
Hackney Carriage and Private Hire Licence Fees Consultation Responses - Summary Report

Committee considering report:	Licensing Committee
Date of Committee:	25 June 2018
Portfolio Member:	Councillor Marcus Franks
Report Author:	Laura Driscoll
Forward Plan Ref:	LIC3621

1. Purpose of the Report

- 1.1 To allow Members to consider the responses received during the 28 day 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 26 June 2018.

3. Implications

- 3.1 **Financial:** There will be a financial implication if Members resolve to change the proposed fees. If fees are reduced, this may affect 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:** None
- 3.3 **Personnel:** None
- 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 table showing the existing and proposed fees can be found at Appendix C.
- 5.2 A notice was placed in the Newbury Weekly News on 12 April 2018 containing details of the proposed revision to the fees charged in respect of vehicle and operator licences. A total of 229 letters were sent to all operators and vehicle proprietors, and in addition a notice was available at the Council offices and placed on the consultation section of the Council's website.
- 5.3 Four objections were received during the consultation period, and these can be found at Appendix E.
- 5.4 The officer observations on the points raised within the objections are as follows:

- Lack of safe parking/rank space and enforcement: The rank at the south side of the railway station is GWR land, and the parking bays are on Highways land and therefore enforceable by the Council's Civil Enforcement Officers, who will deal with any offences they see. If a licensing officer sees a driver parked illegally, they will provide suitable advice and warnings as appropriate. Licensing officers do regular enforcement work across the Borough. There are several areas around the station where upgrade work is taking place as part of the project to electrify the line, this work will be ongoing for the foreseeable future and until November 2018 at least and is outside of the Council's control.

There were alterations to the traffic arrangements for Newbury Town Centre which affected the closure of car parks, pedestrianised the Market Place and Northbrook Street during the town centre enhancement scheme which took effect in October 2011. These proposals actually increased the number of rank spaces in the town centre but removed the Market Place rank completely. This was replaced with a permanent formal rank in Wharf Street. Unfortunately some taxi drivers are not willing to accept that there is no taxi rank in the Market Place.

- Suggestion to remove the expiry date from plates to reduce costs on renewal: This would cause officers concern in case of plates not being returned when a licence lapses, however we will look at options in respect of the use of permanent stickers instead of hard plates to see if that can reduce costs in future.
- No communication: The Council has carried out the required consultation as outlined in 5.1 but officers will look into the possibility of workshops with the trade to consider whether the function can be made more efficient. In general the fees have been increased by around 3% to ensure the cost of providing the service is covered. It is important to note that the letters sent as detailed

in 5.2 are not required by law, so that consultation is above and beyond the legal requirements.

- Higher fee for dispensation vehicles: This is to cover the cost of checking records to ensure the vehicles are only doing contract work. Currently this is done on initial application only but the evidence suggests contracts are trailing off during the course of the year and therefore the dispensation would no longer be appropriate. Officers therefore wish to carry out more regular checks with both the operators and contract companies. There is a need for a current dispensation certificate to prove the vehicle is currently exempt from the requirement to display the plate not just in West Berkshire, but also when the vehicle is checked in other areas.
- Fees not fair to smaller businesses: The fees are the same for all businesses and simply look to cover the cost of the licensing function. Details of the surplus and carry forward for the last five years can be found at Appendix D.

6. Proposal

- 6.1 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.

7. Conclusion

- 7.1 Officers recommend that the consultation responses are taken into account and the fees are set, with or without modification, to come into effect on 26 June 2018.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C - Fees table – existing and proposed
- 8.4 Appendix D – Details of surplus/carry forward for licensing budget
- 8.5 Appendix E - Responses received (x 4)

Appendix A

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.

What is the proposed decision that you are asking the Executive to make:	To consider objections to the proposed fees and set a date for any variation to the fees to come into effect.
Summary of relevant legislation:	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.
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Laura Driscoll
Date of assessment:	6 June 2018

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To set a fee for parts of the licensing service
Objectives:	Cost recovery for the licensing function
Outcomes:	An efficient and performing licensing function
Benefits:	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	
Further Comments relating to the item:		
No evident impact on any of the above		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: No evident impact on any different groups.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: 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](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	

Timescale for Stage Two assessment:	
--	--

Name: Laura Driscoll

Date: 6 June 2018

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