

# Notice of Meeting

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## Licensing Committee

**Monday, 25th June, 2018 at 5.00 pm**  
in Council Chamber Council Offices  
Market Street Newbury

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Date of despatch of Agenda: Friday, 15 June 2018

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 Peter Argyle, Howard Bairstow, Jeff Beck (Vice-Chairman), Graham Bridgman, Paul Bryant, James Cole (Chairman), Richard Crumly, Billy Drummond, Sheila Ellison, Manohar Gopal, Tony Linden and Quentin Webb

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# 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 correct records the Minutes of the meetings of this Committee held on 28 September 2017, the 07 December 2017 and the 08 May 2018.
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 Licence Fees Consultation Responses** 11 - 28  
*Purpose: 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.*
5. **Safeguarding and Disability Awareness Training for Licensed Drivers and Operators** 29 - 42  
*Purpose: To allow Members to consider the responses received concerning proposed safeguarding and disability awareness training for licensed drivers and operators.*

Andy Day  
Head of 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

### EXTRAORDINARY LICENSING COMMITTEE

#### MINUTES OF THE MEETING HELD ON THURSDAY, 28 SEPTEMBER 2017

**Councillors Present:** Peter Argyle, Howard Bairstow, Jeff Beck (Vice-Chairman), Graham Bridgman (Chairman), Paul Bryant, James Cole, Richard Crumly, Sheila Ellison, Manohar Gopal and Tony Linden

**Also Present:** Anne Marie Baird (Solicitor), Laura Driscoll (Principal Licensing Officer), Emilia Matheou (Technical Officer), Julia O'Brien (Principal Licensing Officer) and Stephen Chard (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Billy Drummond and Councillor Quentin Webb

#### PART I

##### 10. Minutes

The Minutes of the meeting held on 18 July 2017 were approved as a true and correct record and signed by the Chairman.

##### 11. Declarations of Interest

There were no declarations of interest received.

##### 12. Hackney Carriage Tariff Review

Councillor Graham Bridgman introduced the item (Agenda Item 4) by explaining that this Extraordinary meeting had been called in order for the Committee to review its decision at the previous meeting on 18 July 2017 to increase taxi fares subject to consultation and to consider a revised request from the taxi trade for an increase in the hackney carriage tariff. However, post publication of the agenda, the taxi trade had withdrawn their request. In light of this development, Councillor Bridgman asked Anne Marie Baird (Solicitor) to outline the process for this meeting.

Anne Marie Baird reiterated that it was for the Committee to review the decision it made on the 18 July 2017. This review needed to take into account whether the facts presented to Committee by the taxi trade in July 2017 were accurate and it had since been acknowledged by the taxi trade that there were some inaccuracies. This acknowledgement had resulted in an amended application from the taxi trade but, as explained by Councillor Bridgman, this had since been withdrawn in full, post publication of this agenda.

Therefore, the Committee's only consideration at this meeting was whether the 18 July 2017 decision was based on inaccurate information (already acknowledged as such) and to determine whether or not to rescind this decision.

Councillor Bridgman advised that subject to a determination to rescind the previous decision, discussions could proceed on an informal basis between the Council and representatives of the taxi trade to form a proposal that could be brought back before the Licensing Committee at a later date.

## LICENSING COMMITTEE - 28 SEPTEMBER 2017 - MINUTES

Councillor Bridgman proposed to rescind the decision made by the Licensing Committee at its meeting on 18 July 2017 as it was based on inaccurate information. This was seconded by Councillor Richard Crumly.

**RESOLVED that** the decision made by the Licensing Committee at its meeting on 18 July 2017 to increase taxi fares subject to consultation was rescinded as it was based on inaccurate information.

*(The meeting commenced at 6.30pm and closed at 6.35pm)*

**CHAIRMAN** .....

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

# DRAFT

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

## LICENSING COMMITTEE

### MINUTES OF THE MEETING HELD ON THURSDAY, 7 DECEMBER 2017

**Councillors Present:** Peter Argyle, Howard Bairstow, Jeff Beck (Vice-Chairman), Graham Bridgman (Chairman), Paul Bryant, James Cole, Richard Crumly, Billy Drummond, Tony Linden and Quentin Webb

**Apologies for inability to attend the meeting:** Councillor Manohar Gopal

#### PART I

#### 13. Election of the Chairman

Councillor James Cole was elected as Chairman for the remainder of the 2017/18 Municipal Year.

*(The meeting commenced at 7.46 pm and closed at 7.47 pm)*

**CHAIRMAN** .....

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

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# DRAFT

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

## LICENSING COMMITTEE

### MINUTES OF THE MEETING HELD ON TUESDAY, 8 MAY 2018

**Councillors Present:** Peter Argyle, Howard Bairstow, Jeff Beck (Vice-Chairman), Paul Bryant, James Cole (Chairman), Richard Crumly, Billy Drummond, Tony Linden and Quentin Webb

**Apologies for inability to attend the meeting:** Councillor Graham Bridgman and Councillor Sheila Ellison

**Councillor Absent:** Councillor Manohar Gopal

#### PART I

##### 1. Election of Chairman

**RESOLVED that** Councillor James Cole be elected Chairman of the Licensing Committee for the 2018/19 Municipal Year.

##### 2. Appointment of Vice-Chairman

**RESOLVED that** Councillor Jeff Beck be appointed Vice-Chairman of the Licensing Committee for the 2018/19 Municipal Year.

*(The meeting commenced at 7.43 pm and closed at 7.44 pm)*

**CHAIRMAN** .....

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

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

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

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### 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.

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

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

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To set a fee for parts of the licensing service
<b>Objectives:</b>	Cost recovery for the licensing function
<b>Outcomes:</b>	An efficient and performing licensing function
<b>Benefits:</b>	No specific benefit

<p><b>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.</b></p> <p>(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.)</p>
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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 evident impact on any of the above		

<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 impact on any different groups.	
<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>	
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**Name:** Laura Driscoll

**Date:** 6 June 2018

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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.

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# Hackney Carriage and Private Hire Licence Fees Consultation Responses - Supporting Information

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## 1. Introduction/Background

- 1.1 The Council is required to set fees in respect of the licensing of private hire vehicles and hackney carriages, and private hire operators. As part of this, 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.
- 1.2 This report seeks to allow Members to consider the four responses received during the 28 day consultation period concerning the proposed fees for hackney carriage and private hire vehicle and operator licensing, and to set a date on which any variation to the fees, with or without modification, shall come into force.

## 2. Supporting Information

- 2.1 A table showing the existing and proposed fees can be found at Appendix C.
- 2.2 Other than the recommended 3% increase, officers are seeking to introduce an additional fee for 'dispensation vehicles'; namely those which carry out contract work and are therefore exempt from the requirement to display the plate. These additional costs will cover the officer time spent checking records and speaking with companies to ensure the vehicle is operating within the allowed parameters for a dispensation vehicle.
- 2.3 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. Options for Consideration

- 3.1 There are no alternative options, as the consideration of the objections and setting of the fees are legal requirements as outlined above. Members may choose to modify the proposed fees at this stage, subject to the financial implications as identified above.

## 4. Proposals

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

## 5. Conclusion

- 5.1 In accordance with the relevant legislation, the Council is required to consider the objections received and set a date on which any variation to the fees, with or without modification, shall come into force.

## 6. Consultation and Engagement

- 6.1 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.
- 6.2 Four objections were received during the consultation period, and these can be found at Appendix E.
- 6.3 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 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.

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**Background Papers:**

None

**Subject to Call-In:**

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input checked="" type="checkbox"/>
Delays in implementation could compromise the Council's position	<input checked="" type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

**Wards affected:**

All

**Strategic Aims and Priorities Supported:**

The proposals will help achieve the following Council Strategy aim:

☒ **HQL – Maintain a high quality of life within our communities**

The proposals contained in this report will help to achieve the following Council Strategy priority:

☒ **HQL1 – Support communities to do more to help themselves**

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**Officer details:**

Name: Laura Driscoll  
Job Title: Principal Officer: Licensing Policy and Governance  
Tel No: 01344 352517  
E-mail Address: [laura.driscoll@westberks.gov.uk](mailto:laura.driscoll@westberks.gov.uk)

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## Appendix C

### Existing and proposed licence fees

Type of licence	Existing	Proposed
Hackney Carriage Vehicle	£157	£161
Private Hire Vehicle Licence	£148	£152
Private Hire Vehicle Licence with dispensation	£148	£207
Operator 1-4 vehicles:	£528	£545
Operator 5-9 vehicles:	£846	£870
Operator 10+ vehicles:	£1317	£1356

## Appendix D

### Details of surplus / carry forward for licensing budget

	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
Expenditure including all overheads	437,042	520,842	333,380
Income	- 366,845	- 364,555	- 333,738
<b>Net</b>	<b>70,197</b>	<b>156,287</b>	<b>- 358</b>

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Mr S Murphy  
Public Protection Manager  
West Berkshire Council  
Market Street  
Newbury  
RG14 5LD

9<sup>th</sup> May 2018

Dear Mr Murphy

Objection to Fees as Advertised

Thank you for your notice with regards to the proposed fees, although very standard letter with no explanation.

I wish to make an objection on the grounds of:-

No communication with the trade - in the lead up to preparing the fees for vehicle and Operators Licences.

Insufficient information with regards to the new fee for dispensation.

Section 70 allows for the reasonable recovery cost within the section, can you confirm the carrying forward, surplus or deficits associated costs, and where we stand with finances over the last three years, and an explanation of the new costs.

Please acknowledge receipt of this objection.

Theale Taxis

Sean Murphy  
Public Protection Manager  
West Berkshire Council  
Market Street  
Newbury  
RG14 5LD

Dear Sean

Following receiving your proposal to increase charges for Private Hire Licences I feel compelled to object to the introduction of an annual charge for Licences with dispensation.

**My reasons for the objection are listed below**

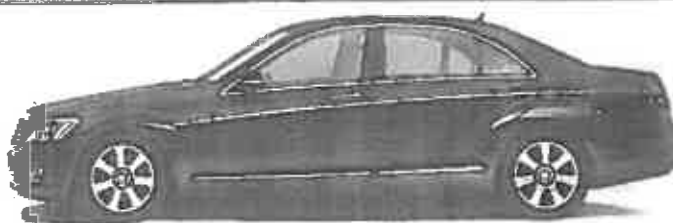
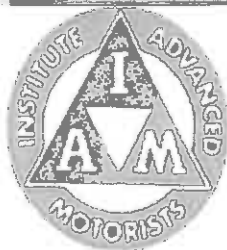
1. Whilst I acknowledge work is involved in allowing this benefit it is a one off cost there has been no charge for this before
2. Costs to the council for this benefit are minimal and only incurred once
3. To supply an annually dated dispensation is unnecessary and an added cost and workload to an already over stretched council service or so we are told.
4. Very unfair that small businesses face the extra costs – this is now happening all the time

I feel sure that if a brain storming session was held with us all, between us we could come up with cost cutting ways to benefit everyone Council and badge holders, as well as the end customers.  
Let's work together to benefit us all?

Yours Sincerely



# Excel Executive Chauffeurs Ltd



Telephone & Fax: 01635 45964

Mobile Phone:

Member of the British Chauffeurs Guild

**Mr S Murphy**

**Public Protection Manager**

**West Berkshire Council**

**Market Street**

**Newbury**

**Berks.**

**RG14 5LD**

**6<sup>th</sup> May 2018**

**Dear Mr Murphy**

I write in connection with the proposed, unjustified, increases in Private Hire fees.

Specifically the proposed additional fee of £55 for vehicles with Dispensation, supposedly to cover additional work involved.

I would be interested to know what additional work this refers to. Having had a dispensation for our vehicle since they were introduced I'm not aware that this requires any additional work. We abide by the same rules as the rest of the private hire trade, we provide the same information, the only condition's I'm aware of for the dispensation is the standard of vehicle used and that we do the required amount of contract work. This does not involve any additional work by the Council Officers.

I see absolutely no justification to warrant this increase.

**Director.**

**From:**  
**Sent:** 07 May 2018 09:38  
**To:** Licensing <Licensing@westberks.gov.uk>  
**Subject:** Fees increaqse

**This is an EXTERNAL EMAIL. STOP. THINK before you CLICK llnks or OPEN attachments.**

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To Whom it may concern.

I would like to object to the fees increases that you wish to put upon us. I feel that we are being singled out as we Taxi Owners/Drivers we are getting less and less from West Berkshire Council, with regards to Safety, Security, Parking, Enforcement,

Parking at the south side of Newbury Station is not safe in every sense of the word and needs sorting out, with a safety audit done. Having to stop in the middle of the road and reverse into a bay that is just wide enough to park in and customers opening doors onto other cars opening tailgates and boots for luggage whilst people trying to get by "not safe" loading a wheelchair "not safe" taxis pulling out of the rank and people walking trying to get past "not safe" Why is it that we have the worst taxi rank in England at Newbury Station south side "not safe"

With the closure of the wharf car park there is not enough room for taxis to park up and wait, we cannot afford to drive around town all the time looking for a space on a rank, not only that we cannot drive around like that.

All the taxi ranks in the town are not where the people want them we should be in the Market Place. This would also help with security and safety to drivers being stuck in a dimly lit area is not good.

We basically have to self police ourselves and each other due to the lack of enforcement.

Nobody would mind a small increase in costs if they were getting something from the increases but it appears that as far as Taxis are concerned I get the feeling that nobody in the council wants us in the town.

I heard today of a driver waiting in the wharf parked near the "disabled" vehicles waiting for a coach to arrive and he was told to move on or get a ticket surely somebody needs to sort this system out this is why you want us to pay more and it is not on.

I know that a lot of these problems are being caused by the Highways and Newbury Town Council but we pay you not them, so please give us a break and do something about it

Whilst thinking about this, as far as I can recall the only requirements for a taxi plate are the Licensing Authority, Plate No and the amount of passengers to be conveyed?

Therefore why cannot we remove the "expiry date" from the plate then the plate could last the life of the car therefore upon renewal of license a plate would not need to be made therefore lowering the cost of renewals saving us money and equally saving your staff time.

If a "disc" is still required for the front of the Taxi/P.Hire then this could be the same as the small "disc" that we use in taxis now similar as to the old tax disc.

As enforcement is an issue then I do not see this as a problem.

Yours

TAXI DRIVER of 35 years last 10 watching it disappear on a downward slope

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## Safeguarding and Disability Awareness Training for Licensed Drivers and Operators - Summary Report

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<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	25 June 2018
<b>Portfolio Member:</b>	Councillor Marcus Franks
<b>Report Author:</b>	Laura Driscoll
<b>Forward Plan Ref:</b>	LIC3622

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### 1. Purpose of the Report

- 1.1 To allow Members to consider the responses received concerning proposed safeguarding and disability awareness training for licensed drivers and operators.

### 2. Recommendation

- 2.1 Officers recommend that a condition is added to all driver and operator licences to require them to attend mandatory safeguarding and disability awareness training, including refresher training every 3 years, commencing from 1 August 2018.

### 3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** Sections 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 allow licensing authorities to impose conditions on a driver's and operator's licence as they may consider reasonably necessary.
- 3.5 **Risk Management:** A failure to implement the training, which is already in place widely across the surrounding Council areas, could place children and vulnerable adults at risk, and leave the Council open to criticism.
- 3.6 **Property:** None
- 3.7 **Other:** None

### 4. Other options considered

- 4.1 None.

## Executive Summary

### 5. Introduction / Background

- 5.1 The current position is that all dual drivers (those who are licensed to drive both hackney carriages and private hire vehicles) have to undertake disability awareness training as a condition of their licence. Private hire drivers and operators are not currently required to undertake any training as a condition of their licence.
- 5.2 In late 2015, a report was presented to this Committee in respect of introducing mandatory safeguarding and disability awareness training for licensed drivers. The report explained that a consultation exercise would be carried out, and the results reported back to this Committee.
- 5.3 The consultation was sent to all drivers and operators in November 2017, and the consultation ran until January 2018. A total of 10 responses were received. Five did not offer a view on the proposal, and simply either asked for more details on how to book, simply confirmed receipt or explained that they had already completed a form of training. The other five are attached at Appendix C.
- 5.4 The officer observations on the points raised are as follows:
  - If approved, the course will be introduced as soon as possible, following this meeting. It is hoped that all drivers can attend the training within a year from implementation.
  - At each course, the driver will be able to provide feedback, which can be taken into account by the course provider and Council. Speaking with the current preferred training provider, they are clear that driver feedback has been positive despite some drivers initially being sceptical as to the value or relevance of the training.
  - The course will cover topics such as child sexual exploitation (CSE), human trafficking, driver/passenger safety, disability awareness, safeguarding children and vulnerable adults and customer care best practice. There will be a short test at the end to gauge understanding.
  - The course is not intended to prevent unlicensed vehicles and drivers from working, it is intended to engage and benefit licensed drivers and the public as a whole.
  - The cost is to be met by the licensed trade, on a cost recovery basis as with all licensing matters. It is hoped this will be in the region of £30 per head.

### 6. Proposal

- 6.1 The proposal is for the Public Protection Partnership (PPP) to engage a training provider across the PPP area to provide maximum flexibility for drivers and operators to attend training in a convenient location.
- 6.2 The course would last 2 to 3 hours and cover potential safeguarding issues with vulnerable groups including children and adults such as CSE, human trafficking, driver/passenger safety, disability awareness, safeguarding and customer care.

## **7. Conclusion**

- 7.1 Officers recommend that a condition is added to all driver and operator licences to require them to attend mandatory safeguarding and disability awareness training, including refresher training every 3 years.

## **8. Appendices**

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – Responses to consultation

## 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.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To introduce a condition to all driver and operator licences to require them to attend mandatory safeguarding and disability awareness training, including refresher training every 3 years.
<b>Summary of relevant legislation:</b>	Sections 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 allow licensing authorities to impose conditions on driver and operator licences.
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Laura Driscoll
<b>Date of assessment:</b>	11 June 2018

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

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To require drivers and operators to carry out safeguarding and disability awareness training
<b>Objectives:</b>	Improved knowledge for the licensed trade
<b>Outcomes:</b>	Trained drivers and operators
<b>Benefits:</b>	A better service for the community

<b>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.</b>		
(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.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	No impact	

Disability	Positive impact	Training in disability awareness
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 on 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> No evidence the training will have an adverse impact.	

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: Laura Driscoll

Date: 11 June 2018



**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.**

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# Safeguarding and Disability Awareness Training for Licensed Drivers and Operators - Supporting Information

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## 1. Introduction/Background

- 1.1 The current position is that all dual drivers (those who are licensed to drive both hackney carriages and private hire vehicles) have to undertake disability awareness training as a condition of their licence. Private hire drivers and operators are not currently required to undertake any training as a condition of their licence.
- 1.2 In late 2015, a report was presented to this Committee in respect of introducing mandatory safeguarding and disability awareness training for licensed drivers. The report explained that a consultation exercise would be carried out, and the results reported back to this Committee.
- 1.3 Addressing the issues of child sexual exploitation and protection of the vulnerable has become a priority and a matter of great importance for the community and all public authorities. In respect of child sexual exploitation (CSE), for example, appropriately trained licensed drivers can assist in identification of incidents and persons of concern.

## 2. Supporting Information

- 2.1 The proposal is for a 2 to 3 hour course covering potential safeguarding issues with vulnerable groups including children and adults. Modules could include CSE, human trafficking, driver/passenger safety, disability awareness, safeguarding and customer care best practice.
- 2.2 The proposal seeks to combine the existing disability awareness training with other safeguarding matters, and to extend it to include operators.

## 3. Options for Consideration

- 3.1 None.

## 4. Proposals

- 4.1 Officers recommend that a condition is added to all driver and operator licences to require them to attend mandatory safeguarding and disability awareness training, including refresher training every 3 years, commencing from 1 August 2018.

## 5. Conclusion

- 5.1 It is hoped that the Public Protection Partnership (PPP) will be able to proceed within using one training provider across the PPP area, and potentially across the majority of Berkshire and Buckinghamshire, to provide maximum flexibility for drivers to attend training in a convenient location.

- 5.2 A failure to implement the training, which is already in place widely across the surrounding Council areas, could place children and vulnerable adults at risk, and leave the Council open to criticism.

## 6. Consultation and Engagement

- 6.1 The consultation was sent to all drivers and operators in November 2017, and the consultation ran until January 2018.
- 6.2 A total of 10 responses were received. Five did not offer a view on the proposal, and simply either asked for more details on how to book, simply confirmed receipt or explained that they had already completed a form of training. The other five are attached at Appendix C.
- 6.3 The officer observations on the points raised are as follows:
- If approved, the course will be introduced as soon as possible, following this meeting. It is hoped that all drivers can attend the training within a year from implementation.
  - At each course, the driver will be able to provide feedback, which can be taken into account by the course provider and Council. Speaking with the current preferred training provider, they are clear that driver feedback has been positive despite some drivers initially being sceptical as to the value or relevance of the training.
  - The course will cover topics such as child sexual exploitation, human trafficking, driver/passenger safety, disability awareness, safeguarding children and vulnerable adults and customer care best practice. There will be a short test at the end to gauge understanding.
  - The course is not intended to prevent unlicensed vehicles and drivers from working, it is intended to engage and benefit licensed drivers and the public as a whole.
  - The cost is to be met by the licensed trade, on a cost recovery basis as with all licensing matters. It is hoped this will be in the region of £30 per head.

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### Background Papers:

None

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### Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input checked="" type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>

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Report is to note only



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**Wards affected:**

All

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**Strategic Aims and Priorities Supported:**

The proposals will help achieve the following Council Strategy aims:

- ☒ **P&S – Protect and support those who need it**
- ☒ **HQL – Maintain a high quality of life within our communities**

The proposals contained in this report will help to achieve the following Council Strategy priority:

- ☒ **P&S1 – Good at safeguarding children and vulnerable adults**

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**Officer details:**

Name: Laura Driscoll  
Job Title: Principal Officer: Licensing Policy and Governance  
Tel No: 01344 352517  
E-mail Address: [laura.driscoll@westberks.gov.uk](mailto:laura.driscoll@westberks.gov.uk)

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## Appendix C

### Responses

**From:** REDACTED

**Sent:** 09 November 2017 12:05

**Subject:** Re: Safeguarding Training for Licensed Drivers & Operators

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Hi Cheryl now if this has been brought in by the council or government then surely this should be paid by the council or the government .not always passed on to the taxi drivers all the Time

Many thanks  
REDACTED

**From:** REDACTED

**Sent:** 07 November 2017 18:02

**Subject:** RE: Safeguarding Training for Licensed Drivers & Operators

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Hi Cheryl

Brilliant idea my question is How will we know when to attend will you be sending out requests to us or is this something we have to apply for ourselves before our licences are up for renewal?

Regards  
REDACTED

**From:** REDACTED

**Sent:** 07 November 2017 11:59

**Subject:** Re: Safeguarding Training for Licensed Drivers & Operators

---

Dear Cheryl,

Many thanks for your email and the attached pdf from Julia.

I would like to confirming that I'd support this 100%, and I feel the sooner we can introduce this the better it'll be.

Anything we can do that increases the trust between the public and the trade, which has become tarnished not only by the events highlighted by Julia but also certain events which have happen within our licencing area, can only be good.

Kindest regards as always  
REDACTED

**From:** REDACTED

**Sent:** 07 November 2017 11:56

**Subject:** Re: Safeguarding Training for Licensed Drivers & Operators

---

Thank you, Please put me down for two places on the soonest course available.

Looking forward to attending, I must say it's a disgrace how long it's taken to get this in place.

REDACTED

**From:** REDACTED

**Sent:** 07 November 2017 13:02

**Subject:** Re: Safeguarding Training for Licensed Drivers & Operators

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Good afternoon,

Will this course include - how legally the driver (woman) can defend herself from inappropriate actions/words of a passenger?

The actions of some drivers in the Trade, has now resulted in all drivers being forced to attend a course. This invented course should be open to revision, as drivers may feel the course could be improved.

I feel it is wrong to refuse a driver the right to earn a living within the trade, because the questionnaire was not fully answered correctly. Some drivers may feel the course is not acceptable/under pressure to answer questions not known till the finish of course.

This course will not stop unlicensed vehicles/drivers from working.

My immediate thoughts. Thanking you, have a nice day.

Regards

REDACTED

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