

Notice of Meeting



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Licensing Committee

Monday, 31st January, 2022 at 4.30 pm
in Second Floor Meeting Area Council
Offices Market Street Newbury

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Date of despatch of Agenda: Friday, 21 January 2022

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Vicki Yull (Principal Democratic Services Officer) on (01635) 503929 or e-mail: Vicki.Yull1@westberks.gov.uk.

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Agenda - Licensing Committee to be held on Monday, 31 January 2022 (continued)

To: Councillors Rick Jones (Chairman), Phil Barnett (Vice-Chairman), Adrian Abbs, Steve Ardagh-Walter, Jeff Beck, Graham Bridgman, Billy Drummond, Clive Hooker, Tony Linden, David Marsh, Graham Pask and Martha Vickers

Agenda

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2. Minutes To approve as a correct record the Minutes of the meetings of this Committee held on 21 June and 8 November 2021.	7 - 20
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Sarah Clarke
Service Director – Strategy and Governance

If you require this information in a different format or translation, please contact Vicki Yull (Principal Democratic Services Officer) on telephone (01635) 503929.

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Item 1 – Apologies for absence

Verbal Item

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

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 21 JUNE 2021

Councillors Present: Adrian Abbs, Phil Barnett (Vice-Chairman), Jeff Beck, Graham Bridgman, Rick Jones (Chairman), Tony Linden, David Marsh, Graham Pask and Claire Rowles

Also Present: Moira Fraser (Principal Officer - Policy & Governance), Julia O'Brien (Principal Licensing Officer) and Beth Varcoe (Solicitor), Stephen Chard (Principal Policy Officer) and Jack Karimi (Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Peter Argyle, Councillor Billy Drummond and Councillor Martha Vickers

Councillor(s) Absent:

PART I

(Councillor Graham Bridgman presented a non-notice procedural motion to allow all those not present to speak, and allow them to make indicative votes so that they could express their preference.

The Chairman seconded, and the procedural motion was approved.

Councillors Adrian Abbs, Jeff Beck and David Marsh were confirmed to be present remotely.)

3. Minutes

Councillor Adrian Abbs raised that his contribution on the Hackney Carriage and Private Hire Licence Fees Consultation (Agenda Item 11), proposing that no licence fees be raised this year, was not noted. Councillor Graham Bridgman pointed him towards Page 9, where it is noted, and Councillor Abbs withdrew his amendment.

Without amendment, the Minutes of the meetings held on 8 February 2021 and 4 May 2021 were approved as true and correct records and signed by the Chairman.

4. Declarations of Interest

There were no declarations of interest received.

5. Forward Plan

No comments or amendments to the Forward Plan were received.

6. Draft Statement of Gambling Principles (LC4095)

Councillor Tony Linden noted that there are no substantial changes to the draft document. Flo Churchill confirmed this, but asked that standing orders be suspended so that David Lucas could attend and explain the changes that have been made. Councillor Jeff Beck agreed, and congratulated the officers on their work.

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(Suspension of standing orders, in order to allow David Lucas to attend the meeting and speak, were approved.)

David Lucas presented the report (Agenda Item 5), seeking comments from the Licensing Committee on the Draft Statement of Gambling prior to be consulted on. Lucas noted that a lot of changes that have been made to the draft are to tidy it up.

Sections 1.1-1.5 were tidied up to clearly match the obligations of the document in the Gambling Act 2005. Section 1.5 and 1.6 presents a clearer definition of business interests and interested parties, noting that those who are recognised as a business interest are done so on a case by case basis. In terms of risk assessments (1.9), the report has been cleared to make sure that it is clear to parties what their obligations are. If local authorities wish to have a Local Area Profile, the document clarifies that they should make it a new document for the licencing authorities.

On licence conditions (2.5) there are clear conditions for applying for licences. Sections 2.6-2.12 deal with different types of premises from licensed establishments to casinos, to make it clear what the requirements for each type are. On casinos, the only casinos that can legally exist either precede or are under the 2005 Act, of which only 16 exist, with West Berkshire not being an area in which new ones can exist. On tracks (2.11) any ground in which sports can be held are counted, and are under restrictions such as where children can access, gaming machines, and planning restrictions, information on what is allowed has been provided. Travelling fairs (2.12) are additionally covered.

Concluding, Lucas noted that license reviews have been updated, alcohol licensing has been updated, and updating of the sections on permits. The only section that has been added is on small society lotteries.

Councillor Graham Bridgman noted that the contents section jumps from Part A to Appendix C, the mix of full and ragged justification, and that the footer to the draft policy notes that it has been adopted in 2021, when it has not and will not until 2022. On the dates of adoption, Councillor Bridgman additionally noted that under the Gambling Act 2005, policies run for three years from January 31st up to January 30th and asked that that be the same for this policy. Councillor Bridgman asked that this and other consistency issues be tidied up.

Councillor Bridgman proposed that Recommendation 1 be amended to read as follows:

“That the draft revised Statement of Gambling Principles prepared under Section 349 of the Gambling Act 2005 as appended to this report, and as amended prior to consultation to deal with any minor typographical or formatting changes, which must be agreed by the Chairman and the Monitoring Officer, be approved for consultation.”

Additionally, Councillor Bridgman noted that the policy contains lists of delegations and delegated functions, which are not covered by policies, but by the Constitution, and that it be extracted and made part of the Constitution if necessary.

David Lucas is supportive of the proposed typographical changes, and asks Councillor Bridgman on his thoughts on consistency with delegations under the Licensing Act 2003. Moira Fraser notes that internal consultation processes are used in regards to changes to the Constitution, and that changes to the scheme of delegation be put through this internal process, and to the Governance and Ethics Committee. Councillor Bridgman reiterates his point, asking that both Licensing and Gambling delegations be extracted for this process, leaving the rest of the policy for consultation.

Councillor Claire Rowles notes that an internal process to make changes to the Constitution will be potentially longer than the process of changing and implementing the

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policy, and asks whether this process is tenable. Councillor Bridgman responded that the scheme of delegation in the draft Statement may be correct, and would simply need to be approved by the Governance and Ethics Committee.

Councillor Adrian Abbs noted that the definition of travelling fairs may affect the Christmas fair at the racecourse, and asks what the specific arrangement of 'amusement' is. David Lucas specified that travelling fairs fall under a specific regulation and they are able to hold gambling, so long as it is situated in one location for fewer than 27 days. Councillor Abbs responded that Lucas' explanation was much clearer than the draft Statement, and ask that it be tidied to reflect that.

(The Committee approved a return to standing orders, and David Lucas left the meeting.)

The amendment to Recommendation 1 as proposed by Councillor Bridgman is approved.

Councillor Bridgman additionally questioned why a twelve week consultation period was proposed by the report when there was the option of a six week consultation. Moira Fraser responded that it was sector best practice, but that the option of a six week consultation remained for the consideration of the Committee.

RESOLVED that:

1. That the draft revised Statement of Gambling Principles prepared under Section 349 of the Gambling Act 2005 as appended to this report, and as amended prior to consultation to deal with any minor typographical or formatting changes, which must be agreed by the Chairman and the Monitoring Officer, is approved for consultation.
2. The Public Protection Manager is authorised to proceed with formal consultation for a 12 week period between the 05 July 2021 and the 27 September 2021.
3. Decided that the parties as set out in paragraph 5.10 of the report would be consulted.
4. Decided that any comments on the revised Statement would be brought to the 08 November 2021 Licensing Committee meeting for discussion prior to the report being formally presented for adoption at the 02 December 2021 Council meeting.

7. Review of Hackney Carriage Tariffs

The Chairman noted that the process had gone on for some time and through numerous iterations, asked that the new tariffs be simpler, and thanked the work of officers.

Councillor Graham Bridgman presented a report (Agenda Item 6) seeking to review the current Hackney Carriage fare scale, agree options and outline the consultation process that will be undertaken on these options if Members were minded to amend them. Councillor Bridgman noted that in 2016, the trade asked for an increase in taxi fares, and when the Committee looked at the tariffs it became apparent that Tariff 2 consisted of different distances and times than the other two for inexplicable reasons. Councillor Bridgman proposed that tariffs be based off one tenth of a mile, instead of the existing one twelfth, which found favour with the trade. It was additionally discussed whether three tariffs were necessary or whether there could be two, and the trade agreed to two (normal days and other). Additionally, that the tariffs be linked by a proportionate formula.

An interactive spreadsheet was distributed to canvass responses from the taxi trade, and three proposals were received for Tariff 1 and 2, with virtually 0%, 5% and 10% increases, of which the trade preferred 5% as the increase was necessary due to the Covid-19 pandemic. Councillor Bridgman proposed consulting on the latter two. The

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response was for a different distance rate, and much higher tariff increases, which Councillor Bridgman does not support. Councillor Bridgman suggested presenting the two tariffs with an explanation that it was to their understanding what the taxi trade wanted considering the Covid-19 pandemic.

Beth Varcoe noted that the consultation with the taxi trade was not publicly available, to which Councillor Bridgman responded that as the proposal from the consultation is to be effectively rejected, that this be made clear.

Councillor Graham Pask agreed with the need for simplicity, and asks why representatives of the taxi trade are not making proposals, and asks for them to be consistent rather than allow any driver to make suggestions. Councillor Phil Barnett additionally agreed with Councillor Bridgman's clear and simple approach, and understands his frustration with the additional suggestions that have been made, and that he will support his approach. Councillor Tony Linden noted in response that the licensing trade used to be more representative, but has become more fragmented and that achieving consensus will be difficult.

Councillor Bridgman amended his proposal, and proposed that rather than take both proposals to public consultation that the taxi trade are asked whether they would want a 5% or 10% increase, and that proposal be taken to formal consultation.

Councillor Claire Rowles noted that the two week consultation period is rather tight. Moira Fraser responds that this was set out in statute, and Councillor Bridgman notes that the trade consultation and public consultation are different things.

Councillor Rowles additionally asked whether Recommendation 8 would mean that the maximum would come into effect before consultation. Moira Fraser raised to the Chairman that those dates would need to be amended to reflect the addition of a consultation with the trade.

The Chairman noted that, due to the different levels of engagement and difference of opinion among the trade, any proposal brought forward to them in a consultation would need to have a comprehensive explanation behind it.

Councillor Bridgman proposes amending the decision to add another clause after Recommendation 1, setting out the proposed 5% and 10% increase options, and depending on their response, the Chairman decides which proposal to send to public consultation.

In an indicative vote, Councillors Adrian Abbs, Jeff Beck and David Marsh responded in support of the proposal.

Moira Fraser raised the move of unsociable hours in Tariff 1 from 10 PM to 11 PM. Councillor Graham Bridgman proposes rolling that into the consultation with the taxi trade, which is approved.

RESOLVED:

1. That the Committee NOTED the existing tariffs.
2. That the Committee CONSIDERED the options as set out in paragraph 4.12 and Appendix B and agreed which, if any, of the proposals should be consulted on.
3. That the Committee CONSIDERED whether the timings associated with Tariff 1, which were currently set at 06:00 to 22:00 Monday to Saturday other than bank holidays, public holidays, Christmas and Boxing Days, should be amended to 06:00 to 23:00 Monday to Saturday other than bank holidays, public holidays, Christmas and Boxing Days.

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4. That the Committee CONSIDERED how many tariffs were needed and whether or not it would be appropriate to remove tariff 3.

Members were minded to consult on any changes:

5. That the Committee AGREED that a copy of the notice should be placed in the Newbury Weekly News, the Reading Chronicle, on the Council's website and on display at the Market Street Council Offices.
6. That the Committee AGREED that a copy of the notice should be emailed to the trade.
7. That the Committee AGREED that the consultation should run from the 1 July 2021 to 15 July 2021.
8. That the Committee AGREED that if no objections to the changes were received the revised maximum fares would come into effect from 1 August 2021. Page 67
9. That the Committee AGREED that if objections were received and not withdrawn a Special Licensing Committee meeting would be convened to consider the objections and agree a way forward.

8. Update following discussions at the Taxi and Private Hire West Berkshire Council Liaison Group (LC4096)

Moira Fraser presented the report, providing the Committee with an update on any issues emanating from the Liaison Group meetings.

RESOLVED that:

1. The Committee noted the report.

(The meeting commenced at 4.30 pm and closed at 5.50 pm)

CHAIRMAN

Date of Signature

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

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 8 NOVEMBER 2021

Councillors Present: Adrian Abbs, Jeff Beck, Graham Bridgman, Billy Drummond, Rick Jones (Chairman), Tony Linden, David Marsh, Graham Pask, Claire Rowles and Martha Vickers.

Also Present: Moira Fraser (Principle Policy and Governance Officer), Sean Murphy (Public Protection Manager) and David Lucas (James Button & Co).

Apologies for Inability to attend the meeting: Councillor Phil Barnett.

PART I

11. Minutes

The minutes of the meeting held on 06 September 2021 were approved as a true and correct record and signed by the Chairman. Councillor Bridgman noted that the Committee had not yet agreed the minutes from the meeting held in June 2021 and it was agreed they would be brought to the next meeting in January 2022 for approval.

12. Declarations of Interest

Councillor Graham Bridgman declared an interest in Agenda Item 7 (Licensing Act 2003 and Gambling Act 2005 Delegations) and Agenda Item 9 (Licensing Fees and Charges 2022/23 Report) as a Director of two companies, each of which has premise licenses. He reported that, as his interest was personal and not a disclosable pecuniary interest, he determined to remain to take part in the debate. As he was not present in the Council Chamber he would not be taking part in the vote.

13. Forward Plan

The Committee considered the Forward Plan for January 2022 to January 2023. The Chairman referred to the last agenda item indicated on the Forward Plan for the meeting taking place on 31 January 2022 and asked the Committee to note that this item had been submitted by Newbury Town Council. Officers were currently undertaking research on the matter to determine whether this item would ultimately come forward for consideration by this Committee.

Councillor Adrian Abbs asked whether the Executive Member for Housing, Strategic Partnerships and Transformation would be present when the Committee considered those items where the Executive Member was marked as being the 'Lead Member' on the Forward Plan. The Chairman undertook to ensure that the Executive Member would be invited to meetings of this Committee when appropriate to do so.

14. Statement of Gambling Principles (C4045)

David Lucas of James Button & Company had been asked to provide the Council with assistance with the revision of the Gambling Statement of Principles. The Committee had considered the draft statement at the Licensing Committee held on 21st June 2021.

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There were a number of changes which in the main were due to formatting and Mr Lucas confirmed that those amendments, summarised in the report, had all been incorporated into the statement and that no substantive change had been made to the policy. The reformatted policy statement had been sent out for consultation and had attracted one comment from Public Health and Wellbeing for West Berkshire in relation to a suggestion that public health considerations play a greater part in the Committee's consideration in Licensing applications under the Gambling Act. Whilst a laudable comment, it was not something the Committee could consider in relation to gambling matters because the Gambling Act was prescriptive as to the matters that could be taken into consideration and public health was not one of them. It was proposed that some of the issues raised by Public Health could be dealt with by changing some operational practices. Mr Lucas said this was possible provided they did not impact on the specific duties the Committee had under the Act pertaining to the way in which Members must carry out those duties.

Councillor Bridgman said that the document read well and was a good statement of the Council's gambling position and noted that Delegations had been removed from the draft which would now be dealt with separately.

Councillor Marsh said that the third objective of the gambling act was to protect children and other vulnerable people from being harmed or exploited by gambling and in the submission by Public Health West Berkshire they had referred to the impact gambling had on the poorest sectors of society and on mental health. Councillor Marsh said, for example, if the head of a household became addicted to fixed odds betting machines and the family suffered as a consequence, surely that would be part of the third principle and wondered whether the Committee had some leeway to take those circumstances into account, as had been demonstrated by the Committee in response to objections to applications on the grounds of the impact granting a particular license may have on children. Mr Lucas said notwithstanding that fixed odds betting machines no longer existed, the way in which the current legislation was framed made it difficult to allow for such leeway. When a Local Authority dealt with gambling applications, their only remit was to look at the premises and the way in which those premises may have an impact on public health but wider issues, such as the impact on family and friends, were regulated by the Gambling Commission. As a point of interest, Mr Lucas added that the latest information from the Gambling Commission was that 'the overall problem gambling rate had decreased significantly and the moderate risk rate had also decreased significantly'. Councillor Bridgman said that most of the applications dealt with by the Committee were made under the Licensing Act rather than a single application under the Gambling Act for which the rules were somewhat different. Mr Lucas said the Gambling Act was currently being reviewed which may lead to a change in the Committee's responsibilities and objectives and/or lead to Public Health being introduced as an objective but this would not be known until a White Paper was introduced, probably in 2023.

Councillor Vickers said whilst the third objective of the Gambling Act could not be dealt with under Licensing, could those issues be dealt with in a preventative way through Health and Wellbeing or through Children's Services by way of an education raising awareness programme? Councillor Jones responded that he thought this could indeed be the case.

Councillor Pask thanked Mr Lucas for the hard work undertaken in the revision of the Gambling Statement of Principles and proposed that the recommendations contained within the report were agreed by the Committee which was seconded by Councillor Abbs with the amendment to (c) to disallow the Officer to make minor corrections to the

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Statement without recourse to the Licensing Committee prior to inclusion in the Council agenda.

RESOLVED that the **RECOMMENDATIONS** in the report that the Licensing Committee:

- (a) **NOTES** the outcome of the consultation;
- (b) **CONSIDERS** any amendments needed to be made to the draft Statement of Gambling Principles arising from the consultation;
- (c) **DELEGATES** Authority to the Service Director (Development and Regulation), in consultation with the Portfolio Holder, to make any minor corrections to the Statement prior to inclusion in the Council agenda.
- (d) **RECOMMENDS** to Full Council that the Statement be adopted, subject to any amendments agreed at the meeting.

And that Full Council:

CONSIDERS the Statement and the consultation responses received, was **CARRIED**.

15. Hackney Carriage Tariffs (EX4140)

Moira Fraser, Principle Policy and Governance Officer, presented the Committee with a report which contained feedback on the statutory consultation which related to the Hackney Carriage table of fares. The consultation had taken place over 28 days rather than the prescribed 14 days and one objection had been received, as set out in appendix A of the report. The Licensing Committee was asked to make a recommendation to the Executive to approve an increase in the current fare scale of approximately 5%. Moira Fraser advised Members that Officers wished to make one further change to the proposal to amend the implementation date of 2nd December 2021 to 19th November 2021 following discussion with the Taxi Liaison Group and the views of the trade about wanting to expedite the process so that the new tariffs could be in place by 1st December 2021.

Councillor Abbs said he supported the Officer's request to bring forward the implementation date in support of measures to assist the taxi trade.

Councillor Bridgman said were it not for his virtual presence at the meeting, he would be proposing 2.1, 2.2, 2.4, 2.5 and 2.7 of the Recommendations due to the thorough perusal of the proposals and the full consultation that had taken place. In addition, only one objection to the proposal had been received which indicated approval by the trade to an increase in the current fare scale.

Councillor Linden said he too was in agreement with Officers' Recommendations.

RESOLVED that the following **RECOMMENDATIONS** in the report that the Licensing Committee:

2.1 **CONSIDER** the objection received during the Statutory Consultation as set out in Appendix A; and

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2.2 **RECOMMEND** to the Executive, with reasons, that the table of fares at Appendix D comes into effect as set out;

And that the **EXECUTIVE** is asked to:

2.4 **CONSIDER** the objection received during the statutory consultation; and

2.5 **DETERMINE** any modifications to be made to the table of fares at Appendix D in light of the objection;

2.7 **CONFIRM** a date of 19th November 2021 for the table of fares, with or without modification, to come into effect was **CARRIED**

The following **RECOMMENDATIONS** were **NOT CARRIED**:

2.3 **PROPOSE** a modification to the table at Appendix D for the Executive to consider, which they believe is more appropriate, with reasons

2.6 **DETERMINE** no modifications are to be made to the table of fares at Appendix D having taken into account the objection.

16. **Licensing Act 2003 and Gambling Act 2005 Delegations (LC4141)**

Sean Murphy, Public Protection Manager, advised Members that the majority of the delegations came through Full Council. The Licensing Act was different in that it set up the concept of the Licensing Authority which was the Council exercising its Licensing powers through the Committee. Therefore it was for the Committee to determine what delegations they gave themselves to the sub-Committee or to Officers. The Gambling Act 2005 builds on the same principles as set out in the Licensing Act and adopted the relevant provisions to delegate to the Licensing Committee the functions of the Authority under the Gambling Act.

There were some matters which were reserved to Full Council which were identified in the Scheme of Delegation 1, for example the adoption of the policy, which were included in the Scheme of Delegations for completeness. Therefore, Members were only being asked to consider the Delegations to the sub-Committee and to Officers.

Councillor Bridgman said in the original statement of gambling principles there was a list of delegations which provided evidence of a contradiction between the Scheme of Delegations as they should be in both the Licensing Act policy and the Gambling Act policy. The updated delegations had removed this contradiction so that the delegations were effectively taken out of the control of Council for the most part but, in order to be consistent, they were not going to be in either of the statements of principle but would sit within the constitution so that it would be apparent who had delegated what to where which in this case, in the most part, were to Committee or Officers by the Committee or sub-Committee.

Councillor Abbs proposed that the Recommendations were accepted which was seconded by Councillor Pask.

RESOLVED that the **RECOMMENDATIONS** in the report that the Licensing Committee:

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2.1 **APPROVE** the delegations to the Licensing Sub-Committee and Officers set out at Appendix A and Appendix B to this report.

2.2 **DELEGATE** authority to the Monitoring Officer to make any changes to the Constitution arising from this report was **CARRIED**.

17. Licensing Annual Report (LC4044)

Sean Murphy, Public Protection Manager, introduced the Licensing Annual Report 2020/21 to Members which gave a summary of the activity of the Committee and the Licensing service. It was intended that future reports would be brought to Committee in the first meeting following the end of the previous financial year.

The report noted that two Hearings had taken place in 2020 and summarised the Licenses that had been granted. The pandemic had significantly impacted on the Licensing trade as well as on the service and the report highlighted the experiences and responses of both. Appendix A of the report set out the number of active Licenses in the area which showed, for example, the fall in Hackney Carriage vehicles, Private Hire vehicles and Animal Boarding establishments to the end of March 2021.

Councillor Linden advised that his next-door neighbour kept dogs for a short period of time on a commercial basis which should be noted under Declarations of Interest.

Councillor Marsh reiterated his message from previous years that he was disappointed there had been no contribution from the Committee towards reducing carbon output, bearing in mind the Council's Environment Strategy, whilst there was an opportunity to do so with the hundreds of licensed vehicles. Councillor Marsh said one meeting related to this initiative had taken place with the trade who had shown some interest whilst pointing out the difficulties associated with moving to fully electric vehicles due to the lack of electric charging points at taxi ranks. Councillor Marsh was hopeful that as the country moved out of the pandemic, there would be an opportunity for the Committee to re-visit this issue and to look towards a scheme which would benefit the trade and individual drivers and businesses to be able to switch to electric vehicles, and for the Council to show leadership in this regard.

Councillor Abbs agreed with the point made by Councillor Marsh about the impact of Covid-19 and finding a way of helping the taxi trade and was in support of the need for charging points, particularly in town centres, which was an essential component in giving all drivers the ability to switch to cleaner energy. Encouragement to do so did not relate directly with this Committee but fell within the remit of other bodies, such as Environment, but was a general statement made by Councillor Abbs to be noted by the appropriate departments within the Council for action to be taken on the infrastructure to promote a greener route for vehicle use.

Moira Fraser said that at the last taxi trade meeting, colleagues from the Environment Delivery team were in attendance. A further meeting with the trade had been arranged to take place on 17th November to address any myths around the use of electric vehicles for taxi purposes which would include representation from a London taxi driver who drove an electric vehicle who could offer peer-to-peer support and the opportunity for members of the trade to test-drive an electric vehicle. There was space for 20 drivers to attend the event and to-date 10 drivers had reserved a space. As part of addressing issues related to cleaner energy, the new Air Quality Officer had also attended a meeting to speak to drivers about air quality and the anti-idling campaign.

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Councillor Jones said he fully endorsed the principles promoted to encourage cleaner energy and that the last taxi trade meeting had been open for any Member to attend and he therefore encouraged the Committee to keep up-to-date with the issues being addressed. Councillor Jones added that the reports from the meetings explained why the trade were reluctant to switch to electric vehicles, which was not as a result of lack of pressure from the Council but were due to issues which were out of the control of the Council.

Councillor Jones referred to the single case management system which had enabled the Committee to propose (later in the agenda) quite favourable fees and charges and asked for an update on the progress of the implementation of that system. Sean Murphy said there had been challenges with the system, in particular the lack of staff available to engage with the process due to the pandemic. However, the system was still on target to be delivered in February 2022 and fully operational by 1st April 2022 so that no legacy systems would be in place by the start of the new financial year. Trade members would be invited to assist with the testing of the system to make sure that it worked for them.

RESOLVED that the Committee **NOTED** the content of the report including the work of the Licensing Committee and Service related activity for 2020/21.

18. Fees and Charges

Sean Murphy introduced the report for Licensing Fees and Charges 2022/23 proposed by the JPPC for the Committee to consider ahead of consideration by Executive and Full Council. The Committee were asked to agree that the proposed charges for operators and vehicle licence fees were put forward for statutory consultation and advised that any representation that arose from the consultation would be brought back to Committee.

The service currently ran on three legacy systems but would move to a single system which would vastly improve service delivery and service efficiency. This would allow the Licensed sector to make applications fully online, to make payments online and for reminders to be sent to them online, for example in relation to MOT certificates and insurance documentation. As a result of the new system, discretionary fees and charges had substantially been re-worked which would be put before Full Council at the end of February/beginning of March 2022 as part of the budget setting process. It was believed there were some efficiencies which would result in savings which would be passed back to the trade due to the nature of the preparation of discretionary fees.

The report contained a schedule which proposed a set of fees, a number of which had been reduced, particularly around taxi and private hire vehicle fees and small adjustments to operator and other License fees.

Discussion had taken place with the trade, particularly the taxi trade, around some of the additional costs associated with the driver's Licenses and the courses that were required as part of the Council's conditions in relation to disability awareness and safeguarding. The efficiencies produced in relation to the driver's fees meant the Council were now able to absorb the cost of those courses and it was intended for the courses to be provided in-house as opposed to by an external provider which was currently the case.

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Some other minor fees had been re-worked and been based on time, for example a replacement plate for a vehicle would have a time period associated with it as well as the cost of the plate.

Councillor Pask noted that animal day care and home boarding had a reasonably significant granting fee which was currently £354.00 with a proposed fee of a minimum of 4 hours at £236.00 and asked how long it would normally take, was this an actual fee reduction and did it impact on the Council's budget? Sean Murphy said items like that would take a minimum of 4 hours should everything be straightforward but in the spirit of fairness, rather than asking everybody to pay a uniform fee, some individuals may pay more if particular issues arise which meant the process took longer. On the overall issue of budget, there had been changes to the Public Protection service as a result of Wokingham Borough bringing some elements back in-house and a number of vacancies had been held open with a view to the fact that some fees would have to be reworked once the new system was in place. The service would therefore look to balance the budget overall without further demands on the authorities by reworking the structure of the service.

Sean Murphy added that this was the final year of the unification of the fees with Bracknell Forest with one of the last remaining areas being street-trading consents where both Councils had different fee structures in different periods whereas it was now proposed to have a combined set of fees which represented a full cost recovery for West Berkshire but which actually gave a wider range of options in terms of the period that people could apply for those consents.

Councillor Pask proposed that the Recommendations were accepted which was seconded by Councillor Linden.

RESOLVED that the **RECOMMENDATIONS** in the report that the Licensing Committee:

2.1 **AGREES** that save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the fees set out at Appendix A go forward for consideration as part of the Council fee setting process.

2.2 **AGREES** that the proposed charges for operators and vehicle licence fees are put forward for statutory consultation.

2.3 **AGREES** that the charges for private hire operators and vehicle licence fees are subjected to a twenty eight day statutory consultation period from 18 November 2021 to 16 December 2021.

2.4 **AGREES** that a public notice pertaining to the Taxi and Private Hire Vehicles and Private Hire Operators fees is placed in the Newbury Weekly News and Reading Chronicle.

2.5 **AGREES** that a consultation letter is posted to all Taxi and Private Hire Drivers and Private Hire Operators in the District and that a copy of the consultation is posted on the Public Protection Partnership website and in the reception area at the Market Street Offices.

2.6 **AGREES** if no objections are received, the charges for operators and vehicle licence fees are included in February 2022 Executive and March Council papers for approval; or

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if objections are received they be considered by the Licensing Committee at the meeting on 31 January 2022 and any changes be recommended to full Council for approval was **CARRIED**.

19. Taxi Trade Meeting Report

Moira Fraser did not have any feedback to give to Members on the taxi trade meeting report further to that already given earlier in the meeting.

Councillor Abbs referred to items 4.8 and 4.9 of the report which summarised the key highlights from the survey of Private Hire and Taxi Driver Members which sought to understand driver work routines and interest in ultra-low emission vehicles undertaken in April 2021. Around 60% of respondents were intending to change vehicles within the next 3 years and Councillor Abbs felt this provided an opportunity to understand what the barriers were for drivers to switch to electric vehicles other than the lack of available electric charging points. Councillor Abbs urged the Committee to begin looking at a new category of License that would encourage more than the 20% of drivers that would choose an electric vehicle in the next three years to include those that had indicated they would switch to an electric vehicle in the next six years. For example, an incentive to those drivers could include removing the License fee for those few years, albeit a small contribution to the overall cost of purchasing or leasing an electric vehicle, and recognising that plug-in hybrid vehicles were a viable alternative considering the majority of journeys were of low mileage which plug-in hybrids would be able to undertake using electric power only. These initiatives could help to accelerate all parties towards meeting the climate emergency target. Councillor Jones proposed this item should be added as a standard agenda item to future taxi trade meetings, the next one of which was scheduled to take place in the third week of January 2022.

RESOLVED that the Committee **NOTED** the content of the taxi trade meeting report.

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

CHAIRMAN

Date of Signature

Licensing Committee – 31 January 2022

Item 3 – Declarations of Interest

Verbal Item

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Update Following Discussions at the Taxi and Private Hire West Berkshire Council Liaison Group

Committee considering report:	Licensing Committee
Date of Committee:	31 January 2022
Portfolio Member:	Councillor Hilary Cole
Report Author:	Moira Fraser
Forward Plan Ref:	Not applicable

1 Purpose of the Report

- 1.1 To provide the Committee with an update and raise any issues emanating from the most recent Liaison Group meeting.

2 Recommendation

- 2.1 That the Licensing Committee notes the content of the report.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no specific financial implications arising from this report. Any follow up actions will be met from within existing resources.
Human Resource:	Attendance at these taxi trade meetings and any follow up actions will be met from within existing resources.
Legal:	There are no legal implications associated with these meetings. The trade meetings are not a legal requirement but are seen as good practice and allow a meaningful dialogue with the trade in an attempt to reach agreement on a wide number manner of topics affecting them.

Implication	Commentary			
Risk Management:	There are no risk management issues associated with this report. A good working relationship with the trade can assist with minimising reputational harm to the Council.			
Property:	None			
Policy:	The trade meetings are an opportunity to discuss policy issues but it is not a decision making forum. Any policy changes would be taken to the Licensing Committee, Joint Public Protection Partnership Committee or Council in accordance with the Scheme of Delegation.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		The forum is a platform to discuss any policy changes. Equalities Impact Assessments would be undertaken where changes to policies and or procedures were proposed.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		The trade meetings are not a decision making forum.
Environmental Impact:		✓		The trade meetings are not a decision making forum.

Implication	Commentary			
Health Impact:		✓		The trade meetings are an opportunity to discuss issues of mutual interest and an opportunity for the trade to raise matters directly with the decision makers. It is therefore hoped that they would have a positive outcome for the wellbeing of members of the trade and ultimately of the residents that use their services.
ICT Impact:		✓		There is no ICT impact albeit that some of the meetings will be conducted via Zoom.
Digital Services Impact:		✓		None
Council Strategy Priorities:	✓			The provision of a viable taxi trade in the district will support a number of the priorities in the Council Strategy. These meetings in particular are associated with supporting businesses to start, develop and thrive in West Berkshire.
Core Business:		✓		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
Data Impact:		✓		The report does not have a significant impact on the rights of data subjects.
Consultation and Engagement:	All Members of the West Berkshire Taxi Trade are invited to attend these meetings. While only a few have opted to attend the notes from the meetings are circulated to all members of the trade. The meeting is also attended by Members of the Licensing Committee.			

4 Supporting Information

Background

- 4.1 Since the November 2021 Licensing Committee meeting one meeting of the Taxi Trade Liaison Group has been held. The meeting took place on the 17 January 2022.

- 4.2 The Taxi and Private Hire West Berkshire Council Liaison Group (TTLG) has been set up to provide a forum to meet with and consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest.
- 4.3 The meeting is attended by Members of the Licensing Committee, representatives of the hackney carriage and private hire trade and relevant Officers and is chaired by the Licensing Committee Chairman. The attendees are being canvassed to assess if they would prefer the October 2022 meeting to be conducted in person or via Zoom depending on any restrictions that are in place at the time.
- 4.4 It has been agreed that we will hold two scheduled meetings a year. One in January to discuss, amongst other things, the outcome of the annual fees and charges consultation and to hold initial discussions about any changes to the tariff scheme. Tariff scheme proposed variations would then need to be consulted on and if appropriate implemented during that year.
- 4.5 The second meeting, which will usually be held in October would include a discussion on the fees and charges pertaining to the trade for the forthcoming financial year before the formal consultation process is started. This meeting will also receive any feedback on tariff consultations should one be undertaken. Ad hoc meetings can be arranged to discuss any matters of concern or interest during the year.
- 4.6 The 17 January 2022 meeting was attended by Councillors Rick Jones, Phil Barnett, David Marsh, Adrian Abbs, Clive Hooker and Graham Bridgman and the trade were represented by Matt Castle, Graham Cox, Dawn Palmer, Peter Chemaly and Richard Brown. It was noted that Councillor Claire Rowles had stood down as a member of the Licensing Committee and she would therefore no longer be attending these meetings. The Group believe that it would be of great benefit if more trade attendees were able to come along to the meetings. Any other trade representatives wishing to attend the meetings are asked to notify moira.fraser@westberks.gov.uk and they will be sent the attendance details.

Consultation in Respect of the Private Hire Operator, and Hackney Carriage and Private Hire Vehicle Licence Fees

- 4.7 Officers explained that the consultation had run from the 18 November 2021 to the 16 December 2021. A public notice had been placed in both the Reading Chronicle and the Newbury Weekly News. A consultation document had also been posted on both the Public Protection Partnership and West Berkshire Council websites. A copy of the consultation document had also been sent to the Community Panel.
- 4.8 Two responses were received, both from members of the public and both of these related to reducing or removing vehicle fees for electric or low emission vehicles. More information is contained in another report being considered at this meeting.
- 4.9 The trade commented that they had concerns about the cost and range of electric vehicles on the market, the range that these vehicles could travel and the location, access to and speed of charging points. They noted the capabilities of fast charging points but did have concerns about the impact regular use would have on the life of car batteries. While they were supportive of the principles they had concerns about the

practical implications of using these vehicles. They would continue to work with officers to see what could be done to further the Council's Environmental Policies.

- 4.10 No further comments were received on the fees. The Chairman explained that a report was going to the Licensing Committee on the 31 January 2022. The Committee would then make a recommendation to full Council (03 March 2022) who would agree the revised fees which would come into effect on the 01 April 2022.

Hackney Carriage Tariffs

- 4.11 It had been agreed at the October 2021 meeting that in future years the discussion on tariffs would be started in January each year. The trade would be canvassed at these meetings on an annual basis as to whether or not fares should be modified. The trade should provide a business case at these meetings as to why the fares should be adjusted and provide a proposal that the Licensing Committee could consider at a future meeting which would then be consulted on. The meeting was also used as an opportunity to discuss lessons learnt from the previous consultation.
- 4.12 The Group, while recognising that there would always be a difference of opinion when it came to varying fares, agreed that a proposal should be brought to the July meeting to vary the fees in line with the Consumer Price Index (CPI). They also requested that consideration be given to introducing a two tier tariff. One for saloon cars and one for multi-seater vehicles i.e. vehicles that carried more than four passengers. The trade also requested that the issue of mandating the use of time and date stamped meters in the district to minimise the risk of overcharging be considered.
- 4.13 The trade also requested that going forward consideration be given to aligning the fares to CPI in future years.
- 4.14 It was agreed that a report would be brought to the July Licensing Committee meeting and if Members agreed to vary the fees that this would be subjected to the statutory consultation process.

Feedback from the Trade on the Electric Vehicle Day

- 4.15 The trade commented that the presenters were very knowledgeable and they had found the presentation interesting. They were however disappointed with the number of trade representatives that attended and also the range of vehicles that had been provided to test drive. They were small cars and none of them were suitable for use as taxis. The Group agreed to keep discussing ways in which they could support the Council's environmental aspirations and identifying ways in which the Council could support them to be 'greener'.

5 Conclusion

- 5.1 The TTLG meetings appear to be a valued opportunity for dialogue between elected Members and the trade. It is therefore proposed that at least two meetings will continue to be arranged every year. The next meeting would take place on the 24 October 2022.

5.2 The October meeting would afford an opportunity to comment on the proposed fees for 2023/24 prior to the start of the statutory consultation and would be an opportunity to feed back on the tariff consultation.

6 Appendices

6.1 None.

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 type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee 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 checked="" type="checkbox"/>

Wards affected: All

Officer details:

Name: Moira Fraser
Job Title: Policy and Governance Principal Officer
Tel No: 01635 519045
E-mail: moira.fraser@westberks.gov.uk

Consultation Responses: Fees for Taxi and Private Hire Vehicles, Drivers and Operators

Committee considering report:	Licensing Committee
Date of Committee:	31 January 2022
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	06 January 2022 and 20 January 2022
Report Author:	Moira Fraser
Forward Plan Ref:	LC4046 and LC4047

1 Purpose of the Report

- 1.1 To note that, save for the private hire operator and hackney carriage and private hire vehicle licence fees, the Committee has already agreed to recommend the fees and charges proposed at the November meeting to full Council for approval.
- 1.2 To consider the matters arising from the statutory 28 day consultation period relating to variations to operators and vehicle licence fees and their impact on the proposed fees and agree a recommendation to full Council.

2 Recommendations

The Licensing Committee is asked to:

- 2.1 **NOTE** the comments received during the statutory consultation on variations to operators and vehicle licence fees as set out in Appendix B to this report.
- 2.2 **CONSIDER** any amendments to the proposed operators and vehicle licence fees, arising from the consultation.
- 2.3 **RECOMMEND** that Full Council adopt the fees, with or without modification, as part of the annual fee setting process and that these fees come into effect as of the 01 April 2022.

3 Implications and Impact Assessment

Implication	Commentary
<p>Financial:</p>	<p>Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit.</p> <p>Members have previously been made aware that the total lost revenue budget from the adjustments to all the 2022/23 fees will be in the order of £60K per annum across the PPP. It has previously been agreed that this loss of income will be managed through the reconfiguration process for the new two authority Public Protection Service.</p> <p>There will be additional financial implications if Members resolve to further modify the proposed fees as a result of this consultation. Modifications would need to take the form of a subsidy which will need to be met from the Council's budget and not from the Public Protection Partnership's budget.</p> <p>An example of the implications of a modification arising from the comments received are set out in paragraph 5.23 of the report.</p> <p>The financial implications of this report have been discussed with the Senior Finance Manager.</p>
<p>Human Resource:</p>	<p>Members have previously been advised that the projected loss of income associated with the fees as proposed will be managed through the service reconfiguration process for the new two authority Public Protection Service. Vacant posts have been held to assist with mitigation.</p> <p>Any additional changes to fees arising from this consultation will have to be met via a subsidy from the Council and will therefore not have an impact on staffing levels within the PPP.</p>
<p>Legal:</p>	<p>Fees for drivers licences</p> <p>Section 53 of the Local Government (Miscellaneous Provisions) Act 1976: "...a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so."</p>

Implication	Commentary
	<p>Section 53 above therefore limits the cost of a driver’s licence to the council’s administration costs associated with the “...the Licensing Fees and Charges 2022/23 Report West Berkshire Council Licensing Committee 8 November 2021 grant to any person of a licence to drive a hackney carriage, or a private hire vehicle...”.</p> <p>Fees for vehicle and operators’ licences Section.70 of the Local Government (Miscellaneous Provisions) Act 1976: “...a district council may charge such fees for the grant of vehicle and operators’ licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part:</p> <p>(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed; (b) the reasonable cost of providing hackney carriage stands; and (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.”</p> <p>The licensing costs recoverable by a district authority in respect of vehicles and operators is limited to vehicle inspection costs for the specific purpose of determining their suitability to be licensed, reasonable cost of providing hackney carriage stands, reasonable administration costs for processing the licence application and finally reasonable costs associated with “...control and supervision of hackney carriages and private hire vehicles.”</p> <p>The legal implications of the consultation were discussed with Laura Knowles (solicitor) prior to the consultation starting.</p>
Risk Management:	<p>The fees are potentially subject to legal challenge. It is therefore important that the fees and methodology are subject to ongoing review.</p>
Property:	<p>None</p>
Policy:	<p>The Joint Public Protection Committee (JPPC) is required every autumn to propose a budget to partner authorities. This includes proposals in relation to discretionary fees and</p>

Implication	Commentary			
	<p>charges. The individual authorities are then required to make their own decisions in relation to the fees.</p> <p>It is not the role of this Committee to set the fees for 2022/23. The Committee is being asked to consider the comments made in relation to the operators and vehicle licence fees received during the statutory consultation and then make a recommendation which will be considered as part of the annual budget setting process culminating in a decision being made at the March Council meeting.</p> <p>The Committee may amend the proposals and put forward alternative fees for consideration.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:		✓		<p>No evident contribution to inequality</p> <p>The income received from licence applicants covers the cost of providing the statutory licensing function.</p>
<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		✓		No impact
<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		✓		No impact
Environmental Impact:	✓			If Members are minded to further vary the fees and the trade start making changes to

Implication	Commentary		
			their vehicle fleet this might have a positive impact on the environment.
Health Impact:	✓		If Members are minded to further vary the fees and the trade start making changes to their vehicle fleet this might have a positive impact on air quality which could then have a positive impact on the health of residents.
ICT Impact:		✓	No impact
Digital Services Impact:		✓	This information will be included on the Public Protection Partnership Website using existing resources.
Council Strategy Priorities:	✓		<p>Support businesses to start develop and thrive in West Berkshire.</p> <p>The Council recognises the impact that Covid has had on the taxi trade during the pandemic and is pleased to note that the majority of the fees will be reduced during 2022/23 following the introduction of an IT system which will reduce the time taken to process activities associated with the fees.</p>
Core Business:		✓	No impact
Data Impact:		✓	No impact
Consultation and Engagement:	<p>Members of the Hackney Carriage and Private Hire trade as well as members of the public, Councillors and service users were consulted on the statutory fees as is required by the legislation. This was enabled via emails directly to Hackney Carriage and Private Hire vehicle licence holders and Private Hire Operators, a public notice in the Newbury Weekly News and the Reading Chronicle, a notice put on the main entrance to the Market Street Offices and a consultation notice added to the Public Protection Partnership website and the West Berkshire Council website for the mandatory 28 day consultation period. In addition an email notification was sent to the 1,061 members of the Community Panel.</p>		

4 Executive Summary

- 4.1 A set of fees, proposed by the Joint Public Protection Committee, were presented to the Licensing Committee at the 08 November 2021 meeting. It should be noted that a significant number of fees within the licensing field are set by Government Regulation and cannot therefore be changed by the Council. The Committee agreed that, save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the discretionary fees as set out at Appendix A go forward for consideration as part of the Council fee setting process. The financial implications and the mitigation measures of that decision are set out in the financial implications to this report.
- 4.2 The Committee also agreed that the fees for Taxi and Private Hire Vehicles and Private Hire Operators be subjected to a twenty eight day statutory consultation period. If objections were received they be considered by the Licensing Committee at this meeting and that any changes arising from the consultation be recommended to full Council for approval. The fees, with or without variation would come into effect on the 01 April 2022.
- 4.3 As comments have been received the Committee is required to consider them and determine what, if any, changes to the proposed fees should be recommended to full Council for approval at the budget meeting in March.

5 Supporting Information

Introduction

- 5.1 In accordance with Section 70 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to undertake a statutory 28 day consultation when variations to operators and vehicle licence fees are proposed.
- 5.2 The proposed fees for 2022/23 were discussed at the Joint Public Protection Committee meeting held on the 13th September 2021. The Joint Public Protection Committee (JPPC) is required by the Inter-Authority Agreement (IAA) that set up the Public Protection Partnership (PPP) shared service to recommend a draft set of fees and charges to each of the member Councils. The individual authorities are then required to make their own decisions in relation to the fees.

Background

- 5.3 At the meeting of the Joint Public Protection Committee in [December 2017](#) it was agreed that as a matter of principle all fees and charges should be set on the basis of full cost recovery. For 2021/22 the full cost of the service, including internal support service re-charges and the current establishment lists were updated which resulted in a new rate of £59 p/h. It is proposed to maintain the hourly rate at £59p/h for 2022/23. Each year officers revisit the time taken to process the various activities associated with areas where fees are charged and these are then factored into the fee setting for the following year. All fees are set based on the time taken to process the matter multiplied by the hourly rate.
- 5.4 West Berkshire Council's Licensing Committee considered all the draft fees relating to Licensing at a meeting held on the 08 November 2021. The impact of the Covid

Consultation Responses: Fees for Taxi and Private Hire Vehicles, Drivers and Operators

pandemic on the trade was reflected in the discussions at this meeting and in other informal meetings held with the trade where fees have been discussed. The Committee therefore welcomed the proposals for an overall reduction in a number of these fees.

- 5.5 The proposed reductions are as a result of the introduction of a new IT system being implemented in 2022 which would allow for significant efficiencies to be made in some areas, and these efficiencies would be passed on to the trade. In addition members of the taxi trade had fed back that they had concerns about the additional cost of mandatory safeguarding and disability training. This training would be delivered by Officers in the 2022/23 year and the cost would therefore be included in the annual fee.
- 5.6 In terms of impact, when considering all Licensing fees the Licensing Committee is asked to note that the majority (43/68 or 63%) of the fees are proposed to decrease in 2022/23 for the reasons set out in paragraph 5.5. A further 9% (6/68) of the fees are proposed to stay the same. Only 19 of the 68 fees are proposed to increase. A total of 14 of these 19 fees relate to the renewal of eight or more vehicles in respect of the private hire operator fees. This increase ranges from 25p for eight vehicles to £30.25 for twenty or more vehicles. As at the 13 December 2021 the total number of Private Hire Operators in the District is 53 of which 45 are licensed for under eight vehicles and eight for over eight vehicles. Only three of those eight have operators have fifteen or more vehicles.
- 5.7 Members are also asked to note that although the cost of a new driver's licence appears to have increased by £30 and £21 respectively these fees now include the cost of the initial test as well as disability awareness (costs £40) and safeguarding training (cost £25). So in effect the overall effect is that these fees have come decreased by the equivalent of just over half an hour.
- 5.8 The other fees that are due to increase marginally are:

Fee	2021/22	2022/23	Increase
Temporary Vehicle Licence	£232	£236	£4
Driver Licence – Renewal	£271	£272	£1
Conversion of driver licence to another type	£80	£89	£9
Medical Exemption	£22	£30	£8
Disclosure and Barring Service Check (DBS)	£89.50	£94	£5.50

- 5.9 The DBS charges are based on cost recovery i.e. the cost of the charge to the Public Protection Service is passed on to the trade. Officers continue to explore ways in which this fee could be reduced.
- 5.10 In accordance with the legislation the Committee agreed that the fees for Taxi and Private Hire Vehicles and Private Hire Operators only be subjected to a twenty eight day statutory consultation period. The consultation took place between the 18 November 2021 and the 16 December 2021. Members of the Hackney Carriage and

Consultation Responses: Fees for Taxi and Private Hire Vehicles, Drivers and Operators

Private Hire trade as well as members of the public, Councillors and service users were consulted on the statutory fees as is required by the legislation.

- 5.11 This was enabled via emails directly to Hackney Carriage and Private Hire vehicle licence holders and Private Hire Operators, a public notice in the Newbury Weekly News and the Reading Chronicle, a notice placed in the main entrance to the Market Street Offices and a consultation notice added to the Public Protection Partnership website and the West Berkshire Council website for the mandatory 28 day consultation period. In addition an email notification was sent to the 1,061 members of the Community Panel.
- 5.12 Although the paragraphs above set out the background to all the licensing fees the statutory public consultation that the PPP undertook pertained to the following vehicle fees and private hire operator licences only:

Fee	Proposal
Hackney carriage vehicle new / renewal	Reduce from £290 to £266/ Reduce from £290 to £236
Private hire vehicle new / renewal	Reduce from £290 to £266/ Reduce from £290 to £236
Home to School vehicle new / renewal *	Remain at £148
Private hire vehicle with dispensation new / renewal	Reduce from £290 to £266/ Reduce from £290 to £236
Temporary Vehicle Licence (issued up to 3 months Maximum)	Increase from £232 to £236
Private hire operator licence new/renewal	See Appendix A for the full list

* Applicable to Bracknell Forest Only

- 5.13 We have had two responses to the consultation which were both submitted by members of the public. One member of the trade also sought reassurance that the home to school vehicle licences were not applicable in West Berkshire. The full set of comments are set out in Appendix B and a summary of the comments received are set out below:

5.13.1 The fee structure should assist the Council in meeting its climate action plan for the district.

5.13.2 The council should be radical and implement a licencing structure where zero emission taxis have a zero rated licence fee and the rating for other vehicles should be aligned so the biggest polluting vehicles pay the most.

5.13.3 WBC having declared a climate emergency, they should incentivise taxi companies to move their fleets to EVs. There should be zero charge for 100% electric taxis. If necessary the charges for petrol and diesel vehicles could be adjusted upwards to compensate.

5.14 As objections have been received, in accordance with the Act the Council is required to consider relevant objections and set a date on which any variation to the fees, with or without modification, shall come into force.

Recommendations

5.15 The Licensing Committee is asked to consider the comments received and then make a recommendation to Full Council that:

- (a) the fees consulted on be implemented on the 01 April 2022 without modification;
or
- (b) the fees consulted on be implemented on the 01 April subject to the inclusion of any modifications proposed at this meeting.

5.16 The Licensing Committee is asked to note that no objections to the proposed revised fees were submitted by the taxi trade despite letters being emailed to them all. Members are asked to note that any variations would need to be funded via a subsidy from the Council as set out in the financial implications to this report.

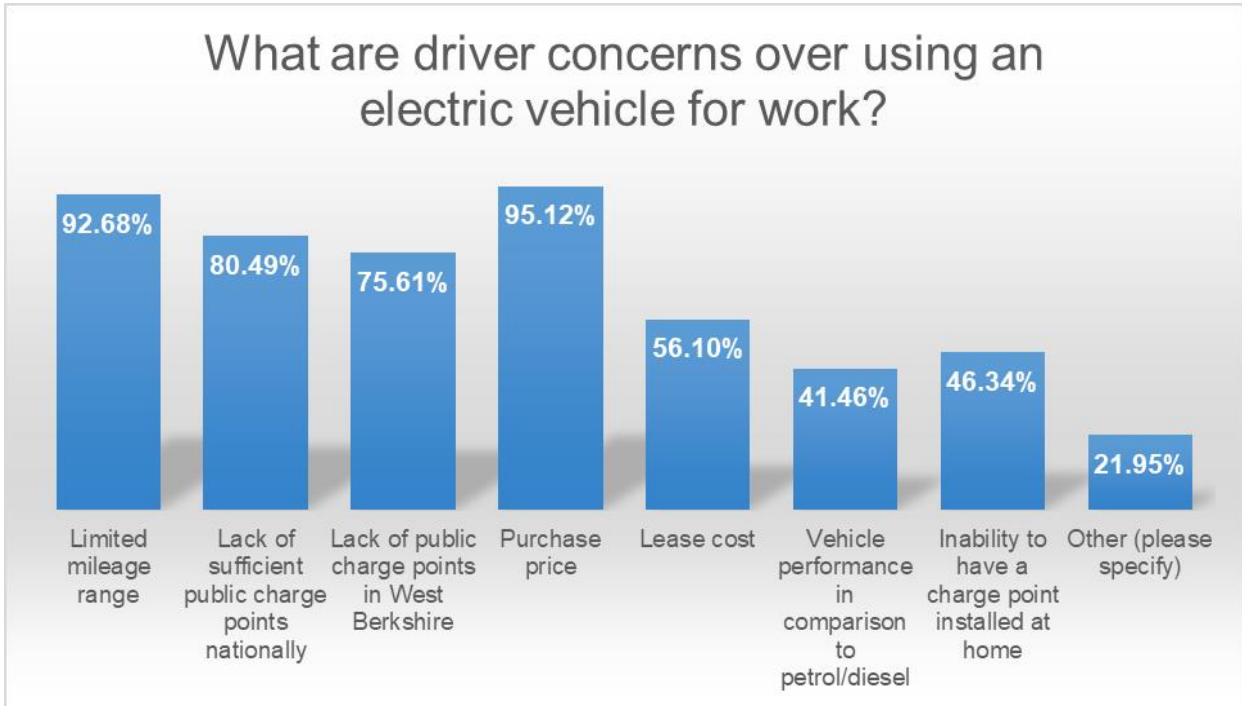
5.17 Members will also be aware that further discussions on electric vehicles took place at the Taxi Liaison Group meeting on the 17 January 2022 and that a motion on supporting the taxi trade to go greener was tabled at the Council meeting on the 18 January 2022. As a result of that motion Licensing and Environment Delivery Officers would be working together on a response to the motion that would be brought back to the July Licensing Committee meeting after discussions at the Environment Advisory Group.

Background to the ultra-low / low emission vehicles

5.18 In April 2021, West Berkshire Council undertook a Private Hire and Taxi Driver Survey to understand driver work routines and interest in ultra-low emission vehicles. The survey of Private Hire and Taxi Drivers received 72 responses. Drivers shared their concerns around going electric, what incentives would encourage them to do so, and also where they would like to see charge points installed.

5.19 Of those that responded to the consultation over 83% of the drivers owned their vehicles, with the remaining drivers leasing. Nearly all drivers have diesel vehicles (nearly 95%), there were no electric vehicles and just one non plug-in hybrid respondent. Around 60% of respondents were intending to change vehicles within the next three years.

5.20 The survey highlighted the following reasons for not using an electric vehicle for work:



5.21 When asked what would incentivise using an electric vehicle, avoiding congestion charges, free/reduced parking, government grants and tax incentives were high on the list of reasons. Assistance with the upfront cost of the vehicle was also another frequently stated desirable incentive.

5.22 As stated in paragraph 5.3, the Joint Public Protection Committee had previously determined that all fees and charges should be set on a cost recovery basis. If Council accept a revised charging structure, as proposed by the Joint Public Protections Partnership, as set out in Appendix A, this is expected to result in total loss of revenue income of around £60k per annum across the Public Protection Partnership. This loss of income will be managed through the reconfiguration process for the new two authority PPP shared service. Accordingly, no pressure/investment bid has been put forward for as part of the Council's 2022/23 budget setting proposals.

5.23 Should Members be minded to further modify fees in respect of zero/low emission vehicles in line with the consultation comments received then this would lead to an additional loss of income, the scale of which will depend on the changes to be adopted, as discussed in section 5.23 below. Members should note that such a cost would fall exclusively to the Council, and could not be shared as a cost to the Public Protection Partnership. The Joint Public Protection Partnership proposed these fees at their September 2021. Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit.

5.24 If the Licensing Committee is minded to propose a subsidy they will need to determine what the level of subsidy should be, how long the subsidy should remain in place for, what criteria should be adopted (for example for saloon car with emissions less than 110g/km CO2 emissions, and wheelchair accessible vehicles less than 222g/km CO2 emission) and how the subsidy should be funded. By way of an example should the Council be minded to fully subsidise the vehicle fees for a three year period for the first

ten adopters of low emission capable Hackney Carriage and Private Hire vehicles for each of the next three years up to and ending on 31st March 2025 this would require a subsidy as set out below, which would also be subject to any annual adjustment to the fees:

2022/23	2023/24	2024/25	2025/26	2026/27
£2700	£2700	£2700		
	£2700	£2700	£2700	
		£2700	£2700	£2700
£2700	£5400	£8100	£5400	£2700

5.25 It is not clear though that reducing vehicle fees would provide sufficient incentive to the trade to switch to these types of vehicles given that the main barriers they have identified relate to purchase price, vehicle range and lack of public charging points nationally.

6 Other options considered

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

7 Conclusion

7.1 Officers recommend that the objections and comments received are considered, however given the small limited increase and the other support already made available to the trade to continue operating, that these fees are not modified further this year pending the outcome of the discussion at the July 2022 meeting. If the Licensing Committee agree to a modification of what was previously agreed then that will need to be offered as some form of subsidy by the authority and not at a cost to the Public Protection Partnership.

8 Appendices

8.1 Appendix A – Proposed Fees for 2022/23.

8.2 Appendix B – Comments Received During the Consultation.

Background Papers:

[Section 70\(1\) of the Local Government \(Miscellaneous Provisions\) Act 1976](#)

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

-
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Sean Murphy
Job Title: Public Protection Manager
Tel No: 01635 519840
E-mail: Sean.Murphy@westberks.gov.uk

Taxi Trade Fees and Charges or 2022/23 Comparison

Summary






Total No of Fees = 68






Stayed the Same = 6 (9%)

Increased = 19 (28%)










Decreased = 43 (63%)











Hackney Carriage and Private Hire Licences










Vehicle Licences		West Berks Published 2021/22 Fee	Proposed 2022/23 Fee	Trend	Comment
Hackney Carriage Vehicle – New		£290	£266		-£24
Hackney Carriage Vehicle – Renewal		£290	£236		-£54
Private Hire Vehicle – New		£290	£266		-£24
Private Hire Vehicle – Renewal		£290	£236		-£54
Private Hire Vehicle with Dispensation - New		£290	£266		-£24

Vehicle Licences		West Berks Published 2021/22 Fee	Proposed 2022/23 Fee	Trend	Comment
Private Hire Vehicle with Dispensation - Renewal		£290	£236		-£54
Temporary Vehicle Licence	Up to 3 months	£232	£236		+ £4
Driver Licences					
Driver – New	3 year Includes initial tests, safeguarding and disability training	£271	£301		Although this fee has increased it now includes the cost of the initial test as well as disability awareness and safeguarding training
Driver –Renewal		£271	£272		+£1
Conversion of driver licence to another type	1.5hrs (inc retaking tests)	£80	£89		+£9





Private Hire Operators (PHO)

Private Hire Operator	Number of Vehicles	Published 2021/22 Fee	Proposed 2022/23 Fee	Trends	Comments
NEW Per vehicle calculation of 3.5 hours (at £59.00 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a maximum of 20 vehicles (2021/22 based on 4 hours initial vehicle)	1	£472.00	£443.00		-\$29
	2	£545.75	£516.00		-\$29.75
	3	£619.50	£590.00		-\$29.50
	4	£693.25	£664.00		-\$29.25
	5	£767.00	£738.00		-\$29
	6	£840.75	£811.00		-\$29.75
	7	£914.50	£885.00		-\$29
	8	£988.25	£959.00		-\$29.25
	9	£1,062.00	£1,033.00		-\$29



Private Hire Operator	Number of Vehicles	Published 2021/22 Fee	Proposed 2022/23 Fee	Trends	Comments
	10	£1,135.75	£1,106.00		-£29.75
	11	£1,209.50	£1,180.00		-£29.50
	12	£1,283.25	£1,254.00		-£29.25
	13	£1,357.00	£1,328.00		-£29
	14	£1,430.75	£1,401.00		-£29.75
	15	£1,504.50	£1,475.00		-£29.50
	16	£1,578.25	£1,549.00		-£29.25
	17	£1,652.00	£1,623.00		-£29
	18	£1,725.75	£1,696.00		-£29.75
	19	£1,799.50	£1,770.00		-£29.50










Private Hire Operator	Number of Vehicles	Published 2021/22 Fee	Proposed 2022/23 Fee	Trends	Comments
	20	£1,873.25	£1,844.00		-£29.25
	20+	£1,873.25	£1,844.00		-£29.25
Private Hire Operator	Number of Vehicles	Published 2021/22 Fee	Proposed 2022/23 Fee		
RENEWAL Per vehicle calculation of 1.5 hours (at £59.00 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a	1	£342.00	£325.00		-£17
	2	£413.25	£398.00		-£15.25
	3	£484.50	£472.00		-£12.50
	4	£555.75	£546.00		-£9.75
	5	£627.00	£620.00		-£7
	6	£698.25	£693.00		-£5.25
	7	£769.50	£767.00		-£2.50






Private Hire Operator	Number of Vehicles	Published 2021/22 Fee	Proposed 2022/23 Fee	Trends	Comments
maximum of 20 vehicles (2021/22 based on 2 hours initial vehicle)	8	£840.75	£841.00	↑	+£0.25
	9	£912.00	£915.00	↑	+£3
	10	£983.25	£988.00	↑	+£4.75
	11	£1,054.50	£1,062.00	↑	+£7.50
	12	£1,125.75	£1,136.00	↑	+£10.25
	13	£1,197.00	£1,210.00	↑	+£13
	14	£1,268.25	£1,283.00	↑	+£14.75
	15	£1,339.50	£1,357.00	↑	+£17.50
	16	£1,410.75	£1,431.00	↑	+£20.25
	17	£1,482.00	£1,505.00	↑	+£23

Private Hire Operator	Number of Vehicles	Published 2021/22 Fee	Proposed 2022/23 Fee	Trends	Comments
	18	£1,553.25	£1,578.00		+£24.75
	19	£1,624.50	£1,652.00		+£24.50
	20	£1,695.75	£1,726.00		+£30.25
	20+	£1,695.75	£1,726.00		+£30.25

Other Private Hire & Hackney Carriage Charges

Other charges		Published 2021/22 Fee	All Council Areas – where applicable	Trend	Comment
Variation to PHO licence	To include reissue of licence with additional vehicle registration added plus extra fees for these for length of licence	£59	£59		
Transfer of vehicle to new owner		£118	£59		-£59

Other charges		Published 2021/22 Fee	All Council Areas – where applicable	Trend	Comment
Change of vehicle		£74	£74		
Replacement Licence		£41	£30		-£11
Replacement Badge		£41	£30 + Badge Costs		
Replacement Vehicle Licence Plate		£59	£30 + Plate Costs (£26)		
Knowledge Test		£74	£74		
Missed Appointment		£37	£30		-£7
Disclosure and Barring Service Check (DBS)		£89.50	£94		This is done at cost recovery
Change of address (PH & HC)		£14	£10.50		-£3.50
Backing Plate		£26	£26 at cost		

Other charges		Published 2021/22 Fee	All Council Areas – where applicable	Trend	Comment
Medical Exemption		£22	£30		+£8
Refund Processing Fee		£59	£30		-£29
Change of vehicle registration	Including	£57	£30 + sticker and licence costs		
Age of vehicle Inspection – initial & renewal	Bracknell Only	£59	£59		
Pre-application advice, hourly rate	Min 1 hour	£59	£59		
Disability Awareness Training		POA	Included in driver application fee		
Safeguarding Training		POA	Included in driver application fee		

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**Responses to the Consultation under Section 70 (1) of the Local Government
(Miscellaneous Provisions) Act 1976, About a Proposed Variation to the Schedule of Fees
for Hackney Carriage Vehicles, Private Hire Vehicle and Private Hire Operators.**

Respondent	Comments	Officer Response
Resident	<p>Thank you for consulting on the licencing fees.</p> <p>My feedback is in what way does this fee structure assist the Council in meeting its climate change emergency action for the district as a whole?</p> <p>The council should be radical and implement a licencing structure where zero emission taxis hackney carriages etc have a zero rated licence fee and the rating for other vehicles should be aligned so the biggest polluting vehicles pay the most.</p>	<p>The Licensing Fees have been set on a cost recovery basis. This means that Officers have calculated the average time spent on processing these fees and hence the cost of delivering them.</p> <p>All Public Protection Fees are set on a cost recovery basis.</p> <p>Should Members be minded to adjust the fee structure as proposed by the respondent the cost of this subsidy will have to be met by West Berkshire Council.</p> <p>Any proposal put forward should be time limited and would need to be clearly defined. The report includes some suggestions.</p>
Resident	<p>My comment is that, WBC having declared a climate emergency, they should incentivise taxi companies to move their fleets to EVs. There should be zero charge for 100% electric taxis. If necessary the charges for petrol and diesel vehicles could be adjusted upwards to compensate.</p>	<p>The Licensing Fees have been set on a cost recovery basis. This means that Officers have calculated the average time</p>

		<p>spent on processing these fees and hence the cost of delivering them.</p> <p>All Public Protection Fees are set on a cost recovery basis.</p> <p>Should Members be minded to adjust the fee structure as proposed by the respondent the cost of this subsidy will have to be met by West Berkshire Council.</p> <p>Any proposal put forward should be time limited and would need to be clearly defined. The report includes some suggestions.</p>
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Licensing Committee Forward Plan July 2022 to July 2023

No.	Ref No	Item	Purpose	Lead Officer	Comments
04 July 2022					
1.		Draft Hackney Carriage and Private Hire Vehicle Policy	To consider the draft report which will be the subject of a consultation process.	Julia O' Brien	
2.		Annual Report 2021/22	To set out the work of the Licensing Committee in 2021/22 as well as the work of the Licensing Service as delivered through the Public Protection Partnership.	Moira Fraser	
3.		Hackney Carriage Tariffs	To consider proposals for adjustments to tariffs as discussed at the January Liaison Group meeting which would then be the subject of a consultation exercise.	Moira Fraser	
4.		Response to the Helping West Berkshire Taxi Trade Go Greener	To set out a response to the Motion tabled at the 18 January 2022 Council meeting.	Sean Murphy/Jon Winstanley	
07 November 2022					
5.		Hackney Carriage and Private Hire Policy	To consider the comments received on the policy during the consultation and recommend that Council adopt the revised policy.	Julia O' Brien	
6.		Fees and Charges 2023/24	To set out the Fees and Charges which have been proposed by the Joint Public Protection Committee on 19 September 2022 and agree the methodology for consultation for the fees the council has a statutory duty to consult on.	Sean Murphy	
7.		Taxi Liaison Update	To summarise the work of the Taxi Trade Group set up	Moira Fraser	

No.	Ref No	Item	Purpose	Lead Officer	Comments
			by the Licensing Team to advise on a way forward for issues raised by the trade.		
8.		Hackney Carriage Fares	To feedback on the statutory consultation in relation to the hackney carriage table of fares and to determine whether or not to recommend that the Executive modify the hackney carriage fare scale, in light of any objection(s) received (and not withdrawn) during the consultation period.	Moira Fraser	
23 January 2023					
9.		Fees for Taxi and Private Hire Vehicles, Drivers and Operators	To consider any issues arising from the consultation and their impact on the proposed fees which will be recommended to full Council for approval.	Moira Fraser	
10.		Taxi Liaison Meeting Update	To provide an update on the discussion at the January Taxi Trade Liaison meeting.	Moira Fraser	
11.		Draft Licensing Policy	To review the existing policy and the methodology for consultation on the draft policy.	Julia O' Brien	
July 2023					
12.		Annual Report 2022/23	To set out the work of the Licensing Committee in 2022/23 as well as the work of the Licensing Service as delivered through the Public Protection Partnership.	Moira Fraser	To include data on the number of service requests vs complaints and some detail on what the complaints relate to, and information pertaining to refusals and suspensions.
13.		Hackney Carriage Tariffs	To consider any proposals for adjustments to tariffs, should they be requested by the trade, which would	Moira Fraser	

No.	Ref No	Item	Purpose	Lead Officer	Comments
			then be the subject of a consultation exercise		
14.		Sex Establishments Policy	To review and if appropriate amend the policy and agree the consultation methodology.	Julia O' Brien	
15.		Licensing Policy	To consider any comments received during the consultation, agree any variations to the policy and recommend to full Council that the revised policy be adopted.	Julia O'Brien	

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