

# Notice of Meeting

---



Scan here to access the public documents for this meeting

## Licensing Committee

**Monday, 27th January, 2020 at 4.30 pm**  
**in Roger Croft Room Council Offices**  
**Market Street Newbury**

**Note:** The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Date of despatch of Agenda: Friday, 17 January 2020

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser on (01635) 519045  
e-mail: [moira.fraser@westberks.gov.uk](mailto:moira.fraser@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at  
[www.westberks.gov.uk](http://www.westberks.gov.uk)



**WestBerkshire**  
C O U N C I L

**To:** Councillors Adrian Abbs, Phil Barnett (Vice-Chairman), Jeff Beck, Dennis Benneyworth, Graham Bridgman, Hilary Cole, James Cole (Chairman), Billy Drummond, Tony Linden, David Marsh, Joanne Stewart and Martha Vickers

---

# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 10  
To approve as a correct record the Minutes of the meeting of this Committee held on 18 November 2019.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Hackney Carriage and Private Hire Fees** 11 - 22  
*Purpose: To allow Members to consider the responses received during the 28 day statutory consultation period concerning the proposed fees in relation to hackney carriage and private hire licensing.*
5. **Hackney Carriage Tariff Consultation** 23 - 36  
*Purpose: To allow Members to consider the responses received during the 28 day consultation period with the trade concerning the proposed tariffs in relation to hackney carriage licensing. The key consideration is the balance between supporting small business and ensuring the general public has access to a good value hackney carriage service across all areas of the District.*

Sarah Clarke  
Head of Legal and Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### LICENSING COMMITTEE

#### MINUTES OF THE MEETING HELD ON MONDAY, 18 NOVEMBER 2019

**Councillors Present:** Phil Barnett (Vice-Chairman), Jeff Beck, Dennis Benneyworth, Graham Bridgman, James Cole (Chairman), Billy Drummond, David Marsh and Martha Vickers

**Also Present:** Sean Murphy (Public Protection Manager), Julia O'Brien (Principal Licensing Officer), Suzanne McLaughlin (Principal Officer - Governance, Public Protection and Culture), Amanda Ward (Licensing Officer) and Moira Fraser (Democratic and Electoral Services Manager)

**Apologies for inability to attend the meeting:** Councillor Adrian Abbs, Councillor Peter Argyle, Councillor Tony Linden and Councillor Joanne Stewart

#### PART I

##### 9. Minutes

The Minutes of the meeting held on 24 June 2019 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendment:

**Item 6. Convictions Guidance, Page 5, second paragraph** replace the word 'man' with 'many'.

##### 10. Declarations of Interest

There were no declarations of interest received.

##### 11. Taxi/Private Hire Licensing Meeting

Julia O' Brien introduced the report (Agenda Item 4) which sought to update the Committee following the taxi and private hire liaison meeting. The meeting had included representatives of the trade, elected Members as well as Officers of the Council.

The Task and Finish Group considered operator licence fees and fares and then a number of other issues were raised during the discussions.

Cabco were invited to come forward with a proposal in relation to fares. The proposal that they put forward was a 9% fare increase for tariffs 1 and 2 but that no increase should be applied to tariff 3. The Committee were asked to consider this proposal which would then be subject to a trade wide consultation.

Councillor Graham Bridgman commented that there was a subtle inaccuracy in paragraph 2.2 of the report. The Licensing Committee did not 'reverse its decision to consult on proposed fares'. What had happened was that the trade had come forward with a new table of fares. Members had initially accepted the revised table but after Councillor Bridgman had done some analysis it became apparent that there were a few inaccuracies in it and therefore a meeting had been held where the decision was reversed. The Committee agreed to revert to the old fares and invited the trade to bring back a table that was arithmetically correct.

## LICENSING COMMITTEE - 18 NOVEMBER 2019 - MINUTES

In terms of the structure for taxi fares Councillor Bridgman stated because they had grown organically the three tariffs were confusing. He therefore proposed a revised system which was based on tenths of a mile. He proposed a flag charge of £3 for tariff 1, a flag charge of £4 for tariff 2 and a flag charge of £5 for tariff 3. The charges were based on a ratio of 1.5 times tariff 1 (£2.40 per mile) for tariff 2 (£3.60 per mile) and 1.8 times tariff 1 for tariff 3 (£4.30 per mile)

	Tariff 1	Tariff 2	Tariff 3
Flag	£3.00	£4.00	£5.00
Factor of tariff	X1	X1.5	X1.8
To end of mile 1	£ 4.95	£ 6.90	£ 8.45
2	£ 7.35	£ 10.50	£ 12.75
3	£ 9.75	£ 14.10	£ 17.05
4	£ 12.15	£ 17.70	£ 21.35
5	£ 14.55	£ 21.30	£ 25.65
6	£ 16.95	£ 24.90	£ 29.95
7	£ 19.35	£ 28.50	£ 34.25
8	£ 21.75	£ 32.10	£ 38.55
9	£ 24.15	£ 35.70	£ 42.85
10	£ 26.55	£ 39.30	£ 47.15

Councillor James Cole commented that some of the charges were higher than those being proposed by the trade. Councillor Bridgman accepted this but stated that it should be remembered that this would be the maximum amount that they could charge. Councillor David Marsh commented that this appeared to be a rational, reasonable and fair approach and the increases would still be below inflation. It was agreed that Officers should consult on these charges and bring a report back to the next meeting. As Cabco had been involved in the initial work Officers should speak with them ahead of the consultation being undertaken. If any issues were raised it was agreed that authority would be delegated to the Chairman to amend the tariffs that would be consulted on.

Members also felt that the waiting times were also somewhat random and it was agreed that it would be useful to harmonise these too. It was agreed that waiting times of 90 seconds and 30 seconds should also be consulted on.

Complaints had been received in respect of the air pollution being caused by idling taxis. Legislation permitted Officers to issue fixed penalty notices (£20) to drivers who allowed their vehicles to run unnecessarily while stationary on a road. Item 6 on the agenda dealt with the options the Council could consider in order to reduce the environmental impact from licensable activities.

It was noted that the Council did not currently have a maximum age as part of its terms and conditions for the taxi fleet. Officers were asked to establish the age profile of the fleet. It was noted that 55 of the 155 hackney carriage vehicles were eight years or older and 37 of the 165 private hire vehicles were eight years or older.

In response to a query Officers explained that both Bracknell and Wokingham had an age restriction on vehicles. There was however an age exception if, once inspected, the vehicles were deemed to be in good condition. Bracknell also had a mileage clause. Members discussed whether it would be appropriate to harmonise approaches. Members were of the opinion that they supported harmonising policies across the Public Protection

## **LICENSING COMMITTEE - 18 NOVEMBER 2019 - MINUTES**

Partnership (PPP) whenever it was appropriate to do so. Members stated that it was important that if any changes were made cognisance needed to be taken of lead in times.

Councillor David Marsh noted that the Council had declared a climate emergency and the age of vehicles could impact on their emissions. In addition he wondered if it would be possible to include an incentive for switching to electric vehicles. Sean Murphy reported that the fees were based on cost recovery and that if it was possible to offer a reduction that this would need to be subsidised. He would explore the legislative framework to see what could be done. He surmised that it had to be permissible as there were other authorities that enacted this approach. Councillor Dennis Benneyworth commented that the table could be modelled on the approach taken to road tax. Councillor James Cole cautioned that the subsidy might need to be time limited as there could come a point when the vast majority of vehicles could be electrically powered.

It was agreed that Officers would bring a fuller paper to a future meeting.

The trade had raised the issue of insufficient taxi ranks on a Saturday night in Newbury and that the ranks were not in the correct location. Highways Officers had considered the queries raised and noted that a report had been taken to the Executive on the 13 January 2011 where the current location of the taxi ranks had been agreed and they had no current plans to revisit this decision.

Members queried if it would be possible to make use of the bus station as a holding rank when it was no longer in use. They therefore asked that Julia O' Brien ask colleagues in Highways if it would be possible for the bus station to be used as a holding rank a half hour after the last bus left the station until circa half an hour before the first bus was due to leave the station. Officers agreed to speak with colleagues and circulate a briefing note to Members outside of the meeting.

In relation to the cost of DBS checks, Officers explained that individuals were not able to process their own checks. The cost was broken down as £49 paid to the provider (£44 for the check plus £5 admin fee), and the Council's HR team charged a £15 admin charge. A half an hour charge for work undertaken by Licensing Officers was then added to the fee. Members discussed whether the taxi drivers could approach the providers directly which would mean they would not have to incur the £15 charged by HR. Officers did not think that this was permissible but Sean Murphy would discuss this issue with the trade at the next liaison meeting.

The final issue that was discussed was that when drivers had a WAV and they were involved in an accident they were required to use a temporary vehicle of the same calibre and it was queried if the requirement could be waived. Officers were concerned that if this change was implemented it could lead to an abuse of the temporary vehicle system. It could also lead to complaints about unfairness from other drivers. Members, while sympathising with the individual, felt that the policy should not be amended. Drivers should be reminded to ensure against loss of earnings. They would revisit the policy if numerous incidents were reported.

### **RESOLVED that:**

- 1. Officers would consult Cabco on the proposals agreed at the meeting in respect of Tariffs for Hackney Carriages fares.**

## LICENSING COMMITTEE - 18 NOVEMBER 2019 - MINUTES

2. Authority be delegated to the Chairman of Licensing to consider any additional changes they proposed.
3. Officers then to undertake the statutory consultation following which a report would be brought back to the next Licensing meeting (*Post meeting note this would take place on the 27 January 2019*).
4. Officers to bring back a fuller report, providing details on the age profile of the fleet and proposing any changes to the terms and conditions relating to the maxim age of vehicles. Should any changes be proposed cognisance to be taken of lead in times.
5. Julia O' Brien to speak with colleagues in Highways about the possibility of used the bus station as a holding rank for taxis from a half hour after the last bus left the station until circa half an hour before the first bus was due to leave the station and circulate a briefing note to Members outside of the meeting.
6. Sean Murphy to discuss the cost of DBS Checks with the trade at the next liaison meeting.

### 12. Fees and Charges (Taxis and Animal Welfare)

Suzanne McLaughlin introduced the report (Agenda Item 5). She explained that the fees and charges were based on cost recovery. The Joint Public Protection Committee had discussed the fees and charges, at a meeting on the 07<sup>th</sup> November 2019, which were set out in this report. Members were being asked to consider the fees and then make a recommendation to full Council in March 2020 as part of the Council's annual budget setting cycle.

She noted that the following amendments needed to be made to the table on page 31 regarding the fees and charges for Animal Welfare licences:

Description	Wokingham/ West Berkshire/ Bracknell 2019/20 (Excluding VAT)	Proposed Wokingham/ West Berkshire/ Bracknell 2020/21 (Excluding VAT)	Wokingham/ West Berkshire/ Bracknell 2020/21 (Excluding VAT (Rounded Off)
Dog Day Care	285	399	684
Other Fees			
Variation to the licence fee (inclusive of one visit)			£228
Replacement licence fee (lost or stolen paperwork, change of name, etc.)			£57
Re-evaluation of star rating (inclusive of one visit)			£114

## LICENSING COMMITTEE - 18 NOVEMBER 2019 - MINUTES

Transfer due to death of licensee			£57
-----------------------------------	--	--	-----

It was agreed that the hourly fee should remain at £57 for 2020/21 and that a 2% increase should be applied to discretionary fees which was in line with inflation.

The most significant change in respect of Taxi and Private Hire Related Fees was that the new Operator fees were based on an administration fee for a new or renewal of a five year licence plus one hour for the first vehicle plus 15 minutes for each subsequent vehicle the operator had. This meant that they would be paying for individual vehicles instead of a band. This would be capped at 20 vehicles. The proposed fees would then be subject to the statutory 28 day consultation period.

The increase in costs associated with Animal Welfare Establishments were associated with changes arising from the enactment of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 in October 2018. Costs increased as a result of increased requirements in respect of administration, new higher inspection requirements and the required qualifications for inspectors.

**RESOLVED that the amended fees be consulted on and that the Committee would recommend that full Council adopt them, subject to any changes arising out of the consultation, at the 03 March 2020 Council meeting.**

### 13. Reducing Environmental Impact from Licensable Activities

Suzanne McLaughlin introduced the report (Agenda Item 6) which related to actions that could be taken to reduce or avoid unnecessary emissions from licensed vehicles. It was noted that air pollution could have a negative impact on health as well as quality of life and the Council had received a number of complaints pertaining to idling engines.

The report set out three options for Members to consider:

1. Undertake a targeted campaign to effect behavioural change
2. Adopt delegated powers under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 which would permit Officers to issue fixed penalty notices of £20 per ticket if drivers refused to turn off their engines when requested to do so.
3. Installation of road signage around sensitive areas.

Sarah McLaughlin noted that there were two Air Quality Management Areas (AQMA) in the District. The first was in Newbury (A339/A343/Greenham Road roundabout) and the other on the A4 Thatcham. The Council was required to produce an Air Quality Action Plan (AQAP) and within this plan there were measures to be put in place to reduce emissions.

West Berkshire Council's Hackney Carriage and Private Hire Licensing Terms and Conditions required vehicles first licensed by the authority to be less than five years old. No type of Private Hire vehicle license would be issued in respect of vehicles that exceeded eight years of age from the date of the first registration of vehicle.

Vehicles were currently tested according to their age as opposed to the level of maintenance. Those vehicles up to five years old were subject to an annual inspection.

## LICENSING COMMITTEE - 18 NOVEMBER 2019 - MINUTES

Vehicles aged over five years had to be inspected every six months and this included an emission check.

Moir Fraser explained to Members that while they could note the content of the report the adoption of any measures would be a matter for the Environment Board as this issue would fall within their remit.

Councillor David Marsh stated that he would favour the adoption of fixed penalty notices and that he would like to see their use expanded to other areas including schools and at the level crossing at Thatcham Train Station.

Councillor Graham Bridgman stated that he supported Councillor Marsh's comments and that the Council wanted to encourage people it had relationship with to switch off idling engines whenever possible.

It was agreed that this issue would be raised with the trade and that an article could be put into the next bulletin as everyone was keen to promote initiatives relating to good air quality.

**RESOLVED** that an article on idling be included in the next trade bulletin.

*(The meeting commenced at 4.30 pm and closed at 6.05 pm)*

**CHAIRMAN** .....

**Date of Signature** .....



---

## Hackney Carriage and Private Hire Licence Fees Consultation Responses Report

---

<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	27 January 2020
<b>Portfolio Member:</b>	Councillor Hilary Cole
<b>Date Portfolio Member agreed report:</b>	
<b>Report Author:</b>	Suzanne McLaughlin
<b>Forward Plan Ref:</b>	N/a

---

### 1. Purpose of the Report

- 1.1 To allow Members to consider the responses received during the 28 day statutory consultation period concerning the proposed fees in relation to hackney carriage and private hire licensing.

### 2. Recommendation

- 2.1 Officers recommend that the consultation responses are taken into account and the fees are set, with or without modification, to come into effect on 1 April 2020.

### 3. Implications

- 3.1 **Financial:** There will be a financial implication if Members resolve to change the proposed fees. If fees as proposed are not introduced, this will impact the level of service provided in the West Berkshire area as a result of the requirement to achieve cost recovery for the licensing function.
- 3.2 **Policy:** Licensing policies and conditions have previously been approved by the Committee. The Council has a legal obligation to operate within its policies and to ensure that those who are licenced under the terms of the policies and conditions are compliant.
- 3.3 **Personnel:** The fees charged will be spent on the delivery of this aspect of the licensing function in accordance with the law and prevailing legal interpretation. This includes the employment of staff.
- 3.4 **Legal:** Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 requires all licensing authorities to publish a notice regarding any variation to the fees charged by the Council for vehicle and operator licences. As objections have been received, in accordance with the Act the Council is required to consider those objections and set a date on which any variation to the fees, with or without modification, shall come into force.

3.5 **Risk Management:** None

3.6 **Property:** None

3.7 **Other:** None

#### 4. **Other options considered**

4.1 There are no alternative options, as the consideration of the objections and setting of the fees are legal requirements as outlined above.

## Executive Summary

### 5. Introduction / Background

- 5.1 A new set of fees were presented to the Committee at their last meeting, in November 2019, where it was agreed to proceed with the statutory consultation process, with the objections received to be brought back before the Committee for further consideration.
- 5.2 The existing and proposed fees can be found at Appendix C.
- 5.3 The legal requirements in relation to amending fees are set out at section 70 of the Local Government (Miscellaneous Provisions) Act 1976. A public notice was published in the Newbury Weekly News on 12 December 2019. The consultation ended on 8 January 2020. In addition a letter was sent to all hackney carriage (158) and private hire drivers (166) and private hire operators (63) advising them of the consultation.
- 5.4 During the period available for making objections, 25 responses (6%) were received of which 23 were objections and 2 were comments relating to fees but not relevant to this consultation. These objections raise points such as how the increases can be justified, increases that are above inflation, and overwhelmingly the feedback is that they do not want any increase at all. The full list of objections are detailed in Appendix D.

### 6. Proposal

- 6.1 Officers recommend that the objections are considered and the fees are set, with or without modification. These will then be put forward to Full Council as part of the Council's budget setting process.

### 7. Conclusion

- 7.1 The Committee are requested to consider the objections in the context of this report and any further representations made at the meeting.

### 8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Existing and proposed licence fees
- 8.4 Appendix D – Objections received (23)

## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Case Management and Governance
Lead Officer:	Suzanne McLaughlin
Title of Project/System:	Licensing Fees and Charges 2020/21
Date of Assessment:	8 January 2020

**Do you need to do a Data Protection Impact Assessment (DPIA)?**

	Yes	No
<b>Will you be processing SENSITIVE or “special category” personal data?</b>  Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will you be processing data on a large scale?</b>  Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will your project or system have a “social media” dimension?</b>  Note – will it have an interactive element which allows users to communicate directly with one another?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will any decisions be automated?</b>  Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will you be using any novel, or technologically advanced systems or processes?</b>  Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.**

## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:***
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:***
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	Set fees and charges for private hire and hackney carriage licences to take effect from 01/04/2020.
<b>Summary of relevant legislation:</b>	Local Government (Miscellaneous Provisions) Act 1976
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Suzanne McLaughlin
<b>Date of assessment:</b>	8 January 2019

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
<b>Aims:</b>	To set fees and charges for private hire and hackney carriage licences to take effect from 01/04/2020.
<b>Objectives:</b>	Cost recovery for the licensing function
<b>Outcomes:</b>	An efficient and performing licensing function
<b>Benefits:</b>	No specific benefit

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender	No impact	

Reassignment		
Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
<b>Further Comments relating to the item:</b>		
No further comments		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b> No evident contribution to inequality	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b> The income received from licence applicants covers the cost of providing the statutory licensing function.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Suzanne McLaughlin

Date: 8 January 2019

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.



## Appendix C

### Existing and proposed licence fees

#### Existing

Hackney Carriage Vehicle New / Renewal:	£282.00
Private Hire Vehicle New / Renewal:	£282.00
Temporary Vehicle Licence:	£226.00
Private Hire Operator Licence New/Renewal:	1-4 vehicles £559.00
	5-9 vehicles £898.00
	9+ vehicles £1390.00

#### Proposed

Hackney Carriage Licence:	£288.00
Private Hire Vehicle Licence:	£288.00
Temporary Vehicle Licence:	£231.00

#### Private Hire Operator Licence **New**

New methodology schedule based on per vehicle calculation of 4 hours (at £57.00 hourly rate) including first vehicle plus 15 minutes per additional vehicle. The fee is payable up to a maximum of 20 vehicles.

#### Private Hire Operator Licence **Renewal**

New methodology schedule based on per vehicle calculation of 2 hours (at £57.00 hourly rate) including first vehicle plus 15 minutes per additional vehicle, per year. The fee is payable up to a maximum of 20 vehicles.

This page is intentionally left blank

## Appendix D

### Consultation responses from the hackney carriage and private hire trade (driver or operator not specified)

1	No increase other than in line of inflation
2	Object to increase and methodology
3	No increase
4	Increase of almost £100 on a £150 licence is comparable to broad day theft
5	No increase, hopefully would get a refund what I paid already
6	No increase, hopefully would get a refund what I paid already
7	No increase, hopefully would get a refund what I paid already
8	No increase
9	None
10	No increase
11	To remain the same with consideration to inflation calculator
12	No increase
13	I don't want any increase
14	I don't want any changes
15	Don't want increase
16	I don't want the increase, this is disgusting. How do you get to this increase?
17	Don't want increase
18	Don't want increase
19	Don't want any increase
20	Not happy with increases
21	No change
22	No change
23	The increase are too much and unnecessary
	Other comments:
24	Overcharge of backing plate, amend to include new plate
25	Lack of policing of ranks as being used by general public

This page is intentionally left blank

---

## Hackney Carriage Tariff Consultation Responses Report

---

<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	27 January 2020
<b>Portfolio Member:</b>	Councillor Hilary Cole
<b>Report Author:</b>	Suzanne McLaughlin
<b>Forward Plan Ref:</b>	N/a

---

### 1. Purpose of the Report

- 1.1 To allow Members to consider the responses received during the 28 day consultation period with the trade concerning the proposed tariffs in relation to hackney carriage licensing. The key consideration is the balance between supporting small business and ensuring the general public has access to a good value hackney carriage service across all areas of the District.

### 2. Recommendation

- 2.1 Officers recommend that the consultation responses are taken into account and the fees are subject to the statutory consultation in the local newspaper and deposited at the Council offices, to come into effect on 1 April 2020.

### 3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** Although not a mandatory requirement, the Council has set a maximum tariff for a number of years.
- 3.3 **Personnel:** None
- 3.4 **Legal:** Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 requires all licensing authorities to publish a notice regarding the fixing of fares by the Council for hackney carriages. As objections have been received, in accordance with the Act the Council is required to consider those objections and following statutory 14 days consultation under S65(2) set a date on which any variation to the fees, with or without modification, shall come into force.
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

#### 4. Other options considered

- 4.1 To not change the current tariff for hackney carriage fares.

## Executive Summary

### 5. Introduction / Background

- 5.1 At the Licensing Committee meeting on 18 November 2019 it was agreed to consult with all Hackney Carriage Proprietors and Private Hire Operators on a proposed taxi tariff following a request received from an operator. The operator had asked for a 9% increase on Tariffs 1 and 2 and nothing on Tariff 3. Members suggested a slight variation on this based on tenths of a mile in an attempt to make the tariff less confusing. The original operator who had asked for the increase agreed the proposal suggested.
- 5.2 The existing and proposed tariffs can be found at Appendix C.
- 5.3 The legal requirements in relation to amending fares are set out at section 65 of the Local Government (Miscellaneous Provisions) Act 1976. A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table.
- 5.4 The consultation with the trade ran from 6 December 2019 and ended on 3 January 2020 with all 229 Hackney Carriage proprietors and operators being sent a letter /emailed letter advising them of the consultation.
- 5.5 During the period available for making objections, 32 responses (14%) were received and these are listed in Appendix D. Overwhelmingly 94% (30/32) responded in favour of the proposals. 3 comments were received which were all expressing their agreement in the proposed changes. There were no responses suggesting any alternative tariffs.

### 6. Proposal

- 6.1 Officers recommend that the comments are considered and the tariffs are set, subject to statutory consultation.

### 7. Conclusion

- 7.1 The Committee are requested to consider the comments in the context of this report and any further representations made at the meeting.

### 8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Existing and proposed tariffs
- 8.4 Appendix D – Responses received (32)

## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Case Management and Governance
Lead Officer:	Suzanne McLaughlin
Title of Project/System:	Hackney Carriage tariffs
Date of Assessment:	8 January 2020



**Do you need to do a Data Protection Impact Assessment (DPIA)?**

	Yes	No
<b>Will you be processing SENSITIVE or “special category” personal data?</b>  Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will you be processing data on a large scale?</b>  Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will your project or system have a “social media” dimension?</b>  Note – will it have an interactive element which allows users to communicate directly with one another?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will any decisions be automated?</b>  Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will you be using any novel, or technologically advanced systems or processes?</b>  Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To agree to the changes in Hackney Carriage tariffs to take effect from 01/04/2020.
<b>Summary of relevant legislation:</b>	Local Government (Miscellaneous Provisions) Act 1976
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Suzanne McLaughlin
<b>Date of assessment:</b>	8 January 2019

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
<b>Aims:</b>	To set tariffs for hackney carriage fares to take effect from 01/04/2020.
<b>Objectives:</b>	Ensuring the fares are effectively reviewed and any changes are appropriately introduced.
<b>Outcomes:</b>	The balance between supporting small business and ensuring the general public has access to a good value hackney carriage service across all areas of the District
<b>Benefits:</b>	No specific benefit

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No impact	

Disability	No impact	
Gender Reassignment	No impact	
Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
<b>Further Comments relating to the item:</b>		
No further comments		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b> No evident contribution to inequality	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b> The income received from licence applicants covers the cost of providing the statutory licensing function.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Suzanne McLaughlin

Date: 8 January 2019

---

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

This page is intentionally left blank

### Current tariffs

#### Hackney Carriages – Table of Fares effective from 18 April 2013

Customers should be aware that these charges are the MAXIMUM to be charged and any lesser fare agreed prior to commencement of the journey. Where the taxi is used for pre-booked

journeys the fare shall be calculated from the point in the district at which the hirer commences his/her journey) (Local Government (Miscellaneous Provisions) Act 1976 sec. 67)

##### Tariff 1

Applies for any hiring when the journey commences between 06:00 and 22:00 Monday to Saturday, other than Bank Holidays, Public Holidays, Boxing Day or Christmas Day.

Initial distance not exceeding 377.1429 yards or part thereof

Initial waiting time 81 seconds or a combination of time and distance **£2.80**

For each subsequent 123.2493 yards completed or part thereof **15p**

Waiting time: for every period of 27 seconds or part thereof **15p**

##### Tariff 2

Applies for any hiring when the journey commences between 22:00 and 06:00 Monday to Saturday.

Applies for any hiring when the journey commences on Sundays, Bank Holidays or Public Holidays.

Applies for any hiring when the journey commences between 06:00 and midnight on Boxing Day.

Applies for any hiring when the journey commences between 19:00 and midnight on Christmas Eve or New Years Eve.

For any journey with 5 or more passengers which commences between 06:00 and 22:00 Monday to Saturday.

Initial distance not exceeding 377.1429 yards or part thereof

Initial waiting time 72 seconds or a combination of time and distance **£3.80**

For each subsequent 106.8431 yards completed or part thereof **20p**

Waiting time: for every period of 24 seconds or part thereof **20p**

##### Tariff 3

Applies for any hiring when the journey commences on Christmas Day until 0600hrs on Boxing Day.

Applies for any hiring when the journey commences between midnight and 06:00 on New Years Day.

Initial distance not exceeding 377.1429 yards or part thereof

Initial waiting time 81 seconds or a combination of time and distance **£4.80**

For each subsequent 123.2493 yards completed or part thereof **30p**

Waiting time: for every period of 27 seconds or part thereof **30p**

### Waiting Time Per Hour

**T1 = £20.00**

**T2 = £30.00**

**T3 = £40.00**

If a Hackney Carriage is booked by telephone, facsimile, e mail or other electronic means a booking fee may be charged by prior arrangement only. London Congestion Charge (or similar in any other place), or any Tolls, will be applied for any journey where such charges or tolls are incurred. **Fouling will be charged.**

### Proposed tariffs

	<b>Tariff 1</b>	<b>Tariff 2</b>	<b>Tariff 3</b>
<b>Flag</b>	<b>£3.00</b>	<b>£4.00</b>	<b>£5.00</b>
<b>Factor of tariff</b>	<b>X1</b>	<b>X1.5</b>	<b>X1.8</b>
<b>To end of mile1</b>	£4.95	£6.90	£8.45
<b>2</b>	£7.35	£10.50	£12.75
<b>3</b>	£9.75	£14.10	£17.05
<b>4</b>	£12.15	£17.70	£21.35
<b>5</b>	£14.55	£21.30	£25.65
<b>6</b>	£16.95	£24.90	£29.95
<b>7</b>	£19.35	£28.50	£34.25
<b>8</b>	£21.75	£32.10	£38.55
<b>9</b>	£24.15	£35.70	£42.85
<b>10</b>	£26.55	£39.30	£47.15



## Appendix D

### Tariff consultation responses

No change	2
Change in tariff proposed	30
Other option	0
Total responses	32
Additional comments received	Fair to have raise as not increase since 2013
	We need this increase
	About time

This page is intentionally left blank