

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, 27 JANUARY 2020

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

Also Present: Suzanne McLaughlin (Senior Environmental Health Officer), Julia O'Brien (Principal Licensing Officer) and Amanda Ward (Licensing Officer), Moira Fraser (Democratic and Electoral Services Manager)

Apologies for inability to attend the meeting: Councillor Phil Barnett

PART I

14. Minutes

The Minutes of the meeting held on 18 November 2019 were approved as a true and correct record and signed by the Chairman. The Chairman noted that Councillor Peter Argyle had stood down from the Committee and on behalf of the Committee he wanted to wish him well on his recovery. The Chairman welcomed Councillor Hilary Cole as his replacement on the Committee.

15. Declarations of Interest

There were no declarations of interest received.

16. Hackney Carriage and Private Hire Fees

The Committee considered a report (Agenda Item 4) which set out the responses received during the 28 day statutory consultation period concerning the proposed fees in relation to hackney carriage and private hire licensing.

Suzanne McLaughlin stated that the fees were discussed at the November 2019 meeting and were then consulted on in accordance with the statutory provisions as set out in section 70 of the Local Government (Miscellaneous Provisions) Act 1976. An advert was placed in the Newbury Weekly News on the 12 December 2019. The consultation ended on the 08 January 2020. In addition to the statutory requirement 387 letters were also sent to 158 hackney carriage and 166 private hire drivers as well as 63 private hire operators informing them of the consultation.

The consultation resulted in 28 responses, 26 of which were objections and two were comments related to fees but were matters which fell outside of the consultation. The objections were set out in appendix D to the report. Primarily these queried how the increase could be justified, raised concerns that it was an above inflation increase and was not wanted. In addition to the responses set out in the original paperwork the following additional comments were considered by the Committee:

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I have looked at the proposals and feel that the new fees that the council wish us to pay in this present economic climate are way too high.

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	<p>With more taxi companies changing to private hire this put a strain on businesses that are trying to survive.</p> <p>We are having to fork out more money for training ie. Disability awareness.</p> <p>Do companies such as Cabco if they are private hire have operators licences.</p> <p>No doubt we the private hire sector will be penalised for providing an executive service.</p>
27	<p>I am against any large increase in the taxi charges a small yearly increase would be a lot easier for the public to live with. I believe that in the economic situation as it stands and the political turmoil caused by Brexit this just makes the trade and West Berks council look greedy because any rise for the taxi trade will by association reflect on the council</p>
28	<p>Many thanks for the attached document, However I feel I must object to them in their current form.</p> <p>I refer to the meeting that took place between members of the Licensing team, Licensing Committee and various members of the trade on the 6th August 2019. During that meeting the operator renewal fee structure put forward by the Licensing Dept. was made up, based on 1, 3 and 5 year licences:</p> <p>1 Year licence= 1 X £57 + 1 X £57 for an Operator check. Total Cost £114 3 Year Licence = 1 X £57 + 3X £57 for annual Operator Checks. Total Cost = £228 5 Year Licence = 1 X £57 + 5 X £57 For Annual Operator checks. Total Cost = £342</p> <p>This was the same pricing structure that was proposed to the Committee on the 18th Nov 2019.</p> <p>However, The structure that has recently been sent to the trade has a remarkable difference to that proposal.</p> <p>The New structure only offers a one year renewal at a cost of 2 X £57 = £114. It makes no reference to operator checks, so obviously the dept. has now decided that it now cannot carry out the required tasks within the 1 Hour that it has previously claimed was sufficient and will apparently no longer be carrying out Operator Checks.</p> <p>Whilst that is no real surprise to the trade, as they haven't been carrying them out for years, despite feigning surprise when this has been raised in meetings and then assuring the committee that this was changing. It hasn't.</p> <p>Perhaps the Dept. would like to confirm how many Operator licences are currently in force in West Berkshire and how many operator checks have actually been carried out in the last 12 Months. As this will have obviously been taken into account when dreaming up its new structure.</p> <p>Moving On.</p>

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	<p>This will then make the equivalent cost to cover a 3 year licence 3 X £114 = £342 (3 X 1 year renewal) a 50 % on the previous proposal.</p> <p>A 5 year licence will then become, based on the same equation, 5 X £114 = £570 an astounding 65% increase on the original proposal.</p> <p>This is quite clearly a structure for the dept. to claw back all past claimed losses in one go with absolutely no concern for the trade, or alternatively a structure that actually had very little thought or was not proof read before sending.</p>
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Councillor Graham Bridgman stated that after discussing the issue with Officers he felt that I would be useful to present the information in a table to aid discussion. The information set out below was presented to Members at the meeting:

Vehicles	New/Renew	Total	New		Renewal	Renewal	
			£	%		£	%
1	£559.00	£456.00	-£103.00	-18%	£342.00	-£217.00	-39%
2	£559.00	£527.25	-£31.75	-6%	£413.25	-£145.75	-26%
3	£559.00	£598.50	£39.50	7%	£484.50	-£74.50	-13%
4	£559.00	£669.75	£110.75	20%	£555.75	-£3.25	-1%
5	£898.00	£741.00	-£157.00	-17%	£627.00	-£271.00	-30%
6	£898.00	£812.25	-£85.75	-10%	£698.25	-£199.75	-22%
7	£898.00	£883.50	-£14.50	-2%	£769.50	-£128.50	-14%
8	£898.00	£954.75	£56.75	6%	£840.75	-£57.25	-6%
9	£898.00	£1,026.00	£128.00	14%	£912.00	£14.00	2%
10	£1,390.00	£1,097.25	-£292.75	-21%	£983.25	-£406.75	-29%
11	£1,390.00	£1,168.50	-£221.50	-16%	£1,054.50	-£335.50	-24%
12	£1,390.00	£1,239.75	-£150.25	-11%	£1,125.75	-£264.25	-19%
13	£1,390.00	£1,311.00	-£79.00	-6%	£1,197.00	-£193.00	-14%
14	£1,390.00	£1,382.25	-£7.75	-1%	£1,268.25	-£121.75	-9%
15	£1,390.00	£1,453.50	£63.50	5%	£1,339.50	-£50.50	-4%
16	£1,390.00	£1,524.75	£134.75	10%	£1,410.75	£20.75	1%
17	£1,390.00	£1,596.00	£206.00	15%	£1,482.00	£92.00	7%
18	£1,390.00	£1,667.25	£277.25	20%	£1,553.25	£163.25	12%
19	£1,390.00	£1,738.50	£348.50	25%	£1,624.50	£234.50	17%
20	£1,390.00	£1,809.75	£419.75	30%	£1,695.75	£305.75	22%

All calculations were based on an hourly rate of £57. In terms of the Private Hire Operator Licence the new methodology was based on a per vehicle calculation of 4 hours including first vehicle plus 15 minutes per additional vehicle. The fee was payable up to a maximum of 20 vehicles. In terms of a renewal the revised methodology was based on a per vehicle calculation of 2 hours including the first vehicle plus 15 minutes per additional vehicle, per year. The fee was also payable up to a maximum of 20 vehicles.

The following fees were also being proposed:

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

It was agreed that this information should be sent to the trade and they should be re-consulted as the table should help to clarify the proposed changes. A letter of clarification should accompany the document. **(Suzanne McLaughlin to Action)**

Councillor James Cole stated that the proposed changes would be fairer and should deal with the criticism that the Council was not undertaking the inspections covered by the fees. Members considered the impact the proposal would have on bigger fleets. It was noted that of the 63 private hire licences issued in West Berkshire 51 pertained to four cars or fewer, four to fleets of between five and nine cars, eight to fleets of 10 to 19 cars and only 1 to a fleet of 20 or more cars. It was agreed that the issue should be discussed at a follow up meeting with the trade and that this should happen during the 28 day consultation period. **(Suzanne McLaughlin to Action)**

It was agreed that advice would need to be sought from colleagues in the legal team as to whether the whole consultation would need to be rerun or whether it would be permissible to just consult with the trade.

Councillor David Marsh stated that he thought the principle had previously been agreed that the Council would consider decreasing fees for fleets with low emission vehicles. He commented that drivers were enthusiastic about electric vehicles and he wondered if it would be possible to install charging points at the wharf taxi rank. It was noted that there was an issue with the electric vehicles as they were not able to transport some disabled passengers. Councillor Marsh commented that it would be useful to have a mixed fleet so that electric vehicles could be promoted.

Councillor Bridgman stated that the issue of encouraging electric vehicles through the fee structure had been discussed at the 18 November 2019 meeting. While he understood the imperative Sean Murphy had explained that the fees were based on cost recovery and that if it was possible to offer a reduction that this would have to be subsidised. This paper set out the requirements in terms of cost recovery. The issue of a subsidy should be dealt with separately.

Members agreed that the issue of subsidies was a national issue. Councillor Tony Linden stated that the Council's representatives on the Local Government Association should be asked to raise this issue. It was also agreed that it would be useful to hold a discussion on this issue at a future Joint Public Protection Committee meeting. **(Sean Murphy to Action).**

RESOLVED that:

- the trade should be re-consulted on the fee structure;
- Legal advice should be sought as to whether the whole consultation should be re-run
- If agreement could be reached the Committee would recommend to Council that the amended/fees set out in the report be adopted with effect from the 01 April 2020 following the .

17. Hackney Carriage Tariff Consultation

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The Committee considered a report (Agenda Item 5) which set out the responses received during the 28 day consultation period with the trade concerning the proposed tariffs in relation to hackney carriage licensing.

Suzanne McLaughlin noted that at the meeting on the 18 November 2019 it was agreed that Hackney Carriage Proprietors and Private Hire Operators would be consulted on proposed taxi tariffs following a request received from an operator. The operator had requested a 9% increase on Tariffs 1 and 2 and no increase on Tariff 3. Members had discussed the operator's proposals and had made some suggested amendments and these were set out in Appendix C to the report. Any amendments had to adhere to section 65 of the local Government (Miscellaneous Provisions) Act 1976.

The consultation with the trade ran from the 06 December 2019 to 06 January 2020. All 229 Hackney carriage Proprietors and operators were contacted via a letter.

During the consultation period 37 responses were received. One additional response was received that fell outside of the consultation period. 31 of the 38 responses were in favour of the proposals, six wanted no change and one other option was proposed. Additional responses not included in the original paperwork were set out below:

Having read the proposals, may I refer to the informal meeting that took place on the 8th August between members of the Committee, Licencing Dept. and Trade where it was suggested and generally agreed on that a new tariff be made simple for everybody to understand. However, what is being proposed doesn't seem to fit that criteria.

Tariff 2 is apparently 1.5 times Tariff 1 Surely 1.5 times £3 is £4.50 not £4 and Tariff 3 at 1.8 times is £5.40 not £5.00 Surely 2 X is simpler, bearing in mind it only affects several days of the year.

The physical tariff makes absolutely no sense at all as tariff 2 is definitely not 1.5 X Tariff 1.

I suspect that this proposal is either incorrect or designed to confuse the public.

Please explain.

I must strongly object to this increase as I feel that in the current economic climate that an increase would potentially kill the trade and risk the jobs of the smaller independent operator / driver.

The last time that we had a fare increase of this magnitude, we saw a significant reduction in trade and an increase in public dissatisfaction. I feel that we will have the same repercussions this time if this proposed increase goes ahead. We don't want to lose the little business that there is out there.

I feel that the current fare charges are correct and adequate for the size of town that we are. I refer to Billy Drummonds comment that:- a man had recently complained to him, who had taken a taxi two miles on a Sunday evening, and had to pay almost £10. He told Mr Drummond it was a "rip-off".

I would propose that tariffs are altered once per year to go up inline with

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inflation and not to wait 6 years.

A great deal of work has been undertaken by Mr Bridgman in relation to calculating a more "tidied up" approach, but, this will only be good for one increase and does not future proof the use of fraction of distances.

The use of fractions of a unit in distances has worked very well in the past and I see no reason why this can't continue. Adjusting the distances by a small fraction each year allows for a small increase in the fare each year (inline with inflation).

I hope that the council can see sense that this proposed increase will have a detrimental effect to the trade and more importantly to the general public, who, some of which, rely on the taxi to get around as this is their only mode of transport.

Late response due to being away – no change. Consider too many taxis in daytime and not enough in the evening

Ms McLaughlin noted that the tariffs agreed at the meeting would be subjected to a statutory consultation in a local newspaper. Officers suggested that authority be delegated to the Chairman of the Licensing Committee to make any minor amendments to the tariffs to come into effect on the 01 April 2020. If significant changes were proposed then an additional Licensing Committee meeting would need to be convened.

Councillor Graham Bridgman commented that the table that had appeared in the previous minutes was misleading as it did not include the whole spreadsheet. Specifically the question of the flag distance of 2/10 of a mile was missing.

Councillor Adrian Abbs stated that he had heard anecdotally that the fees were expensive and he queried if the Council was lining the pockets of the industry or if it should be protecting the users. Councillor James Cole noted that the fees had been stagnant for a number of years now. Councillor Hilary Cole stated that this could result in more significant increases and she therefore requested that the fees be reviewed on an annual basis even if it was agreed that no changes were required.

Members expressed concerns about the fees being higher here than they were in Reading given that taxis were often used by people with fewer resources. The Committee were reminded that these were the maximum fees that could be charged. Councillor Bridgman commented that the increases could be justified. They were lower than inflation and in most cases were below the fees in Reading.

Councillor Dennis Benneyworth commented that it was high time that the fees were changed and he thanked Councillor Bridgman and Officers for the work that they had put into the new tariff structure.

RESOLVED that the consultation responses be taken into account and the fees be the subject of a statutory consultation in the local newspaper and deposited at the Council offices, to come into effect on 1 April 2020.

(The meeting commenced at 4.30 pm and closed at 5.35 pm)

CHAIRMAN

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Date of Signature