership body for all types of face-to-face fundraising (which also includes house-to-house collections, fund-raising at public events and payroll giving). It works as a bridge between councils and charities engaged in face-to-face fundraising and maintaining professional standards amongst charities. It is overseen by a board including representatives of charities and fund-raising companies as well as observers from the Institute of Fundraising, the Charity Commission, the Association of Town Centre Managers, the Institute of Licensing and the Local Government Association

---

<sup>1</sup> <http://www.watford.gov.uk/ccm/navigation/business/licences-and-street-trading/licence---street-collections/>

<sup>2</sup> [http://pfra.org.uk/face-to-face\\_fundraising/the\\_origins\\_of\\_street\\_f2f/](http://pfra.org.uk/face-to-face_fundraising/the_origins_of_street_f2f/).

<sup>3</sup> Another form of face-to-face fundraising, called prospecting, involves collating names and addresses on the street to be followed up for donations at a later time.

<sup>4</sup> <http://www.pfra.org.uk>

(LGA) amongst others.

- 3.8 The PFRA publish codes of practice for direct debit fundraisers and in particular a Street Rule Book<sup>5</sup>. This sets out the professional standards for those soliciting direct debit collections including identification of collectors and charities; making it clear if collectors are being paid; and obstructing or causing annoyance to members of the public. Apart from such behaviour being counter-productive, the rules prohibit collectors for instance from walking more than three steps alongside a member of the public to solicit a donation or approaching members of the public sitting on public benches etc. The Rule Book is now enforced through a system of financial penalties that are levied on PFRA members for non-compliance, as well as spot-checks and a small enforcement team that responds to complaints from local authorities and the public.
- 3.9 The lack of clarity over whether direct debit collections ought to be licensed means some councils require them to be licensed but others do not. To help councils manage the allocation of space and ensure better compliance with its professional standards, the PFRA enter into Site Management Agreements (SMA) with local authorities – an approach strongly endorsed by the LGA. One advantage of the SMA is that the PFRA manages the diary for booking charities into town centres. Over seventy agreements are currently in place covering more than 100 towns and cities.
- 3.10 Existing council policy  
Last year, the Council issued 96 street collection permits, a typical level of activity. Most collections take place in the town centre. The Council has a long-standing policy to try and allocate collection times fairly so that charities are not competing with each other at the same time. Permits are generally issued:
- not more than six months' in advance
  - must be applied for at least 28 days in advance
  - subject to the Provision of Services Regulations. Tacit consent applies so they are automatically granted if the council does not respond within the stated time period to reject an application
  - to not more than two charities at a time
  - for collections between 9 am and 5 pm
  - without any restrictions on the number of collectors allowed at any one time.
- 3.11 Permits are not needed for collections on private property, such as forecourts, supermarket entrances or at Watford Junction station. The transfer of ownership to Watford Intu of Charter Place means that permits and consents can no longer be issued for this space, which puts pressure on other town centre locations.
- 3.12 The Parade between the flyover and Clarendon Road is another popular location.

---

<sup>5</sup><http://pfra.org.uk/assets/resources/standards/Summary%20Street%20Rule%20Book%20May%202013.pdf>

This area is due to be frequently used as additional space for the relocated market, and for activities in the Watford's Big Events programme.

3.13 General principle

As part of the policy review, officers have started from the position that it is important collectors do not congregate in certain areas of the town centre, or in such numbers, that they cause an obstruction or nuisance to pedestrians. Sensible limits should be placed to avoid too many collectors in one place, or too many appeals in a relatively short time whilst providing facilities for local charities to solicit donations and publicise their good work; allow the public to donate to charitable causes; and for local businesses to contribute to fund-raising which is often linked to national campaigns such as the BBC's Children in Need Appeal.

3.14 Consultation

Officers conducted a public consultation exercise from 27 January 2014 to 21 February 2014. This consisted of press releases, which were published on the Council website, the online edition of the Watford Observer (30 January 2014) and the printed edition of the Watford Observer (7 February 2014). Emails inviting responses were sent to all town centre businesses in the Town Centre Partnership, and to other stakeholders such as the police, Watford Intu and town centre residents' associations. Letters were also sent to any organisation that had held a charity collection permit within the last year. The results of the consultation are set out at appendix 1 and the new policy (incorporating changes from the consultation) is set out at appendix 2. The draft SMA is set out at appendix 3.

3.15 Although the consultation was concerned with the town centre, Watford Football Club have commented that charitable cash collections often take place outside Vicarage Road Stadium on match-days. They say this clashes with collections they allow to be conducted inside the ground (and which does not require a permit as they take place on private property). Although there is an enforcement issue for officers to investigate because very few permits are issued for Vicarage Road, the Committee may wish to consider adding to the policy a provision that no more than four cash collectors will be allowed in The Hornets and no more than two cash collectors in Vicarage Road on match-days, all collecting for the same charity.

3.16 Officers recommend criteria to prevent any one charity block-booking popular locations or times for cash collections. This will be managed by the Council whilst the PFRA will manage allocations for direct debit collections. No charity would be allowed to apply:

- more than twelve months in advance
- for more than two days in any one week unless part of a recognised campaign (eg Lifeboat Appeal week, Poppy Appeal)
- for more than one Saturday in any one calendar month.

Where there are special reasons officers will have discretion to grant permits outside of those parameters after agreement by the Environmental Health & Licensing Section Head or the Head of Community & Customer Services.

3.17 Officers will continue to advertise cash collection applications on the weekly

application tracker. In addition, a weekly list is posted on the council website setting out applications that have been granted, to assist applicants when making arrangements for their collections to take place.

- 3.18 Following a suggestion by the PFRA, it is recommended that permits should allow collections between 9 am and 7 pm.

## 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 the legal framework behind the issue of permits is set out in the body of the report. There are no Human Rights Act principles engaged and, as the authorising of direct debit collections through the Council is currently voluntary there is no difficulty in transferring the management of that role to the PFRA.

- 4.2.2 The recommended policy satisfies the general requirements of fairness, proportionality and reasonableness.

### 4.3 **Equalities**

- 4.3.1 An analysis of the effects of the new policy on equalities has been conducted. Monitoring forms will be sent out with issued collection permits to assess any impact. The impact assessment however shows that currently the only potential impact is in terms of age, as promoters of collections must be at least 18 years old and no cash collector may be less than 16 years old. This can be justified given the need for the integrity needed to ensure public confidence that collections are carried out properly.

### 4.4 **Potential Risks**

- 4.4.1 None identified.

### 4.5 **Staffing**

- 4.5.1 The site management agreement with the PFRA will free some time currently taken up by the licensing team in processing direct debit permits.

## Appendices

Appendix 1 – Consultation responses

Appendix 2 - Proposed charitable collection policy

Appendix 3 – Draft Site Management Agreement

## Background Papers

Police, Factories, etc (Miscellaneous Provisions) Act 1916 (available on

[www.legislation.gov.uk](http://www.legislation.gov.uk))

Watford Borough Council Regulations on Street Collections (available on [www.watford.gov.uk](http://www.watford.gov.uk))

File Reference

Charity collection policy review 2014

**CHARITY COLLECTIONS IN WATFORD TOWN CENTRE  
CONSULTATION RESPONSES**

- 22 respondents replied to the survey of which:
  - 4 were town centre residents
  - 10 work in the town centre
  - 7 live elsewhere in Watford
  - 2 work elsewhere in Watford
  - 1 was a visitor to Watford
  - 4 had previously held a charity collection permit
  - 3 replied on behalf of a community group or charity and
  - 5 replied on behalf of a business or other organisation

**Proposal 1**

No direct debit collections will be allowed at all in The Parade.

<i>Number of responses</i>	15
<b>Agree</b>	93.33% (14 people)
<i>Disagree</i>	6.67% (1 person)
<i>Comments</i>	<ul style="list-style-type: none"> <li>• Agree. Tactics are generally more aggressive than charity collectors, which risks poor opinions by the public on the whole charity sector</li> <li>• Chuggers should not be allowed in the town, many shoppers will not shop in the areas with chuggers in now this is losing local trade and putting shoppers off coming to our town</li> <li>• Please include Vicarage Road</li> </ul>

## Proposal 2

No charitable cash collections will be allowed in The Parade between Rickmansworth Road and Bentine Lane unless part of an event or performance (such as Imagine Watford) or a recognised national appeal such as Red Nose Day being organised by businesses in The Parade.

<i>Number of responses</i>	15
<b>Agree</b>	87.67% (13)
<i>Disagree</i>	13.33% (2)
<i>Comments</i>	<ul style="list-style-type: none"><li>• The loss of The Parade for public collections would be a significant part of 'popular estate' for collectors. Perhaps a strict limit of 'no more than X' would be smarter, rather than a complete removal.</li><li>• Would limit this even further</li><li>• Please include Vicarage Road</li></ul>
<i>Officers' reply</i>	<ul style="list-style-type: none"><li>• Amend the exemptions to allow any organisation with premises in the town centre to take part in a recognised appeal</li></ul>

## Proposal 3

One charitable cash collection at a time shall be allowed on no more than three days a week in The Parade between Bentine Lane and Clarendon Road.

<i>Number of responses</i>	14
<b>Agree</b>	78.57% (11)
<i>Disagree</i>	21.43% (3)
<i>Comments</i>	<ul style="list-style-type: none"><li>• Only would agree if Saturday is one of the days. Watford Talking Newspaper only collects once a year so wants to be able to collect in as many of the busy areas as possible.</li><li>• Collectors should stand in middle of The Parade when collecting so as not to obstruct shop entrances. The centre walkway is also where most pedestrians should be walking.</li><li>• Donor fatigue may be construed by some as harassment, and deter them from the area is over-exposed to collections.</li><li>• Please include Vicarage Road</li></ul>
<i>Officers' reply</i>	<ul style="list-style-type: none"><li>• Charitable cash collections would be allowed on Saturday and not direct debit collections</li></ul>



	<ul style="list-style-type: none"> <li>• Cash collectors can be asked not to obstruct shop entrances; direct debit collections are governed by their code of practise</li> </ul>
--	--

#### Proposal 4

One non-commercial stall will be allowed at a time in The Parade between Bentine Lane and Clarendon Road, subject to space being available in consultation with the Charter market.

<i>Number of responses</i>	15
<b>Agree</b>	100% (15)
<i>Disagree</i>	0% (0)
<i>Comments</i>	<ul style="list-style-type: none"> <li>• Please include Vicarage Road</li> </ul>

#### Proposal 5

One non-commercial stall will be allowed at a time in St Mary's Square.

<i>Number of responses</i>	15
<b>Agree</b>	100% (15)
<i>Disagree</i>	0% (0)
<i>Comments</i>	<ul style="list-style-type: none"> <li>• Please include Vicarage Road</li> </ul>

#### Proposal 6

One non-commercial stall will be allowed at a time in Queens Road, providing no separate charitable collection is taking place. This will be issued on a first come-first served basis.

<i>Number of responses</i>	15
<b>Agree</b>	93.33% (14)
<i>Disagree</i>	6.67% (1)
<i>Comments</i>	<ul style="list-style-type: none"> <li>• Agree if this applies only to Queen's Street [sic]. If no charity collections are allowed anywhere in Watford when there is a non-commercial stall in Queens Street then disagree.</li> <li>• Please include Vicarage Road</li> </ul>
<i>Officers' reply</i>	<ul style="list-style-type: none"> <li>• This proposal does only apply to Queens Road</li> </ul>

### Proposal 7

Up to four direct debit collectors will be allowed on three days a week (except on Saturdays) between Clarendon Road and Charter Place, two of whom will be on each side of the street. Another two direct debit collectors will be allowed between Charter Place and King Street. No direct debit collections will be allowed in St Mary's Square. Direct debit collectors may only be from one company and collecting for one charity at a time.

<i>Number of responses</i>	15
<b>Agree</b>	80% (12)
<i>Disagree</i>	20% (3)
<i>Comments</i>	<ul style="list-style-type: none"><li>• Forced separation is sensible, agreed.</li><li>• Direct debit collectors (chuggers) put people off shopping in any area they are in, you see shoppers now turn around and go back when they see chuggers in the area this is costing our shops much needed trade, Many shoppers like to shop the town then use the local restaurants for a break they are put off going up or down the town if it means passing chuggers this again puts them off shopping in our town.</li><li>• I think that the numbers should be limited to 4 between Clarendon Road and King Street for 7 days a week, therefore proposal 8 would not be needed and the same rule would apply 7 days a week.</li><li>• Please include Vicarage Road</li></ul>
<i>Officers' reply</i>	<ul style="list-style-type: none"><li>• This proposal concerns the number of direct debit collectors; proposal 8 concerns the number of cash collectors</li></ul>

### Proposal 8

Up to six cash charity collectors will be allowed on four days a week including Saturdays between Clarendon Road and King Street, on behalf of one charity.

<i>Number of responses</i>	15
<b>Agree</b>	80% (12)
<i>Disagree</i>	20% (3)
<i>Comments</i>	<ul style="list-style-type: none"><li>• Collections on the High Street south of King Street should be permitted. Consider a designated spot if pavement congestion is a concern.</li><li>• I think that the numbers should be limited to 4 between Clarendon Road and King Street for 7 days a week, therefore this proposal is not needed and the same rule would apply 7 days a week.</li><li>• Please include Vicarage Road</li></ul>
<i>Officers' reply</i>	<ul style="list-style-type: none"><li>• Two cash collectors could be allowed on the High Street between King Street and Beechen Grove</li></ul>

### Proposal 9

No charity collectors will be allowed in St Mary's Square, unless as part of a non-commercial stall

<i>Number of responses</i>	15
<b>Agree</b>	86.67% (13)
<i>Disagree</i>	13.33% (2)
<i>Comments</i>	<ul style="list-style-type: none"><li>• This forces 2 applications to be made when using this area – one for the street collection and the other for the non-commercial stall. One application should be enough.</li><li>• Again, maybe placing a limit on numbers of collectors (as part of the town centre limit of 6 max) allowed in the square, rather than blanket ban.</li><li>• Please include Vicarage Road</li></ul>
<i>Officers' reply</i>	<ul style="list-style-type: none"><li>• Only one application form is needed for charitable cash collections and the sale of goods for charitable purposes</li><li>• It is suggested St Mary's Square should be kept clear of any collectors to enhance its amenity</li></ul>

### Proposal 10

Up to four charity cash collectors will be allowed in Queens Road between High Street and Beechen Grove but not at the same time as a non-commercial stall.

<i>Number of responses</i>	15
<b>Agree</b>	86.67% (13)
<i>Disagree</i>	13.33% (2)
<i>Comments</i>	<ul style="list-style-type: none"><li>• I think that the length of this area is quite short and therefore I feel 4 charity collectors would crowd the area. This should be limited to 2 collectors.</li><li>• Please include Vicarage Road</li></ul>
<i>Officers' reply</i>	<ul style="list-style-type: none"><li>• Officers agree that this should be limited to 2 cash collectors in this section of Queens Road</li></ul>

### Proposal 11

No non-commercial stalls shall be allowed elsewhere in the town centre.

<i>Number of responses</i>	15
<b>Agree</b>	93.33% (14)
<i>Disagree</i>	6.67% (1)
<i>Comments</i>	<ul style="list-style-type: none"><li>• The option of an undercover area should be considered.</li><li>• Please include Vicarage Road</li></ul>

## Proposal 12

No charity collections will be allowed elsewhere in the town centre except as part of a recognised national appeal such as Red Nose Day or Children in Need where the collection is being promoted by an organisation in the town centre.

<i>Number of responses</i>	15
<b>Agree</b>	93.33% (14)
<i>Disagree</i>	6.67% (1)
<i>Comments</i>	<ul style="list-style-type: none"><li>• Why give large charities more rights than local Watford charities? It should be local charities getting the priority! All charities should be able to collect on the High Street south of Queens Street [sic] and Gaumont Approach. Both areas are busy so good for collections – possibly consider designated spots if pavement congestion is a concern.</li><li>• Please include Vicarage Road</li></ul>
<i>Officers' reply</i>	<ul style="list-style-type: none"><li>• The proposed policy is designed to reduce the number of collectors that pedestrians encounter whilst providing the opportunity for cash and direct debit collections to take place at a sensible level. Occasionally businesses promote charitable collections directly outside their premises, which the proposed policy would generally prohibit unless this limited exemption were allowed. However, the proposal should be amended as follows:  “No charity collections will be allowed elsewhere in the town centre apart from outside the applicant’s premises as part of a recognised charitable appeal on no more than two days a year”</li></ul>

## General comments

1. WTN [Walking Talking Newspaper] collect once a year on a Saturday and so wish to have a good presence throughout the town but these proposals are reducing the areas we can collect. The policy appear to be wanting to have tight restrictions on local Watford charities and give priority to national charities to collect anywhere. The priority should be reversed.

*Officers' reply: The policy is designed to give priority in terms of available times and spaces to cash collections, which are generally local charities, as opposed to direct debit collections by national charities. The policy could make clear that applications by local charities would take priority in the event of any clash.*

2. I'm so pleased that you acknowledge that it can be stressful and intimidating to walk through town and be approached by large numbers of chuggers who congregate near each other but aren't organised enough to have a system whereby they don't ask the same people time and time again in a short distance - it is SO annoying
3. Whilst I broadly support the proposal I strongly object to the use of the term "chugger" to describe charity fundraising professionals. This is a pejorative term which has no place in an official consultation.

*Officers' reply: The term was used just once in the consultation document to help identify direct debit fund-raisers to an audience who may be more familiar with that term.*

4. As an HIV support charity we only collect once a year on World AIDS Day (1st Dec). Reading your proposal, and from personal experience, it can be very off-putting to be inundated with collectors/requests when going about your daily business. Generally people will avoid, rather than approach, and as we only have one day a year to collect for our cause we would support limitations on collectors to maximise our fundraising.
5. Agree to all the proposals
6. I agree with all proposals. And would add that collectors should stand in middle of the Parade when collecting so as not to obstruct shop entrances.
7. Having read the document and consulted with staff who work within the Town Centre there concerns focus on the following: 1/ The number of collectors being allowed to operate at once. 2/ The management of the collectors who use un-ethical or high pressure tactics to persuade people to donate.
8. completely agree on most points within the proposal. Offer full support from Childreach International on smarter allocation of collection spaces within the town centre of Watford, though the removal of charity collectors from The Parade would be a loss

9. Thank you very much for giving opportunity to us to give comments on proposal. I think it would be a great idea to limit direct debit collection only for three days and also it would be great for those charities who just do cash collection. Cash collecting charity can raise more funds if they are not having clash with direct debit collection charities. Also it would be a good for the public they will not get upset if there is only one charity carrying out fundraising.

10. Ban Chuggers from the Town Centre, they are intimidating and annoying.

11. The will benefit from the proposals in general and spacing them out with limits on numbers is a great idea, last Saturday 1st Feb Talking Newspapers a good cause but you could not move for them far to many allowed. Collectors should always have clear markings on there collection tins who its for, many now do not make it clear. CHUGGERS should not be allowed in town more than one day a week they make life hell when trying to pass them

*Officers' reply: The Council's regulations require the name of the charity to be clearly displayed. The Public Fundraising Regulatory Association have indicated that their member organisations would need to be able to visit any town more than one day a week due to the number of different charities on whose behalf they collect but they must clearly identify on each occasion for which charity they are collecting.*

12. I am in general support of limiting the charity collectors within Watford Town Centre as if left uncontrolled, there can at times be far too many which can make visitors feel uncomfortable and also spoil the town centre environment for visitors.

13. I have received your request to comment, however it is not something that I have any real opinions on - so I won't say anything else.

14. It's like running a gauntlet sometimes with charity collectors, chuggers, people doing market research, Big Issue sellers...it's not pleasant!

15. I think the proposals are a good idea as there are too many "chuggers" on the high street. In an ideal world I would ban them outright, as they can be very pushy and I worry about vulnerable members of the public. I think charity collectors who are just asking for cash donations are fine, although I often see people collecting for charities without a clear name or charity registration number, so I think this also needs to be addressed.

16. Vicarage Road should be included for the purposes of this policy as the town centre to avoid spectators attending events at Vicarage Road Stadium from being constantly targeted by charity collectors. This policy is intended to prevent shoppers and visitors to the town centre being so targeted yet there is nothing in place to protect the 10 - 12,000 visitors attending the stadium.

*Officers' reply: The Council very rarely receives applications for charity collections in Vicarage Road although given the volumes of people likely to in the area during match days it may be sensible to limit permits to four collectors in The Hornets and two in Vicarage Road, all collecting for the same charity, when events are held at the stadium.*



## APPENDIX 2

### POLICY FOR CHARITY COLLECTIONS IN THE TOWN CENTRE

- Applications must be made at least 28 days and no more than twelve 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 or international disaster).
- Applications cannot generally be made for more than two days in any one week unless they are part of a recognised campaign (eg the Poppy Appeal).
- Applications cannot generally be made for more than one Saturday in one calendar month.
- Only one charity at a time shall be allowed to collect in each location
- Permits will be granted for collections to take place between 9 am and 7 pm. Where there are special reasons officers will have discretion to grant permits outside of these times after agreement by the Environmental Health & Licensing Section Head or the Head of Community & Customer Services.
- All applications are granted subject to the Council's regulations for street collections.
- Permits may be applied for in the following locations and times:

Location	Limits
<i>The Parade between Rickmansworth Road and Bentine Lane</i>	<ul style="list-style-type: none"> <li>• No direct debit collections allowed</li> <li>• No charity cash collections allowed apart from outside the applicant's premises as part of a recognised charitable appeal on no more than two days a year.</li> </ul>
<i>The Parade between Bentine Lane and Clarendon Road</i>	<ul style="list-style-type: none"> <li>• No direct debit collections allowed</li> <li>• Charity cash collections allowed on Mondays, Fridays, Saturdays and Sundays</li> <li>• Only one charity may collect at a time</li> <li>• A maximum of one non-commercial stall will be allowed, subject to consultation with the Charter Market as to space</li> </ul>
<i>High Street between Clarendon Road and Charter Place</i>	<ul style="list-style-type: none"> <li>• <u>Direct debit collections</u> Up to four collectors allowed (2 on each side of the street) at any one time on Tuesdays, Wednesdays or Thursdays).</li> <li>• Collectors must be from the same company,</li> </ul>

	<p>collecting for the same charity and booked with the Professional Fundraising Regulatory Association</p> <ul style="list-style-type: none"> <li>• <u>Cash collections</u> Up to four collectors allowed on Mondays, Fridays, Saturdays and Sundays</li> <li>• Only one charity may collect at a time</li> </ul>
<i>High Street between Charter Place and King Street</i>	<ul style="list-style-type: none"> <li>• <u>Direct debit collections</u> Up to two direct debit collectors allowed (one on each side of the street) at any one time on Tuesdays, Wednesdays or Thursdays)</li> <li>• Collectors must be from the same company, collecting for the same charity and booked with the Professional Fundraising Regulatory Association</li> <li>• <u>Charity collections</u> Up to four collectors allowed on Mondays, Fridays, Saturdays and Sundays,</li> <li>• Only one charity at a time</li> </ul>
<i>St Mary's Square</i>	<ul style="list-style-type: none"> <li>• No direct debit collectors allowed</li> <li>• No charity cash collections allowed except in conjunction with a non-commercial stall</li> </ul>
<i>Queens Road between High Street and Beechen Grove</i>	<ul style="list-style-type: none"> <li>• No direct debit collectors allowed</li> <li>• Maximum of one non-commercial stall allowed at a time <i>or</i></li> <li>• Up to two charity cash collectors</li> <li>• Only one charity at a time</li> </ul>
<i>High Street between King Street and Beechen Grove</i>	<ul style="list-style-type: none"> <li>• No direct debit collectors allowed</li> <li>• Up to two charity cash collectors but no non-commercial stalls</li> <li>• Only one charity at a time</li> </ul>
<i>Other town centre areas</i>	<ul style="list-style-type: none"> <li>• No direct debit collectors allowed</li> <li>• No charity cash collections allowed apart from outside the applicant's premises as part of a recognised charitable appeal on no more than two days a year.</li> </ul>
<i>The Hornets</i>	<ul style="list-style-type: none"> <li>• No direct debit collectors allowed</li> <li>• Up to four charity cash collectors</li> <li>• Only one charity at a time</li> </ul>
<i>Vicarage Road</i>	<ul style="list-style-type: none"> <li>• No direct debit collectors allowed</li> <li>• Up to two charity cash collectors</li> <li>• Only one charity at a time</li> </ul>

**NOTE:** Any charity street collections outside of these locations will still need to apply to the Council for a permit.

# 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.L Leib@watford.gov.uk](mailto:Jeffrey.L 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:

\_\_\_\_\_

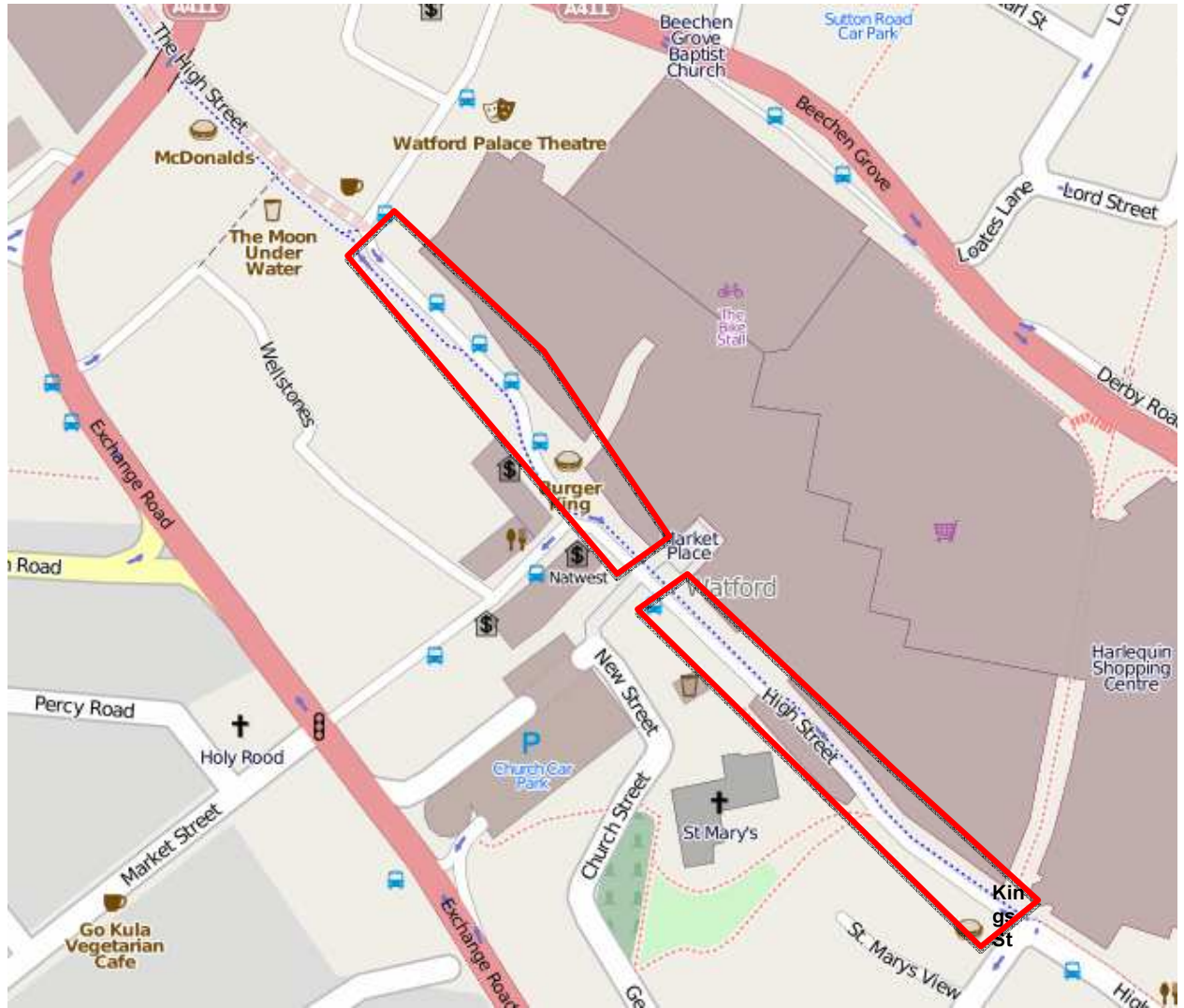
Date:

\_\_\_\_\_

# 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.