
Hackney Carriage and Private Hire Licence Fees Consultation Responses Report

Committee considering report:	Licensing Committee
Date of Committee:	27 January 2020
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	
Report Author:	Suzanne McLaughlin
Forward Plan Ref:	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

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
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>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”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>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?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<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.

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

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 contribution to inequality	
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: 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), for publication on the WBC website.