

TO:- Licensing and Regulatory Committee

Councillor Wendy Sutton , Councillor Michael Lawrence , Councillor Penny Allen , Councillor Meg Barrow , Councillor Gary Burnett , Councillor Nigel Caine , Councillor Rita Heseltine , Councillor Steve Hollis , Councillor Ve Jackson , Councillor Janet Johnson , Councillor John Michell , Councillor Christine Raven , Councillor Bernard Williams , Councillor David Williams , Councillor Henry Williams

Notice is hereby given that a meeting of the Licensing and Regulatory Committee will be held as detailed below for the purpose of transacting the business set out below.

Date: Thursday, 16 March 2023

Time: 14:30

Venue: Council Chamber, Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX



D. Heywood
Chief Executive

AGENDA

Part I – Public Session

- | | | |
|----------|---|----------------|
| 1 | Minutes
To approve the Minutes of the Licencing and Regulatory Committee meeting of 19 January 2023. | 1 - 2 |
| 2 | Apologies

To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest

To receive any declarations of interest. | |
| 4 | Driver Safety Enclosures
Report of the Licensing Manager, City Wolverhampton Council on Behalf of South Staffordshire District Council. | 3 - 24 |
| 5 | Private Water Supply Regulations 2016 - Charging Scheme
Report of Environmental and Health Licensing Team Manager. | 25 - 34 |

RECORDING

Please note that this meeting will be recorded.

PUBLIC ACCESS TO AGENDA AND REPORTS

Spare paper copies of committee agenda and reports are no longer available. Therefore should any member of the public wish to view the agenda or report(s) for this meeting, please go to www.sstaffs.gov.uk/council-democracy.

Minutes of the meeting of the **Licensing and Regulatory Committee** South Staffordshire Council held in the Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Thursday, 19 January 2023 at 14:30

Present:-

Councillor Penny Allen, Councillor Meg Barrow, Councillor Nigel Caine, Councillor Rita Heseltine, Councillor Ve Jackson, Councillor Janet Johnson, Councillor John Michell, Councillor Wendy Sutton, Councillor Bernard Williams, Councillor David Williams, Councillor Henry Williams

19 **MINUTES**

RESOLVED: That the minutes of the Licensing and Regulatory Committee meeting held on 29 September 2022 be approved and signed by the Chairman.

20 **APOLOGIES**

Apologies for non-attendance were received from Councillor Michael Lawrence, Councillor Gary Burnett, Councillor Steve Hollis and Councillor Christine Raven.

21 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

22 **HACKNEY CARRIAGE FARE INCREASE**

RESOLVED:

1. That the required publishing of a notice in a local newspaper for a period of 14 days (1 to 14 March 2023) detailing the proposed fare increase and stating a consultation period of 28 days (1 to 28 March 2023) during which objections regarding the increase can be made be approved.

2. That subject to no objection following consultation, the proposed increases in Hackney Carriage fares be approved.

23 **DRIVER SAFETY ENCLOSURE CONSULTATION**

RESOLVED: That the proposed six week consultation on the regulation of driver safety enclosures in licensed vehicles be approved.

24 **DFT CONSULTATION REPORT**

RESOLVED: That the 12-week consultation on the taxi and private hire licence conditions, guidelines and policy be approved.

25 **Q3 UPDATE**

RESOLVED: That the 2022-23 Q3 taxi licensing update report be noted.

The Meeting ended at: 16:00

2 February 2023

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL

LICENSING & REGULATORY COMMITTEE – 16 MARCH 2023

DRIVER SAFETY ENCLOSURES

REPORT OF GREG BICKERDIKE, LICENSING MANAGER, CITY WOLVERHAMPTON COUNCIL ON BEHALF OF SOUTH STAFFORDSHIRE DISTRICT COUNCIL

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

- 1.1 To seek approval from the Committee for a policy to permit the installation of Driver Safety Enclosures (DSE) in licensed vehicles.

2. RECOMMENDATIONS

- 2.1 The Committee is recommended to approve the policy to regulate Driver Safety Enclosures.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	No	
	Has an Equality Impact Assessment (EqIA) been completed?	
	Yes	
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	April 2023	
FINANCIAL IMPACT	No	
LEGAL ISSUES	No	
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	Opportunity to improve safety for licensed drivers
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION

4. INFORMATION

4.1 BACKGROUND

- 4.2 On 19 January 2023, the Committee approved a consultation on updating its policy to permit the installation of Driver Safety Enclosures.
- 4.3 Over 1,200 responses were received, with over 75% of respondents being in support of the proposals. The following issues were raised and are dealt with below:
- A. Mandatory installation costs - the screens are not proposed to be mandatory, therefore there will be no additional cost to licensees should they choose not to have a DSE.
 - B. Resale – as the DSEs can be removed, this should not affect resale value.
 - C. Limitations against extreme violence or violence outside the vehicle – this is acknowledged, however limitations are not a reason to do anything.
 - D. A barrier to communication – this has been considered previously and is mitigated by the requirement for transparency and holes for audio to transmit.
 - E. Insurance concerns – this has been considered previously and is mitigated by the policy which requires proprietors to inform their insurance provider.
 - F. Passengers in the front seat – it is proposed that driver protection would be from all passenger seats.
 - G. Reduction in passenger leg room/seating capacity – the models researched do not impact on these considerations.
 - H. Concerns about fitting correctly – this has been considered previously and is mitigated by the policy’s requirement for a professional installation.
 - I. Performance in an accident, including airbag deployment – this has been considered previously and the product’s compliance with relevant vehicle safety legislation mitigates it.
 - J. The enclosure acting as a vector for disease transmission – this has been considered previously and the policy’s requirement for the product to be kept clean mitigates it. It should also be noted that many other responses included support for the enclosures as something that would reduce airborne disease transmission.
 - K. Negatively affecting the customer experience or personal use of the vehicle – this is a consequence of the product that will need to be considered by each proprietor as to whether the benefits outweigh this.
- 4.4 There were no contributions which required a change to the proposals, included in Appendix 1.

IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 5.1 There are no direct costs implications in relation to this policy.
- 5.2 The policy requires that enclosures:
- A. Must be fitted within the vehicle accordance with regulations UN ECE R43.00 and R21.01 and Section 12 of the M1 category DVSA IVA manual.
 - B. Must not be modified from the original manufactured design, without the manufacturer’s confirmation that this will not cause any safety issues or noncompliance with the relevant UK and/or EC safety legislation.
 - C. Must not negatively affect any safety equipment, such as airbags, or escape from the vehicle.
 - D. Must be notified to the vehicle insurer as a modification to the vehicle. Proof of insurance cover including the enclosure is required at all times.
- 5.3 An equalities analysis was presented to the Committee when approval for the consultation was obtained. There are no changes to the policy

PREVIOUS MINUTES

19 January 2023 - Licensing & Regulatory Committee – Driver Safety Enclosures Consultation

BACKGROUND PAPERS

None.

Relevant Legislation

None.

Report prepared by: Greg Bickerdike, Licensing Manager, City of Wolverhampton Council

Vehicle Licence Requirements Policy

Licensing Services

Version 1.23

Created: 29 July 2021

Revised: 8 March 2023

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1. Hackney Carriage Vehicle Licence Requirements

A Hackney Carriage Vehicle Licence will only be granted providing the vehicle meets the following requirements and standards upon inspection.

New applications can only be made for new vehicles, with no more than 500 delivery miles.

1.1 Currently Approved Hackney Carriage Vehicle Model

Citroen

- Dispatch Combi
- Dispatch HDI 120 9-S
- Dispatch L2 H1 Level 2
- Euro
- L7
- Relay L3 H2
- SVA Taxi

Fiat

- Eurocab
- Scudo
- TW200

Ford

- Procab
- Tourneo Custom
- Voyager VTC8

LTI

- TX1
- TX2
- TX4

Mercedes

- MX7
- Vito

Nissan

- Dynamos
- Primastar
- Voyager

Peugeot

- Boxer 290
- E7
- E7 SE
- LC7

Volkswagen

- T5 Shuttle SE SWB 10

Every application must be made using the Hackney Carriage Vehicle licence [application form](#) and must be supplied with the following documents:

- (a) Vehicle registration document (V5C) or bill of sale
- (b) Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate)
- (c) Current MOT test certificate issued no earlier than 10 days before the date of application by a [City of Wolverhampton approved MOT station](#)
- (d) Calibration certificate for new or replacement vehicles by the meter supplier
- (e) Current [licence fee](#) – dependant on the age of the vehicle.

Once satisfied the vehicle application is complete and the appropriate requirements are met, the licence will be granted upon successful completion of a vehicle compliance inspection to ensure the vehicle complies with the conditions of licence and standards below.

1.2 Hackney Carriage Vehicle Standards

1. All internal fittings and fixtures i.e. carpets, seats, trims and seat cover should be clean and in good condition. Rips/tears in seat and broken trims should be replaced or repaired to a high standard before submitting the vehicle for inspection.
2. Seating within the vehicle must be conference type seating and not all forward facing. The access for wheelchair users must be from the left hand side of the vehicle.
3. All external fitting i.e. wheel caps/discs, bumpers and trims should be fitted, clean and in good condition. Rusty/damaged metal bumpers or damaged plastic bumpers are not acceptable. An illuminated 'taxi' roof sign indicating when the taxi is for hire must be installed and kept in working condition.
4. The paintwork should be maintained to a high gloss finish and of a uniform colour free from scratches which expose the under primer or metal. It is advisable that if any paintwork is undertaken on the vehicle that it is done by a reputable garage to a high standard.
5. The body panels should be free of dents and all body panels should fit correctly. The excessive use of body filler and repairs that are of a poor standard are not acceptable.
6. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in, or from the vehicle except as may be required by any statutory provision (including byelaws). This includes the display of unauthorised transfers/stickers to the body or windows of the vehicle.

A Hackney Carriage Vehicle must also meet all the conditions of licence. You are advised to contact Licensing Services prior to making a new application to ensure all of those requirements are met.

1.3 Hackney Carriage Licence Replacements

If you have a Hackney Carriage Vehicle Licence and you want to replace the vehicle on the licence, the replacement vehicle must be newer. You cannot replace the vehicle with an older one.

2. Private Hire Vehicle Licence Requirements

A Private Hire Vehicle Licence will only be granted providing the vehicle meets the following requirements and standards upon inspection.

Each Private Hire Vehicle [application must be made online](#) and supplied with the following documents:

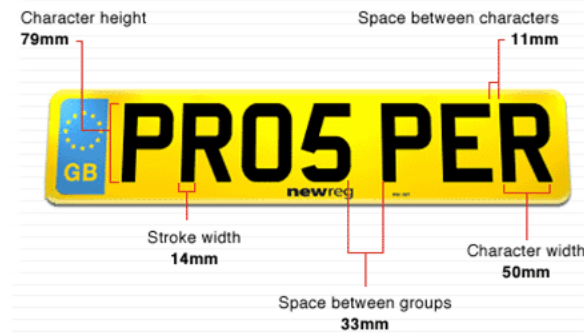
- (a) Vehicle registration document (V5C) or bill of sale.
- (b) Valid certificate of insurance or cover note showing cover for private hire purposes.
- (c) Current MOT test certificate issued no earlier than 10 days before the date of application by a [City of Wolverhampton approved MOT station](#).
- (e) Current licence fee – dependant on age of the vehicle.
- (f) From 1 April 2021, if the applicant is not a driver or operator licensed by City of Wolverhampton Council, you must also provide a Basic DBS certificate through the [UK Government website](#). If the applicant is a company or partnership, each director and partner must provide a basic DBS certificate. The certificate must be dated within the 12 months prior to application. These can be completed before you apply and the certificate uploaded as part of this application or you can apply after submitting the application. If the DBS certificate contains information, a hearing may be required to be held to determine whether the individual is fit and proper to hold a licence, in consideration of the Council's '[Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions](#)', prior to the licence being granted.

Once satisfied the vehicle application is complete and the appropriate requirements are met, the licence will be granted upon successful completion of a vehicle compliance inspection to ensure the vehicle complies with the conditions of licence and standards below.

2.1 Private Hire Vehicle Requirements

- The vehicle must be no older than 11 years and 6 months (vehicles are not plated past 12 years).
- The vehicle must have no more than 9 seats, including the driver's seat.
- The vehicle must have passenger opening doors on both sides.
- All seats must be forward facing.
- The vehicle must not have a partition between the driver and passengers, [unless it is a driver safety enclosure authorised by Licensing Services](#).

- Only manufacturers' factory fitted privacy glass will be permitted.
- The vehicle must display a legal registration number as shown of the logbook, which adheres to the official DVLA format of 11mm between each of the character and 33mm between the age identifier.



- Both internal and external facing cameras are permitted, however you must comply with the Taxi CCTV Policy available in the ['Downloads' section here](#).

2.2 Private Hire Vehicle Signage Requirements

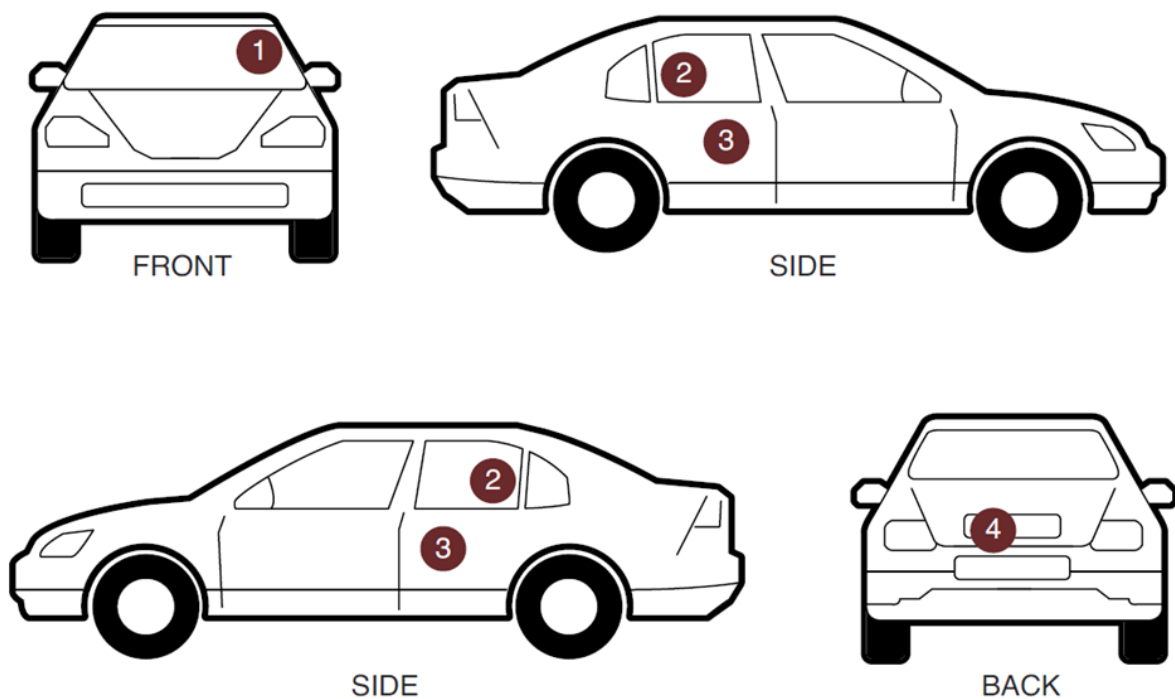
All approved signage must:

- Be clearly visible and on display at all times.

Operator Signage requirements:

- Must be the design approved by City of Wolverhampton Council, which contains the name of the operator along with a form of contact (phone number and/or app details).
- Be a sticker (magnetic signage is **not** allowed).
- Must be the operator that the driver is partnered with.
- Roof signage is prohibited.

Diagram of Private Hire Vehicle Signage



1. Badge and internal plate
2. Approved passenger information stickers
3. Approved operator door sticker on each side of the vehicle, fitted towards the top of the door panel.
4. Licence plate

2.3 Private Hire Vehicle Licence Replacements

If you have purchased a new vehicle and wish to keep the Private Hire Vehicle Licence number that you currently have, you can submit a renewal application for that licence number, with the details of the new vehicle that you wish to licence.

There will be no reduction in the cost and you cannot transfer any of the life of the previous licence to the new vehicle. However, if you have six months or more remaining on the current Private Hire Vehicle Licence, you will qualify for a free fast-track of your application and it will be processed within two working days.

Upon application, the existing Private Hire Vehicle Licence number must be submitted, so we can identify it is a replacement application. The applicant must be the same as the existing proprietor of the current vehicle licence. If you wish to transfer the vehicle to a new proprietor, see Section 3 below.

The application will be subject to the normal requirements details in Section 2.1 and the old Private Hire Vehicle Licence plate will need to be returned, before the new licence plate is issued.

3. Vehicle Licence Proprietor Transfers

A Wolverhampton licensed Hackney Carriage Vehicle or Private Hire Vehicle can be sold and transferred, providing the vehicle complies with the conditions of licence.

The vehicle proprietor must request to transfer within fourteen days of the sale, specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

The transfer form can be downloaded from our website

<https://www.wolverhampton.gov.uk/licences/taxi-licences/taxi-licence-faqs>

The completed form will need to be returned to us via email to

Vehicle.lic@wolverhampton.gov.uk along with

- (a) Vehicle registration document (V5C) in the new proprietor's name, or the bill of sale to the new proprietor.
- (b) Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate to the vehicle licence) in the new proprietor's name.
- (c) From 1 April 2021, if the new proprietor is not a driver or operator licensed by City of Wolverhampton Council, you must also provide a Basic DBS certificate through the [UK Government website](#). If the new proprietor is a company or partnership, each director and partner must provide a basic DBS certificate. The certificate must be dated within the 12 months prior to transfer. The licence will not be transferred without a valid certificate being provided. If the DBS certificate contains information, a hearing may be required to be held to determine whether the individual is fit and proper to hold a licence, in consideration of the Council's '[Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions](#)', prior to the transfer of licence.

We will then contact the new keeper to make payment (currently £25) and receive their licence.

4. Wheelchair Accessible Vehicles

On 6 April 2017, section 165 and section 167 of the Equality Act 2010 came into effect.

Section 165 imposes legal duties on the driver of a designated Hackney Carriage and Private Hire Vehicle which has been hired by or for a disabled person in a wheelchair, or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

The key components of Section 165 are summarized below:

- Hackney carriage/private hire drivers will be required to carry the passenger while in the wheelchair
- Hackney carriage/private hire drivers are prohibited from charging wheelchair-users an additional fare for a journey
- Hackney carriage/private hire drivers will be required to carry the passenger's wheelchair if the wheelchair-user chooses to sit in a passenger seat during the journey
- Hackney carriage/private hire drivers will be obliged to take such steps as are necessary to ensure that the wheelchair-user is carried in safe and reasonable comfort
- Hackney carriage/private hire drivers must provide reasonable levels of mobility-assistance to the disabled passenger
- Hackney carriage/private hire drivers cannot refuse hires from wheelchair users

Mobility assistance is defined as assistance:

- To enable the passenger to get into or out of the vehicle
- Where if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger doesn't wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

Failure to comply with the duties listed under section 165 of the Act is a criminal offence.

Section 167 of the act permits local authorities to maintain a list of designated wheelchair-accessible hackney carriage and private hire vehicles.

5. Driver Safety Enclosures (DSE)

No material alteration or change in the specification, design, condition or appearance of vehicles shall be made without the prior approval of Licensing Services.

Aftermarket driver safety enclosures may reduce the risk of attack from passengers. However, there are risks which arise from these products, particularly those which are not approved or correctly installed. Changing or adding to the interior of the vehicle can alter the 'type approval' of the vehicle and have consequences as to what might happen inside the vehicle in the event of a collision.

If you are a manufacturer or supplier of a product and wish for it to be considered on this approved list, please visit <https://www.wolverhampton.gov.uk/licences/taxi-licences/DSE>.

The enclosure:

- Must be professionally installed by a competent person in accordance with the manufacturer's instructions.
- Must be fitted within the vehicle accordance with regulations UN ECE R43.00 and R21.01 and Section 12 of the M1 category DVSA IVA manual.
- Must not be modified from the original manufactured design, without the manufacturer's confirmation that this will not cause any safety issues or non-compliance with the relevant UK and/or EC safety legislation.
- Must not negatively affect any safety equipment, such as airbags, or escape from the vehicle.
- Must be maintained to a high standard of cleanliness, be 100% transparent and free of marks, graffiti or stickers.
- Must permit clear conversation between the driver and passengers.
- Must be notified to the vehicle insurer as a modification to the vehicle. Proof of insurance cover including the enclosure is required at all times.

If you wish to install a driver safety enclosure:

1. Notify your insurer of your intention to install a driver safety enclosure.
2. Choose a product from the approved list available at <https://www.wolverhampton.gov.uk/licences/taxi-licences/DSE>.
3. Check that the product will meet the requirements in the section above, relevant to your vehicle.
4. Contact vehicle.lic@wolverhampton.gov.uk, advising which product you intend to purchase, your vehicle licence number and your availability for a vehicle inspection.
5. Once you have received confirmation from Vehicle Licensing, purchase the product and arrange for it to be professionally installed. Please note that you should arrange for installation shortly before your vehicle inspection as you are not permitted to conduct any paid-for journeys in-between installation and inspection.
6. Attend your inspection, bringing proof of updated insurance and professional

- installation.
7. The vehicle must contain the written authorisation from Licensing Services that the enclosure is permitted, as well as proof that the insurance policy covers this modification.

5.6. Private Hire Executive Vehicle Policy

When a vehicle is deemed as an 'executive' type, the licence holder can apply for an exemption from displaying the main licence plate externally, internal windscreen licence plate nor Private Hire Vehicle Operator signage.

Applications for exemptions from may be considered where the following requirements are met:

- Applications may only be made by a person holding a Private Hire Vehicle Operators licence issued by City of Wolverhampton Council.
- Vehicle must be a 4-door saloon.
- Vehicles must be under 6 years old when first licensed and cannot be older than the current maximum age criteria for Private Hire Vehicles. (There may be exceptions to age criteria due to the type of vehicle i.e. Vintage Rolls Royce, Bentley etc however a full service history would be required)
- Vehicles may be any colour.
- Deemed as luxury and the highest model specification.
- The vehicle must be in pristine condition with no visible defects, dents or blemishes to the external body work internal trim and furnishings.

The type of work undertaken in this vehicle must be of an executive nature. This means that the vehicle is used specifically to provide transport under written contract to a company or person, or by the type of client who for security reasons would not want the vehicle identifiable.

Where an application for an exemption is granted, an exemption notice will be issued. The exemption notice must always be carried in the vehicle and the external licence plate affixed to the inside of the boot lid.

Exemptions are to be renewed annually subject to the vehicle undergoing a re-inspection.

The current fee for an exemption is £75.00.

5.16.1 Exemption Requirements

- (a) Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed **must** be readily visible when that boot lid is raised.
- (b) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- (c) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
- (d) When issued with an exemption notice, the vehicle will not be required to display any other signs (including the internal licence plate, door or roof signs) which the Council may at any time require private hire vehicles to display.
- (e) The proprietor will not display in, on or form the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- (f) During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- (g) During the period of the exemption notice the driver of the vehicle, whilst engaged on private hire work, will be smartly dressed in either a formal chauffeur's uniform or a business suit with collar and tie.
- (h) The proprietor shall, within 2 days notify the Council of any change in the use of the vehicle.
- (i) The proprietor shall not use the vehicle for private hire purposes other than for executive use (i.e. not for daily private hire use or regular pick-ups from pubs and clubs).
- (j) The glass of the driver and passenger's front side window and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.

(k) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership within 2 days and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.

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6.7. Stretched Limousine Licensing

Stretched limousines are considered for licensing on an individual basis and on their individual merit. You are advised to contact Licensing Service prior to making an application.

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7.8. Advertising Policy

Advertisements shall not be permitted without the written prior approval of Licensing Services.

Consideration of requests, including a draft of the artwork, will only be considered when the following is met.

Any advertisement must not obscure or detract from the Council's vehicle identification and public safety messages, required by the conditions of licence.

Artwork must be of a suitable standard to ensure its durability on the vehicle in constant use.

Any advertisement must not contain text or images depicting the following:

- Political, ethnic or religious messages or content which is contrary to the Council's Equal Opportunity Policy
- Sexual content
- Indecent material or content likely to offend public taste
- The promotion of the sale or consumption of tobacco products
- The promotion of the sale or consumption of alcohol
- Any words or images that may indicate the vehicle is a Hackney Carriage.
- Encouragement of anti-social behaviour
- Advertising must in no way adversely affect the safety of the public

All advertising applications will be dealt with on a case by case basis in accordance with the scheme of delegation.

8.9. Private Registration Numbers

In order to change the registration number associated with the vehicle licensed by the Council, you must contact Vehicle.lic@wolverhampton.gov.uk

You must supply:

- Vehicle Registration Document (V5C) showing your new registration number, DVLA Authorisation Certificate or DVLA Certificate of Entitlement (V750)
- Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate) for the new registration number.

You will be contacted to collect your new licence plate from our ~~Hickman Avenue~~ offices, which will be issued after the payment of £37.

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9.10. Approved MOT Testing Stations

All Hackney Carriage and Private Hire Vehicles licensed by City of Wolverhampton Council must undertake a MOT test by an approved testing station.

To become an approved station, your garage must meet the following criteria:

- Registered by DVSA as an approved test centre for at least 3 years
- Considered a 'green' rated garage by DVSA
- No associated links to any City of Wolverhampton Council Hackney Carriage or Private Hire licence holder.

To download an application to become an approved station:

<https://www.wolverhampton.gov.uk/licences/taxi-licences/approved-mot-testing-station>

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LICENSING AND REGULATORY COMMITTEE 16TH MARCH 2023

PRIVATE WATER SUPPLY REGULATIONS 2016 – CHARGING SCHEME

REPORT OF ENVIRONMENTAL AND HEALTH LICENSING TEAM MANAGER

LEAD CABINET MEMBER – COUNCILLOR RITA HESELTINE – DEPUTY LEADER AND
CABINET MEMBER FOR REGULATORY SERVICES

PART A – SUMMARY REPORT**1. SUMMARY OF PROPOSALS**

- 1.1 The Local Authority has the responsibility for risk assessing and monitoring private water supplies within the district to ensure that water from private water supplies is wholesome, so that people who drink water or consume food or drinks made from private supplies may do so without risk to their health.
- 1.2 Given the reprioritisation of our resources due to Covid and the requirement for officers to undertake training and become accredited to undertake this work there has been a gap between 2019 and recently in us charging households.
- 1.3 Following further amendment to the legislation, this report advises on the charging structure. The Local authority can recover the costs of carrying out risk assessments, undertaking sampling and recover the cost of analysis of water samples carried out by UKAS accredited laboratories.
- 1.4 The purpose of the report is to advise on the planned programme of work, and to note the proposed charging scheme. As we have not charged for this work for a while, we have included a proposal to spread these costs in exceptional circumstances.

2. RECOMMENDATIONS

- 2.1 To note proposed programme of private water supply risk assessments and sampling.
- 2.2 To note the proposed charging scheme.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	A safe and sustainable District
	Has an Equality Impact Assessment (EqIA) been completed?	

	No	
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	March 2024	
FINANCIAL IMPACT	Yes	The charging scheme seeks to recover costs expended by the Local Authority in implementing the private water supply monitoring scheme.
LEGAL ISSUES	Yes	None – For information only
OTHER IMPACTS, RISKS & OPPORTUNITIES	None	Risk of action by DWI if we do not discharge our duties in relation to private water supplies. Reputational risk of illness or outbreak associated with private water supply we have not engaged with. Opportunity to improve quality of private water supplies across South Staffordshire.
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION

4. INFORMATION

Background

- 4.1 A private water supply is any supply not provided by a water company where the water is consumed for domestic purposes or as part of a public or commercial activity. About 1% of the population of England and Wales use a private water supply. Most of these supplies are situated in remote, rural parts of the country and can originate from a range of sources including boreholes, natural springs and watercourses.
- 4.2 A map of private water supplies in South Staffordshire has been attached at Appendix 1 for information.

Regulatory Framework

- 4.3 The Drinking Water Inspectorate (DWI) was created in 1990 to provide independent reassurance that public water supplies in England and Wales are safe and drinking water is acceptable to consumers. Its role includes oversight of local authority enforcement of regulations in respect of private water supplies.
- 4.4 Private Water Supply (England) Regulations 2016 (amended 2018) provide measures and controls for the work of local authorities with private water supplies. These included a new accreditation scheme that all officers involved in private water sampling had to be certified before undertaking these duties and a new method for risk assessments. Officers from the Environmental Protection Team have now undertaken training and have become accredited and carry out these duties.

4.5 The regulations provide that local authorities may charge a fee to the relevant person responsible for the supplies for carrying out duties including:

- Risk Assessments
- Sampling visits
- Investigations (where water quality is not up to the appropriate standard)
- Analysis of samples

Water Quality

4.6 Even if water looks clear, untreated water can contain microorganisms (from animal droppings or human sewage) or chemical contamination which may not be detectable by taste or smell. Some microorganisms, such as Cryptosporidium, Giardia, Campylobacter and E.coli 0157 can cause vomiting and diarrhoea or more severe illness in some cases.

4.7 The effects of chemicals depend on the type and amount of chemical present. One common concern relates to lead, which is dissolved from lead pipework, and can impair childhood development.

4.8 The local authority has powers under the Regulations to require that a supply is improved by the relevant person(s) who control the supply. The Regulations also require local authorities to provide private water supply monitoring data to the Drinking Water Inspectorate in the form of an annual return.

Private water supplies categories

4.9 Supplies are categorised into three groups:

- **Small Supplies**
A water supply with a daily volume of less than 10m³ (serving fewer than 50 people) where no commercial activity takes place.

These are subdivided into two types:

Shared supplies – These have one supply, managed by the *supply owner* who shares the water with a number of other properties whose occupants are *supply users*. Within South Staffordshire we have 9 Small (Regulation 10) Supplies which serve between 2 – 10 other properties.

Single supplies - A water supply that serves only one private domestic dwelling where no commercial activity takes place.

The majority of private water supplies within South Staffordshire are single property supplies of which we have approximately 65. These supplies only need to be sampled and risk assessed at the owners or occupiers request, and therefore the financial impact is negligible.

- **Large Supplies (Regulation 9)**

A water supply with an average daily volume greater than 10m³ (serving over 50 people) or serving a commercial premise for example: B&B's, holiday lets, food premises. These supplies require a risk assessment every five years and sampling at least once a year at a frequency determined by the risk and volume of water used.

Within South Staffordshire we have a 10 Large Supplies which serve 2 cafés, a brewery, holiday accommodation, food processing establishments and 2 farms.

Risk Assessment and Monitoring

- 4.10 Risk assessments are increasingly being used worldwide as an essential part of a drinking water quality surveillance and control programme. Each local authority is required to carry out a risk assessment of every private water supply except a supply to a single dwelling where the water is not used as part of a commercial or public activity, unless requested to do so by the owner or occupier of the dwelling every five years.

Charging schedule

- 4.11 The legislation provides a revised charging scheme for local authorities to recover the reasonable costs of carrying out risk assessments, investigation, sampling and monitoring of supplies.
- 4.12 The setting of charges is within existing delegated authority following reports on this matter in November 2019 and July 2018.
- 4.13 We have not carried out sampling or monitoring of supplies since 2017. Risk assessments were last carried out in 2014. The costs of these risk assessments and sampling were recovered through the old charging system at the time so supply owners are aware of the charges.
- 4.14 In the current cost of living crisis there is concern that the charges will have a significant impact on the supply owners affected. The proposed charging scheme in Appendix 2 has been developed to recover the reasonable costs of providing the service, in consultation with Finance on hourly rates.
- 4.15 As the amount of time to carry out the different duties can differ from site to site an hourly rate has been assessed, with an indicative range of hours that each is likely to take. This work will include any pre-visit work and post visit actions. Analysis costs from the laboratories used to test the samples will be passed on to the relevant person.
- 4.16 South Staffordshire has in excess of one hundred properties who obtain their drinking water from a private water supply source. Of these less than 20 are defined as commercial supplies or those where multiple domestic properties are served by a single supply. It is only these larger supplies where the local authority

has a duty to carry out risk assessments and undertake regular monitoring.

- 4.17 For the majority, where a single domestic dwelling has its own supply, we are not required by the regulations to carry out monitoring unless so requested by the owner or occupier of the dwelling.
- 4.18 The owners of Private water supplies are not subject to charging by water authorities. The average water charge in the UK when provided by the utilities is between £400 and £450 per year.
- 4.19 It is our intention to contact all supply owners prior to the reintroduction of the monitoring scheme to explain the new regulations that have been introduced with the additional requirements and explain the charging scheme. We can also reduce the amount of time it will take to carry out a risk assessment if they are willing to cooperate by completing and returning a questionnaire which can be used to fill in parts of the risk assessment tool (a mandatory spreadsheet with over 17 different sections and 200 questions to be completed).
- 4.20 A typical charge for a risk assessment, which is likely to take 5 hours including the desktop assessment and site visit, will be in the region of £200 plus travelling costs. Complex and/or larger supplies, typically serving more properties will take longer and cost more. In exceptional circumstances, the cost of risk assessment could be spread across the 5 years period for which the risk assessment is valid.
- 4.21 For all but one supply that requires sampling, an annual test of the water is required. The other supply will require two samples per year because of the amount of water used. Our estimate of the time to carry out each sample, plus travelling to the laboratory for analysis is just over 2 hours per supply (we typically can carry out three samples per day so the time taken to deliver the sample to the laboratory is shared between the supplies). The cost will be about £85 + the cost of the samples analysis.
- 4.22 For Shared supplies, the charge is made on the supply owner, who has the option to pass on a proportion of that cost to each of the supply users, it is not charged in its entirety to each user.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

None

6. PREVIOUS MINUTES

Report from November 2019 to Licensing and Regulatory Committee.

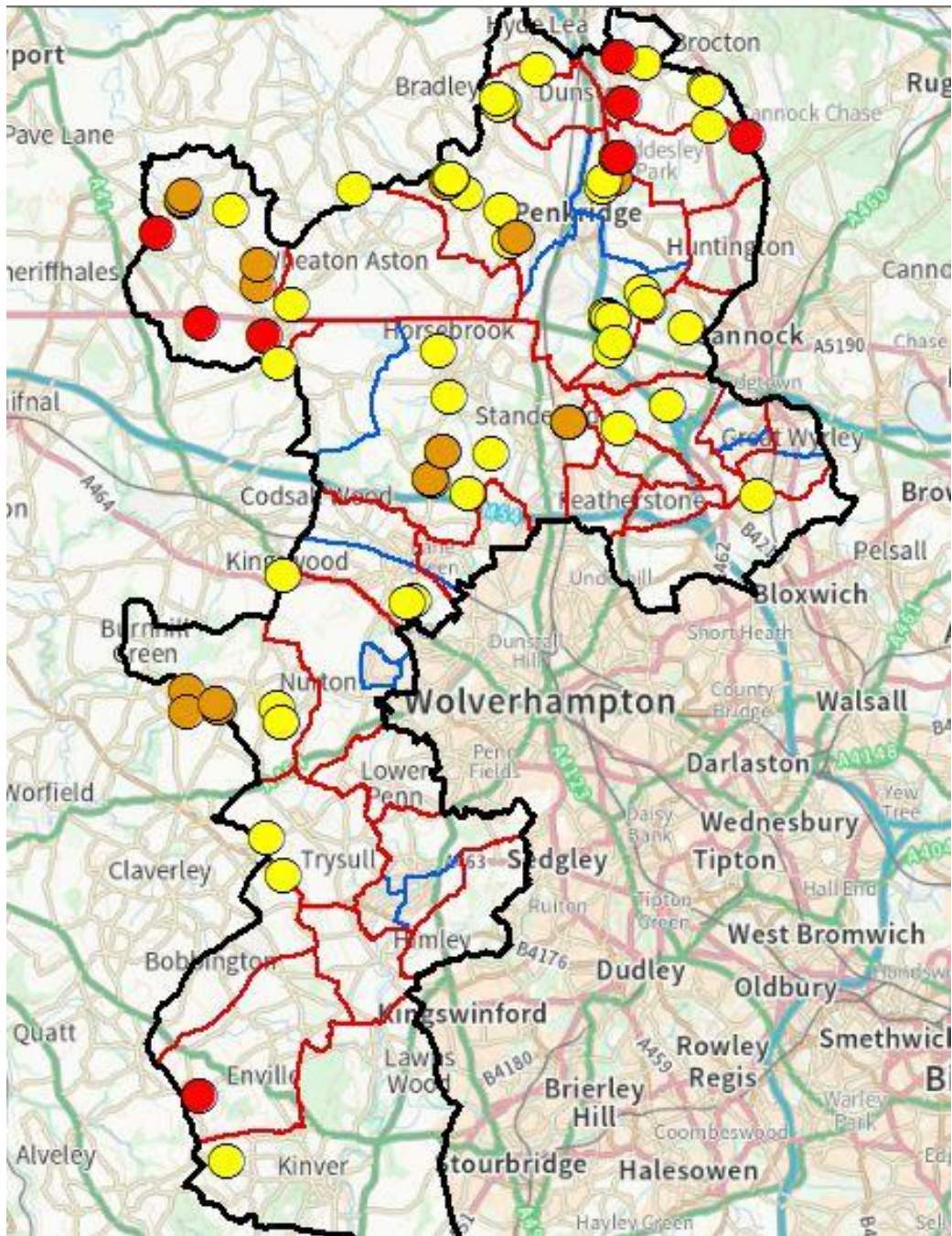
Report July 2018 to Licensing and Regulatory Committee re fee charging.

7. BACKGROUND PAPERS

Appendix 1 – Map of private water supplies in South Staffordshire

Appendix 2 - The Charging Scheme

Report prepared by: Jenny Rhodes - Team Manager, Environmental Health Protection and Licensing



red - commercial supplies
orange - shared domestic
yellow - single domestic supplies

APPENDIX 2

Private Water Supply Charging Scheme

Service (activity)	South Staffordshire Council (Previous)	South Staffordshire Council (Proposed)	Stafford Borough Council	East Staffs Borough Council	Shropshire Council	Trafford Council	Pendle Borough Council	Bradford MDC	Mid Suffolk District Council	East Cambridge shire District Council	Dorset Council	East Devon District Council	Staffordshire Moorlands District Council
Risk assessment (Estimate between 4-8 hours for each, including on-site and desktop assessment)	Subject to individual quote based on time spent and travelling time	Assessment @ £40.00 per hour *	Max Fee £399 Min Fee £65.35 Hourly Rate £32.50	£350 - £250 depending on size of supply	£400.00	£24.40/ph	£40.00/ph	£42.86/ph	£52.00/ph	£30.00/ph	£70.00/ph	£300	£500-£300
Auditing third party assessments					£100.00		£40.00/ph	£42.86/ph	£52.00/ph	£30.00/ph			
Routine Sampling	£30.00	Sampling @ £40.00 per hour *	£59.60 *	approx £50 *		£22.43/ph	£40.00/ph	£106.57 - £147.84	£75 *	£30.00/ph	£60 *	£80 *	£60 *
Sampling - On request.	£60.00	Sampling @ £40.00 per hour *			£110.00 *	£22.43/ph *	£40.00/ph		£75.00	£30.00/ph			
Investigation (each investigation)	Subject to individual quote based on time spent and travelling time	On site investigation and report @ £40.00 per hour *	£82.30	approx £100	£100.00	£22.43/ph	£40.00/ph	£42.86/PH	£52.00/ph	£30.00/ph	£35.00/ph	£100 + £25 per hour for on site visit	£120
Granting an authorisation (each authorisation)	£50.00	£50.00	£82.30	£35.00		£22.43/ph	£40.00/ph	£42.86/PH	£52.00/ph	£30.00/ph		£50 + £25 per hour for on site visit	
Taken under check monitoring (for Commercial Supplies)	£30 - £46 depending on parameters required	Sampling @ £40.00 per hour *	£65.35 *	Approx £60 *		£22.43/ph *	£54.31 *		£75.00 *	£120 *	£60 *	£80 *	
Taken under audit monitoring (for commercial supplies)	Subject to individual quote based on time spent and travelling time	Sampling @ £40.00 per hour *	£65.35 *	Approx £100 *		£22.43/ph *	£239.30 *		£281.00 *	£120 *	£60 *	£80 *	

* Plus travelling and/or analysis costs (as required).

