

Notice of Meeting



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Licensing Committee

Monday 4 July 2022 at 4.30pm

**In Council Chamber, Council Offices,
Market Street, Newbury**

This meeting will be streamed live here: [Link to Licensing Committee broadcasts](#).
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Date of despatch of Agenda: Friday, 24 June 2022

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Ben Ryan (Democratic Services Officer) on (01635) 503929 or e-mail: Benjamin.Ryan1@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



Agenda - Licensing Committee to be held on Monday, 4 July 2022 (continued)

To: Councillors James Cole (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

Part I

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2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 31 January and 10 May 2022.	7 - 14
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 .	15 - 16
4. Draft Hackney Carriage and Private Hire Licensing Policy Purpose: To assist the Committee in considering the draft policy which has been prepared in response to the Department for Transport's guidance on "Statutory Taxi and Private Hire Vehicle Standards" prior to it being consulted on. This guidance requires Local Authorities to review, revise and update their policies in relation to Hackney Carriage and Private Hire licensing.	17 - 108
5. Helping West Berkshire Taxi Trade Go Greener (EX4215) Purpose: To assist the Committee in considering the options available to the Council to assist the local taxi trade to 'go greener' and provide incentives that entice them to switch to ultra-low emission vehicles. The discussion will also assist with formulating a response to the Motion tabled at the 18 January 2022 Council meeting for the Executive to consider. The Motion sought to introduce a fee based incentive scheme to help all forms of vehicles licensed by West Berkshire for public transport to 'go green'.	109 - 134



Agenda - Licensing Committee to be held on Monday, 4 July 2022 *(continued)*

6. **Statutory Consultation on Hackney Carriage Tariffs 2022** 135 - 156
Purpose: For the Committee to review the published Hackney Carriage Fare Scale in light of the current fuel costs and to determine the consultation process that must be undertaken if the Executive resolves to vary the current table of fares.
7. **West Berkshire Council Licensing Annual Report 2021/22** 157 - 176
Purpose: To set out the work of the Licensing Committee, Licensing Sub-Committee and Licensing Service in 2021/22.
8. **Licensing Committee Forward Plan** 177 - 180
Purpose: To consider and agree the Forward Plan.

Sarah Clarke.

Sarah Clarke
Service Director – Strategy & Governance
West Berkshire District Council

If you require this information in a different format or translation, please contact Ben Ryan (Democratic Services Officer) on telephone (01635) 503973.



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Licensing Committee – 4 July 2022

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, 31 JANUARY 2022

Councillors Present in the Second Floor Meeting Area: Rick Jones (Chairman), Phil Barnett (Vice-Chairman), Adrian Abbs, Graham Bridgman, Billy Drummond, Clive Hooker, Tony Linden, Graham Pask and Martha Vickers.

Councillors present remotely: David Marsh.

Also present: Sean Murphy (Public Protection Manager), Julia O'Brien (Team Manager – Licensing), Moira Fraser (Principal Officer – Policy and Governance), Stephen Chard (Democratic Services Manager) and Vicki Yull (Principal Democratic Services Officer).

Apologies for inability to attend the meeting: Councillors Steve Ardagh-Walter and Jeff Beck.

PART I

20. Minutes

The Minutes of the meeting held on 21 June 2021 were approved as a true and accurate record subject to the following amendments:

- Item 6. Draft Statement of Gambling Principles – correction to show that ‘The amendment to Recommendation 1 as proposed by Councillor Bridgman was approved’.
- Item 7. Review of Hackney Carriage Tariffs – correction to show that Councillor Bridgman spoke to the report.

The Minutes of the meeting held on 8 November 2021 were approved as a true and accurate record.

The Chairman referred to the following matters:

- The statement of gambling principles discussed by this Committee at its meeting on 8 November 2021 which had been agreed by Council and published ahead of the January deadline.
- The resolution from Newbury Town Council to petition this Council on potential changes to its Licensing Policy to include requirements on late night venues to ensure the health and safety of staff when travelling home. Officers had thanked Newbury Town Council for their concerns but had advised that it was not possible to introduce a blanket condition and this matter would therefore not be pursued.

21. Declarations of Interest

There were no declarations of interest received.

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

LICENSING COMMITTEE - 31 JANUARY 2022 - MINUTES

The Committee considered a report (Agenda Item 4) which provided an update on and raised any issues that had emanated from the most recent Taxi and Private Hire West Berkshire Council Liaison Group.

Mrs Fraser introduced the report and confirmed that the Liaison Group had met on 17 January 2022 where two substantive matters had been discussed. The first had been the taxi fees discussed by this Committee at its meeting on 8 November 2021 which had been consulted on, and the second was taxi tariffs. It had previously been agreed that tariffs would be discussed with the trade every January (to determine if there was an appetite for increases) should they choose to do so. The trade confirmed that they wanted a discussion to take place this year, and suggested a proposal to increase the tariffs in line with the Consumer Prices Index (CPI). Mrs Fraser advised that a report on this matter would be submitted to this Committee for consideration at its meeting on 4 July 2022.

Mrs Fraser advised that there had been a low turn-out from the trade at the recent electric vehicle event, but those that attended had been given the opportunity to test drive vehicles. Feedback suggested they had found the range of vehicles provided disappointing since they were not suitable for use as taxis. However, all attendees had found the day useful overall.

Councillor Bridgman referred to the trade suggestion of a two-tier tariff (one for saloon cars and the other for multi-seat vehicles), and proposed that this was acknowledged as a debating point this year in the discussions on potential increases in tariffs, and also incorporated in to any discussion paper circulated to the trade for consultation. The Chairman advised this matter would be discussed by this Committee at its meeting on 4 July 2022 and instructed officers to consider this proposal whilst preparing the report.

Councillor Marsh expressed his hope that the issue of greener taxis would continue to be pushed with the trade, especially given their reaction to the test vehicles on the day. He referred to a recent press article on the progress local authorities were making towards zero carbon, and highlighted that in Nottingham City Council 50% of the licenced vehicles were ultra-low emission vehicles. In West Berkshire this figure was 0% and Councillor Marsh suggested that the Council needed to find a way to encourage the trade by having high speed charging points at taxi ranks for example. Councillor Marsh also referred to the potential business opportunity of providing electric vehicles to service those consumers who would actively chose that option.

Councillor Abbs suggested that the Euro 6 standards should be looked at as a minimum standard for any taxi because that had been in place in most vehicles since 2015 and would help with emissions. Councillor Abbs noted that range anxiety still existed on charging point locations, and also the costs of charging, and these were matters that the Council could influence.

Mrs Fraser referred to the Council Motion submitted by Councillor Abbs and advised that officers were liaising with colleagues in the Environment Delivery Team and also looking at other schemes across the country, and intended to provide some options for this Committee to consider at its meeting on 4 July 2022.

The Committee **RESOLVED** to note the contents of the report.

23. **Consultation Responses: Fees for Taxi and Private Hire Vehicles, Drivers and Operators (LC4046/LC4047)**

The Committee considered a report (Agenda Item 5) which set out how, save for the private hire operator and hackney carriage and private hire vehicle licence fees, the

LICENSING COMMITTEE - 31 JANUARY 2022 - MINUTES

Committee had already agreed that the fees and charges proposed at its meeting on 8 November 2021 be recommended to full Council for approval. The report also contained the matters which had arisen from the statutory 28 day consultation period relating to variations to operators and vehicle licence fees, and their impact on the proposed fees. The Committee was invited to agree a recommendation to Council.

Mrs Fraser introduced the report and advised that the consultation had been undertaken as agreed and two responses had been received from members of the public. No objections had been received from the trade which indicated that the trade appeared to be relatively supportive of the fees proposed. The two members of the public had expressed support around the introduction of a scheme to reduce or remove payments for electric or hybrid vehicles. Mrs Fraser also referred to the fee of £94 agreed on 8 November 2021 for DBS checks and advised that this had been reduced to £79 following work undertaken by officers.

Councillor Abbs talked about how the Council had declared a climate emergency but had difficulties in getting others to make that move towards zero carbon where it had no direct control. Councillor Abbs noted that the Council did, however, have levers which could help persuade others such as the taxi trade to, for example, switch to greener vehicles. This in turn could contribute towards a groundswell of residents purchasing greener vehicles.

Councillor Bridgman referred to the feedback provided by the trade that issues other than the Council's fee structure was stopping them from moving to greener vehicles. He also noted that the report had set out driver concerns over using an electric vehicle for work which primarily related to limited mileage range on the vehicles, the purchase price, and the lack of sufficient public charge points. Councillor Bridgman explained that he would prefer to see a straightforward, equal method of charging for the items set out in the report in order to encourage the trade to move over to low emission vehicles and help further ambitions towards zero carbon. He suggested that a wider debate could be held at Council, looking at examples (such as Oxford) around subsidising vehicle purchases, and the range and state of the Council's electric charging points, to help encourage the use of greener vehicles across the district. Councillor Bridgman confirmed that he would prefer to have a regime in place which provided a level playing field for those coming in to the trade on the fees currently being debated, and indicated his support for the recommendations proposed in the report regarding increases, decreases and adjustments.

Councillor Barnett referred to the issue of encouraging the trade to move towards the use of greener vehicles. He reflected that there had been a similar issue relating to vehicles suitable for use by those with disabilities, which had ultimately been resolved by the introduction of The Equality Act 2010 and also because of user demand. He noted that something similar could occur should consumer demand for greener vehicles increase.

Councillor Bridgman proposed that this Committee make a recommendation to Council that the fees consulted on be implemented on the 1 April 2022 without modification (as set out in paragraph 5.15(a) of the report). The proposal was seconded by Councillor Barnett.

The Chairman indicated that he was in favour of trying to incentivise the trade to move to greener vehicles where possible, using the levers available to the Council such as fees and the availability of fast charging points on taxi ranks within the district. He referred to the comments submitted in response to the consultation which had intended for the

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Council to amend this round of fee setting. He did not believe this was desirable or possible however, partly because it was too late to influence the budget with regards to the amounts of money that would be involved. The Chairman noted that there would be another opportunity for this Committee to discuss this matter at its meeting on 4 July 2022 during consideration of Councillor Abbs Motion to Council, and requested that officers undertake the necessary research to propose a potential scheme that could be in the next round of fee setting and would tie in the incentive from the fees with the availability of charging and any other lever-like subsidy as mentioned by Members during the debate. The Chairman believed it was clear that should the Council implement changes now the trade would be behind and it would make very little difference to them due to the other issues they needed to resolve.

Councillor Abbs suggested that any decisions taken by the Council to help incentivise the trade to move to greener vehicles would not have a large impact on its budgets, but would promote a clear message of assistance to the trade as well as promoting the Council's ambitions to the wider community. He was pleased to note that this matter would be included for future consideration by this Committee.

Councillor Pask queried if there would be traction in officers seeking co-operation from companies that provided electric vehicles, and who could be recompensed with suitable advertising and other incentives, to help enable taxi drivers to obtain good deals. Councillor Pask asked if this could also be included in future considerations of this matter.

The Committee **RESOLVED** that:

- (1) The comments received during the statutory consultation on variations to operators and vehicle licence fees as set out in Appendix B to the report be noted.
- (2) Any amendments to the proposed operators and vehicle licence fees, arising from the consultation, be considered and noted.
- (3) Council be recommended to adopt the fees without modification, as part of the annual fee setting process, coming into effect as of the 1 April 2022.

24. **Forward Plan**

The Committee considered the Forward Plan for July 2022 to July 2023 (Agenda Item 6).

Councillor Abbs highlighted feedback provided at the recent Liaison Group meeting that indicated that the trade did not all purchase brand new vehicles. This provided an opportunity for the Council to start to set a minimum standard for euro ratings in emissions, from the fossil fuel cars that remained to Euro 6 standards. Councillor Abbs requested that this matter be added to the Forward Plan for discussion. The Committee noted that the Draft Hackney Carriage and Private Hire Policy was on the Forward Plan for consideration by this Committee at its meeting on 4 July 2022 and agreed that officers would investigate and incorporate in to that report the suggestions put forward by Councillor Abbs.

Councillor Bridgman referred to the Forward Plan item regarding the consideration of the Sex Establishments Policy, and queried if this was a new policy and what legislation it related to. Mrs O'Brien advised that it related to the Police Reform and Social Responsibility Act 2011 and so was due for review. However, there were currently no establishments in West Berkshire and Mrs O'Brien invited members to consider whether they felt it therefore required a review. Councillors Linden and Pask both noted that a policy should be in place in the event that someone intended to open an establishment in

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the future. The Chairman noted that the item was tabled for 18 months' time giving Members the opportunity to consider this matter further before then.

(The meeting commenced at 4.30 pm and closed at 5.10 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 TUESDAY, 10 MAY 2022

Councillors Present: James Cole (Chairman), Phil Barnett (Vice-Chairman), Adrian Abbs, Steve Ardagh-Walter, Graham Bridgman, Billy Drummond, Clive Hooker, Tony Linden, David Marsh, Graham Pask and Martha Vickers

Apologies for inability to attend the meeting: Councillor Jeff Beck

PART I

1. Election of the Chairman

RESOLVED that Councillor James Cole be elected Chairman of the Licensing Committee for the 2022/2023 Municipal Year.

2. Appointment of the Vice-Chairman

RESOLVED that Councillor Phil Barnett be appointed as Vice-Chairman of the Licensing Committee for the 2022/2023 Municipal Year.

(The meeting commenced at 8.36 pm and closed at 8.38 pm)

CHAIRMAN

Date of Signature

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Licensing Committee – 4 July 2022

Item 3 – Declarations of Interest

Verbal Item

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Draft Hackney Carriage and Private Hire Licensing Policy

Committee considering report:	Licensing Committee
Date of Committee:	04 July 2022
Portfolio Holder:	Councillor Tom Marino
Report Author:	Julia O'Brien
Forward Plan Ref:	N/A

1 Purpose of the Report

To consider the draft policy which has been prepared in response to the Department for Transport’s guidance on “Statutory Taxi and Private Hire Vehicle Standards” prior to it being consulted on. This guidance requires Local Authorities to review, revise and update their policies in relation to Hackney Carriage and Private Hire Licensing.

2 Recommendations

That the Licensing Committee:

- 2.1 **AGREES** that Officers should consult on the draft Hackney Carriage and Private Hire Licensing Policy set out in Appendix A subject to any changes made at this meeting of the Committee.
- 2.2 **AGREES** that the consultation should run from the 06 July to the 28 September 2022 and that it will be promoted as set out in paragraph 5.12.
- 2.3 **RECOMMENDS** that on conclusion of consultation and consideration of responses, the matter to return for further consideration to the 07 November 2022 Licensing Committee for adoption.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The costs of drafting of the policy and the ensuing consultation will be met from within existing budgets. Licence fees are set on a cost recovery basis. Any changes to the fee structure arising from the policy will be considered as part of the annual fee setting process.

<p>Human Resource:</p>	<p>There are no HR implications associated with the drafting of the policy or consultation on the policy. The consultation will be undertaken by existing resources within the Public Protection Service and they will be advised by colleagues in the Performance, Research and Risk Team.</p>
<p>Legal:</p>	<p>The legal framework is set out in the report. The policy is based on a number of pieces of legislation including:</p> <ul style="list-style-type: none"> • Town Police Clauses Act 1847; • Local Government (Miscellaneous Provisions) Act 1976; • Equalities Act 2010; • Data Protection Act 2018, • Immigration Act 2016; • Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975; • Health Act 2006; • The Road Vehicles (Construction and Use) Regulations 1986; • Road Traffic Act 1988.
<p>Risk Management:</p>	<p>The purpose of the licensing regime is to protect users of taxi and private hire vehicles but also to ensure that those operating within the regime do so on a level playing field. The Council sets those standards locally and it is imperative that there is clarity and that the standards are applied universally. It is also important that those licensed by the Council are consulted on the terms of the licensing arrangements.</p> <p>Having a robust policy in place that has been widely consulted on will minimise the risk of challenge to the Council.</p>
<p>Property:</p>	<p>There are no property implications associated with the drafting of the policy or the consultation that will be undertaken.</p>
<p>Policy:</p>	<p>In July 2020 the Department for Transport issued new guidance in relation to hackney carriage and private hire licensing namely: “Statutory Taxi and Private Hire Vehicle Standards”. This required local authorities to review, revise and update their policies in relation to hackney carriage and private hire licensing which this report seeks to do.</p> <p>West Berkshire does not currently have a single policy for this regime but terms and conditions attached to licences. This</p>

	document seeks to consolidate all this information into a single policy.			
	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?		✓		<p>The draft policy takes cognisance of both the Equalities act 2010 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against.</p> <p>Nationally young women are one of the largest groups to use taxis. Other groups, such as those who are disabled and those who are elderly may also use taxis more frequently. Any change to policy suggested could impact these groups. Any comments pertaining to equality will be reported back to the November Licensing Committee meeting.</p> <p>Should any persons wish to receive the consultation documents in an alternative format we will provide this to them</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		<p>This report seeks to go out to consultation. Any comments in equalities issues raised as part of the consultation will be reported back to the Committee prior to a decision being taken on the adoption of the policy.</p>
Environmental Impact:		✓		<p>The draft policy, if approved, includes revised standards which will require vehicles to meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.</p>

Draft Hackney Carriage and Private Hire Licensing Policy

Health Impact:		✓		There are no specific health impacts associated with the policy or the consultation.
ICT Impact:		✓		The consultation will be published on the PPP website and the West Berkshire consultation portal.
Digital Services Impact:		✓		The consultation will be published on the PPP website and the West Berkshire consultation portal.
Council Strategy Priorities:	✓			<p>Support businesses to start, develop and thrive in West Berkshire</p> <p>Ensure sustainable services through innovation and partnerships.</p> <p>The policy is underpinned by the overriding aim and purpose of Hackney Carriage and private hire licensing, which is public safety.</p> <p>The policy will also protect those members of the trade who are decent, upstanding, honest and hard- working individuals to thrive and sets out ways to deal with those individuals who fail to conform to those standards.</p>
Core Business:		✓		Business as Usual
Data Impact:		✓		The policy sets out how the Council will deal with data and also imposes requirements on the trade as to how they need to deal with it.

Consultation and Engagement:	<p>Consultation will take place with all those in paragraph 5.10 and any other stakeholders the Committee agrees to add. Those consulted directly will be via email, website and letter from 06 July to 28 September 2022. We will also be undertaking a public consultation using the PPP website and the West Berkshire Council consultation portal. The consultation exercise will be supported via a media campaign and targeted advertising of the consultation.</p> <p>A consultation event will also take place with the taxi trade via the Taxi Trade Liaison Group meeting on 18 July 2022.</p>
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4 Executive Summary

- 4.1 In July 2020 the Department for Transport issued new guidance in relation to hackney carriage and private hire licensing namely: “Statutory Taxi and Private Hire Vehicle Standards”. This required local authorities to review, revise and update their policies in relation to hackney carriage and private hire licensing. West Berkshire Council does not currently have a policy in relation to taxi licensing but has terms and conditions in relation to each licence type. This policy seeks to consolidate all of this information into a single document.
- 4.2 This draft policy is based on a number of documents including the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy adopted in June 2019 but there are significant developments and changes to accommodate the new guidance and other legislative changes.
- 4.3 The draft policy incorporates best practice from across England and Wales and is underpinned by the overriding aim and purpose of hackney carriage and private hire licensing, which is public safety.
- 4.4 The purpose of this report is to provide the Committee with a chance to give initial comments on the draft policy prior to consultation. Members of the Committee will be consulted on the content of the Policy as a matter of course. Members may also wish to add details of any proposed consultees to the list as set out in paragraph 5.10 in the report below.

5 Supporting Information

Introduction

- 5.1 The Statutory Standards published on 21 July 2020 set out a range of measures to protect taxi and private hire vehicle passengers and in particular those most vulnerable.
- 5.2 Government advice is that licensing authorities should work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.

5.3 The Department for Transport will monitor licensing authorities' responses to the Statutory Standards and all authorities are expected to provide updates as to how they intend to implement and develop the standards.

Background

5.4 Members received a report in regard to the Statutory Standards in October 2020 setting out the main items contained in it that had to be considered.

5.5 Members agreed the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy at the 24 June 2019 Committee meeting. In accordance with the DfT guidance officers are proposing to build on that document in order to comply with the statutory standards.

5.6 The Statutory Standards promote the existence of a Taxi Licensing Policy. Authorities should produce a 'cohesive policy document' that brings all procedures together (including a convictions policy). When formulating policies, the overriding objective must be to protect the public. Policies should be reviewed every five years.

5.7 The draft Policy has been developed in conjunction with Bracknell Forest Council and using each of the authorities' best practices and processes where appropriate and improving on these as deemed necessary. Where possible Officers are seeking to align the policies as has been previously requested by Members.

5.8 Where timescales are not prescribed in legislation the timescales set out in Government Guidance have been put forward in the draft document. Members will note that there is some red text in the document which highlights areas where Members are specifically being asked for a view on which option, if any, should be included in the draft consultation document.

5.9 A briefing for Members was held on 17 May 2022 in relation to the draft policy and matters arising from that briefing have been incorporated into this iteration of the draft policy.

Proposals

5.10 Before determining the policy for any five year period, it is good practice to consult with persons who may be affected by it including:

- (a) Persons or bodies representative of holders of local hackney carriage, private hire driver vehicle and operators licences together with individual licensees;
- (b) Persons or bodies representative of businesses and residents in its area;
- (c) Home to School Transport Teams in the Authority;
- (d) West Berkshire Safeguarding Children Board
- (e) West Berkshire Safeguarding Adults Board;
- (f) Local residents and community associations, together with individual residents;
- (g) Parish and Town Councils;
- (h) Thames Valley Police;
- (i) All Members of West Berkshire Council;

- (j) Meter Agents;
- (k) West Berkshire authorised vehicle testing Garages

5.11 The views of all consultees should be given appropriate weight when the policy is determined. Beyond the statutory requirements, it is for the licensing authority to decide the full extent of its consultation.

5.12 It is proposed that the consultation run for a 12 week period from the 06 July 2022 to 28 September 2022. The consultation document will be published on the Public Protection Partnership website and the West Berkshire consultation portal. Officers will write to the parties listed in 5.10 above and any additional groups identified at the meeting, to seek their views on the draft policy. The consultation will be supported by a media campaign. A special Taxi Trade meeting has been arranged for the 18 July to discuss the draft policy with the taxi trade. Officers are working with the Corporate Consultation Team to identify ways of ensuring that additional targeted consultation takes place including for example promoting the consultation on the taxi ranks.

5.13 Officers are recommending that the outcome of the consultation will be reported back to the November Licensing Committee for discussion. The Committee will consider the consultation and will then be asked to adopt the policy with or without amendments.

5.14 For reference Officers are proposing to run a similar consultation on the Bracknell Forest Taxi Policy over similar timescales. It might therefore be useful to share the outcome of the two consultations with both authorities to assist considering examples of best practice and aligning the policies where it is appropriate to do so.

6 Other options considered

None. The Council is required to have a policy in place.

7 Conclusion

7.1 The draft policy incorporates best practice from across England and Wales and is underpinned by the overriding aim and purpose of hackney carriage and private hire licensing, which is public safety.

7.2 The Council welcomes comments on the draft policy.

8 Appendices

Appendix A – Draft Hackney Carriage and Private Hire Licensing Policy 2022- 2027

9 Background Papers:

Town Police Clauses Act 1847;
The Local Government (Miscellaneous Provisions) Act 1976;
The Equalities Act 2010;
Data Protection Act 2018,
Existing Hackney Carriage and Private Hire Licensing Criminal Convictions Policy
Hackney Carriage and Private Hire Statutory Standards report October 2020

Subject to Call-In:

Yes: No:

Wards affected: All

Officer details:

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Draft Hackney Carriage and Private Hire Licensing Policy 2022 –2027

DRAFT

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1.1 The District of West Berkshire

West Berkshire Council (WBC) is the local authority of West Berkshire in Berkshire, England. It is a unitary authority, having the powers of a non-metropolitan county and district council combined. West Berkshire makes up over half of the geographical area of the county of Berkshire, covering an area of 272 square miles.

Within the district, the M4 and the A34 meet. These roads both provide direct links to key locations in the south, including London, Reading, Southampton, Portsmouth, Bristol, Oxford and Swindon.

West Berkshire also has good rail links, with London less than an hour by train and further connections, via Reading, to all the mainline routes throughout the country. The area also has very good links to international transport, with Heathrow and Southampton airport 40 miles away, as well as the ferry terminals in Southampton and Portsmouth.

West Berkshire has a resident population of approximately 158,465 of these residents 21% are aged 16 and under, 61% are of working age (16 to 64), and 20% are aged 65 and over.

64% of the West Berkshire population (around 101,111) live in settlements along the Kennet Valley, and in the suburban areas just to the west of Reading Borough.

The largest urban areas in the district are Newbury and Thatcham, where around 69,667 (44%) of West Berkshire residents live. 31,444 (20%) of residents live in the suburban area adjoining Reading Borough. Around 57,354 (36%) of people live in rural settlements.

West Berkshire has one of the most dispersed populations in the South East, with 225 people per hectare.

The location of Newbury makes it one of the best places to live and work in southern England. Equally the town is well served by both the road and rail network. In order to take advantage of these existing attributes and improve upon them, new ways must be found to further enhance Newbury as a place to live and work and thereby hold existing residents and encourage new ones. Opportunities will be sought to secure infrastructure alongside new development. These improvements must not be limited to just the travel network, but other elements that make up modern urban living – IT connectivity, new high quality housing, good education, leisure and sport opportunities, retail convenience and generally a well serviced environment within which residents can thrive.

1.2 Introduction

This policy details the requirements that will need to be met before any Dual or Private Hire Driver Licence, Hackney Carriage or Private Hire Vehicle Licence or Private Hire Operator licence is issued or renewed by West Berkshire Council.

The requirements for private hire operators and vehicles that undertake school or community service contracts issued by West Berkshire Council are the same as for all other private hire operators and vehicles. However drivers who only undertake work as part of such a contract will be excluded from the requirement to undertake a knowledge test. All other requirements remain in place. This alteration from the usual policy recognises that these drivers will be undertaking journeys on fixed routes. A West Berkshire Council private hire driver's licence only will be issued to such people and can only be used when the vehicle is undertaking such a contract.

1.3 This policy applies to the following:

Hackney Carriages: A vehicle available to transport members of the public that has no more than eight seats for passengers, which is licensed to stand or ply for hire. A hackney carriage may stand at designated taxi ranks (referred to in legislation as a “hackney carriage stand”) and also on the street (“standing for hire”) and/or be hailed in the street by members of the public (“plying for hire”), in both cases within their designated zones. They may also undertake pre-booked journeys.

Private Hire Vehicles: These are licensed to carry no more than eight passengers and must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.

Private Hire Operators: are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.

Hackney Carriage and Private Hire Drivers: Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.

1.4 Legislation, Byelaws, Guidance and Policy

Hackney carriage and private hire activity are governed by two principal pieces of legislation, the [Town Police Clauses Act 1847](#) and the [Local Government \(Miscellaneous Provisions\) Act 1976](#), in both cases as amended by subsequent legislation. These have been interpreted by the senior courts over the years (the High Court and the Court of Appeal, and ultimately, the Supreme Court). In addition, the Council has byelaws relating to Hackney Carriage activity. The Council will in addition have regard to guidance issued by the Department for Transport, and this policy. Each application will be considered on its own merits, taking into account all the relevant circumstances, legislation, guidance and this policy.

Once a licence has been granted, the licensee will be subject to all the above, and the conditions attached to any licence and (in the case of drivers) the [Code of Conduct](#).

A licence will not be issued until the appropriate fee is paid and cleared funds have been received by the Council.

Please Note – It is a criminal offence to carry out private hire or hackney carriage work without the valid licences. Applicants will not be able to start working whilst their application is being processed, they must wait until the licences have actually been granted (unless it is a renewal application and their existing licences are still in effect which will be detailed in the letter acknowledging receipt of the renewal application).

Equality Act 2010

The Council will comply with its duties under the [Equality Act 2010](#). In addition, licensees must comply with their duties under the relevant parts of the legislation.

Data Protection

All information provided by applicants or relating to licensees will be treated in accordance with the Council’s retention and disclosure policies under the [Data Protection Act 2018](#), the [General](#)

[Data Protection Regulations](#) and any other relevant legislation. The Council has a data-sharing protocol with neighbouring local authorities, the police, immigration and border service, social services and other bodies. This allows information to be shared where there is a risk to public safety or criminal activity.

More Information on how personal data will be managed by the Licensing Authority can be found at <https://publicprotectionpartnership.org.uk/about-us/privacy-statement/>

Anyone who is not satisfied with the way that their personal data is being or has been processed can contact the Information Commissioner <https://ico.org.uk/concerns/handling/> or by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

1.5 General

The purpose of licensing hackney carriages and private hire vehicles, drivers and private hire operators is to protect the public. Public protection will be the overriding consideration whenever the Council considers hackney carriage and private hire licensing matters.

Licences are only granted to people who satisfy the Council that they are fit and proper people to hold such a licence. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Council to prove that they are not.

Being a fit and proper person is not simply a question at the time of the application; it is a continuing requirement, and if at any time the conduct or behaviour of the licensee falls below the acceptable standard, action may be taken against the licence.

Holding a hackney carriage or private hire drivers, vehicle or operator licence is a privilege and a responsibility. At all times a licensee's behaviour and conduct must be of the highest standard. The Council will consider all aspects of an applicant/licensee's behaviour; not simply when they are using their licence.

Unacceptable behaviour whilst using the licence will be seen as an aggravating factor. The fact that the licence was not being used at the time will not be seen as any mitigating factor.

All licences can be suspended, revoked or not renewed.

There are rights of appeal against refusals to grant licences, conditions attached to licences, and suspensions, revocations or refusals to renew licences. Details of any right of appeal will be contained in the written notification of the Council's decision.

POLICY IN RELATION TO DUAL DRIVER AND PRIVATE HIRE DRIVER LICENCES

1.6 General

The Council issues dual or combined drivers licences. These enable a licensee to drive a hackney carriage or private hire vehicle licensed by the Council. Drivers' licences will be granted for a period of three years up to the age of 65 unless an applicant requests a licence for a one-year period. From the age of 65 on, licences will only be granted on an annual basis. **The licence fee for years two and three will be waived to bring the payment schedule in line with fee structure of those under the age of 65.**

1.7 Pre-requisites to Making an Application

It is the policy of the Council that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been made until such time as they are complete. Additional information about the requirements are set out in paragraph 1.8 (identity) below. Applicants will need to provide evidence that they have:

- (a) A UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for twelve months, after which it must be exchanged for a UK licence) for at least twelve months prior to application (this excludes the holding of a provisional licence).
- (b) Evidence of the right to live and work in the country.
- (c) Evidence of registration with HMRC for tax (in the case of an existing licensee), or an acknowledgement of the need to register for tax (in the case of a new applicant)
- (d) An enhanced criminal record check (DBS) with a check of the child and adult barred list.
- (e) A certificate of their current medical fitness to DVLA Group 2 standard.
- (f) That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency.
- (g) That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for (the requirements are detailed below).
- (h) That the applicant has completed safeguarding and disability awareness training.

All applicants, aside from those who are renewing their licence, will have three calendar months from the initial interview to complete the application process. After this time any incomplete application will be closed and any subsequent application will be treated as a fresh application.

NB – This time limit can be extended in exceptional circumstances, with the prior approval of the Licensing Manager.

The applicant will be given three attempts to pass each of the required tests to become a licensed driver. If they have not passed after the third attempt, no new application will be accepted for a period of three calendar months from the date of the last test. If a new application is then made after the three months, the applicant will be required to pass all the tests required by West Berkshire Council at the time of the new application.

An application for the renewal of a licence must be made prior to the expiry of the licence, and in sufficient time to enable it to be processed and renewed before the existing licence expires. If this is not the case, it will be treated as a new application. The licensee can apply in writing to West Berkshire Council to request permission for an application, made after the expiry of the licence, to be treated as a renewal application. However permission will only be granted when exceptional circumstances exist, and the application has been made within five working days of the expiry. West Berkshire Council will determine whether exceptional circumstances exist.

If the renewed licence has not been granted by the time the current licence expires, the person is no longer a licensed driver and cannot drive either a hackney carriage or private hire vehicle until the new licence is issued.

Or

If the renewed licence has not been granted by the time the current licence expires a short term licence which will be valid for a period of one month may be granted in order to enable the driver to continue working pending the granting of the renewed licence,. Any such short term licence must be clearly issued as being without prejudice to any subsequent decision the Council might take in relation to the renewal application.

Driving as a Private Hire or Hackney Carriage driver without a valid Private Hire or Dual Driver licence is a criminal offence.

Dual Driver Licensees will be required to comply with the current West Berkshire Council Hackney Carriage Byelaws in addition to the [Code of Conduct](#) detailed in this policy. A copy of these byelaws can be obtained from the Licensing Team at West Berkshire Council.

Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken. This may include taking action against the licence, prosecution of the applicant, reporting the matter to other enforcement agencies including the police.

1.8 Fitness and Propriety

Before the Council will grant or renew a driver licence, the applicant or licensee must satisfy the following requirements:

Identity

To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

Applicants from outside the UK must provide;

- (a) a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely; or
- (b) a passport with a valid UK visa, which allows the holder to work as a private hire or hackney carriage driver (student visas will not be accepted), and which has at least six calendar months remaining at the time of application.

A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. West Berkshire Council reserves the right to verify, at any time, a licensee's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

To comply with the [Immigration Act 2016](#), the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EC passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving

the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.

For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain, and may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If a licensee loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within seven days.

HM Revenues and Customs (HMRC) requirements

New applicants for a licence will be required to acknowledge that they have been informed that they must register for tax with Her Majesty's Revenue and Customs (HMRC), before the licence is due to be renewed. This will be affected by the applicant signing a declaration to that effect.

Existing licensees who are applying to renew their licence must ensure that they are registered with HMRC and provide the required code from the HMRC website. Full details of this will be available from the licensing office and on the [website](#).

Disclosure and Barring Service Checks (DBS)

Applicants must provide an Enhanced DBS Certificate which includes a check of the Adult and Child Barred Lists which is no more than one calendar month old at the date of submission of the certificate.

Applicant/licensees will also have to sign up to the [DBS update service](#) to enable the Council to make periodic checks. Any driver that does not sign up to this service will only be granted a licence for six months and a fresh enhanced DBS check will be required on every application for a new licence.

Certificate of Good Conduct

As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than six months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.

NB - Nothing in this policy shall preclude a licensee from being required to undergo a further DBS check at any time as directed by an officer of West Berkshire Council.

Previous Convictions

In relation to the consideration of previous convictions and cautions recorded against applicants and licensees, West Berkshire Council has adopted the policy set out in [Appendix One](#). Applicants who would like to discuss what effect a conviction or caution might have on their application, can contact the Licensing Service at:

Public Protection Partnership
Theale Library
Church Street
Theale
Berkshire RG7 5BZ

Telephone: 01635 519184

Email: licensing@westberks.gov.uk

Medical Examination

Each applicant, on first application and at the intervals indicated below, must complete a medical examination by the applicant's own GP (or a GP within their own practice) at the applicant's expense. The GP must certify that the applicant meets group 2 medical standards. Once a licence has been granted, medical examinations will be required at the following intervals:

Age	Frequency
On First application for a drivers licence	And thereafter from age 45
Up to and including the age of 45 years	Every 6 years
Over 45 years and up to and including the age of 64 years	Every 3 years
65 years +	Annually

A medical examination may be required at any other time, as determined by the GP or as requested by an officer of West Berkshire Council. In addition if an applicant or licensee has been diagnosed with type 1 diabetes requiring insulin, a medical compliance form will need to be completed and issued annually by that person's GP.

Driving Licence

Applicants must have held a full UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for twelve months, after which it must be exchanged for a UK licence) for at least twelve months prior to application (this excludes the holding of a provisional licence).

A photo card driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the Driver and Vehicle Licensing Agency (DVLA) information issued. Any prospective applicant who does not hold a photo card driving licence must obtain one before the application is made. The address on the DVLA licence must be the same as the addresses on any other paperwork submitted with the application. West Berkshire Council may carry out spot checks on a random basis to ascertain any changes to the status of the DVLA licence.

Practical Assessments for Licensed Drivers and Applicants

An applicant can complete the steps to this point and the Council will then assess whether a licence could be granted in relation to the driving licence and immigration checks, and whether it would be granted in relation to previous convictions. This will allow an applicant to reduce expenditure on a speculative application until such time as they have been informed that, subject to satisfactory results in the following requirements, a licence will be granted

All applicants are required to have passed a practical driving and wheelchair assessment before applying for a dual driving licence. These assessments must be passed again every six years i.e. before a second three-year driving licence will be issued.

West Berkshire Council approves suitable courses from time to time and applicants will be informed of the available courses at the time of application. Applicants can choose which provider they wish to use. West Berkshire Council will accept written evidence of passing the particular providers assessment that is not more than three months old at the date of application the current list of approved providers of these courses can be found at [practical-driving-assessment.pdf \(publicprotectionpartnership.org.uk\)](https://practical-driving-assessment.pdf(publicprotectionpartnership.org.uk))

If a licensee is subject to enforcement action in relation to their driving, more than once within a period of twelve calendar months, including road traffic convictions, they will be required to undertake the practical driving assessment within three calendar months. The licence may be suspended until such time as this test has been passed.

Details of West Berkshire Council's current providers will be issued on application or will be issued to a driver required to undertake the practical driving assessment as part of enforcement action.

Spoken and Written English

It is essential for public safety that all licensees are able to communicate by speaking and reading in English at an appropriate level. This is equivalent to level B1 on the Common European Framework of Reference for reading, writing, speaking and listening. Licensees must have an appropriate understanding of safety, equality and the regulatory requirements that apply to them. This helps ensure public safety and will enhance levels of customer service.

Speaking and Listening Assessment

The speaking and listening assessment consists of a 15 to 20 minute conversation that will take place at West Berkshire Council offices.

The assessment will be undertaken by a secure video or telephone link to our service provider, PeopleCert, and it will cost £36 when taken for the first time and £16 for a re-sit.

Please see [PeopleCert's](#) website for more information about the test and what to expect on the day. All applicants are advised to review this information prior to sitting the test.

Reading and Writing Assessment

West Berkshire Council will use the Safety, Equality and Regulatory Understanding requirement (SERU assessment) to assess applicants' reading and writing skills. The SERU assessment is based on information found in this policy, including the hackney carriage and private hire vehicle conditions, the byelaws and the [Code of Conduct](#).

The assessment will take place at West Berkshire Council Offices and the costs will be met by the applicant.

Knowledge of Area

All applicants are expected to have a good knowledge of West Berkshire and the surrounding area. They will be required to pass a test on this knowledge prior to a licence being issued. This test must be passed again every six years i.e. before a second three-year driving licence will be issued.

This requirement does not apply in relation to applicants for private hire drivers' licences to undertake school or community contracts.

Highway Code and Relevant Legislation

All Applicants are expected to have a good knowledge of the [Highway Code](#) and the relevant provisions of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) and the [Town and Police Clauses Act 1847](#). This test must be passed again every six years i.e. before a second three-year driving licence will be issued.

Training in the Assistance of Disabled Persons

All applicants must be able to show that they have undergone training in the assistance of disabled persons, to a standard acceptable to West Berkshire Council. Refresher training will be required every three years/ **six years**. The Council identifies training providers (which may include the Council itself) from time to time and applicants will be informed of the available courses and any cost at the time of application. The cost of this training is currently included in the licence fee. If there is more than one provider, applicants can choose which provider they wish to use.

Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training

All new applicants for a driver licence must complete safeguarding, child sexual abuse and exploitation (CSAE) and county lines training prior to the issue of a licence. Existing drivers must complete the training prior to the next renewal of their licence. Refresher training will be required every three years/ **six years**.

1.9 Test of Fitness and Propriety

Once a valid application has been made, the Council will make a decision as to whether or not the applicant/licensee is fit and proper person to hold a dual driver or private hire driver licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the Council's standards. The test used will be:

“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Council to prove that they are not.

1.10 Code of Conduct

The Council has a [Code of Conduct](#) for taxi drivers. All drivers must adhere to this at all times. Failure to do so may lead to action being taken against the driver's licence.

1.11 The National Register of Taxi Licence Revocations and Refusals

The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3) a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Where a hackney carriage or private hire driver licence is revoked, or an application for one refused, the Council will automatically record this decision on NR3.

All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the Council will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- Name
- Date of birth
- Address and contact details
- National Insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for a hackney carriage and private hire driver licence. Further details can be found [here](#).

Information will be processed in accordance with the [Data Protection Act \(DPA\)](#) and [General Data Protection Regulation \(GDPR\)](#). Any searches, provision or receipt of information of or under NR3 are necessary for the Councils statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

1.12 Licences and Badges

Drivers are issued with two badges and an armband. One of the badges must be displayed in the armband which must be worn on the left-hand arm of the driver so it is visible to passengers in the vehicle. The other badge must be displayed within the vehicle so it is visible to passengers.

Both the badges and the armband remain the property of the Council and must be returned immediately on expiry, suspension or revocation of the licence.

1.13 Equality Act 2010

Drivers must comply with the requirements of the [Equality Act 2010](#). This includes carrying assistance dogs with their passenger and providing mobility assistance to disabled and wheelchair using passengers (in the case of a listed wheelchair accessible vehicle). This does not apply to drivers who have been granted an exemption from those requirements by the Council. Details of the exemption requirements and processes are available on the website.

In addition, all drivers at all times must ensure that they do not discriminate unlawfully against any person.

1.14 Action Against Licences

Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the licensee has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; has been convicted of an immigration offence or had to pay an immigration penalty, or any other reasonable cause.

A suspension or revocation can take immediate effect if that is necessary in the interest of public safety under section 61(2B). This will be clearly detailed in the decision notice.

1.15 Appeals

There is a right of appeal to the Magistrates' Court, and further right of appeal to the Crown Court in relation to any refusal to grant or renew a driver's licence, or suspension or revocation of a driver's licence. Full details about how to appeal will be contained in any decision notice.

POLICY IN RELATION TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES

1.16 Single Licences

Applications will not be accepted if the vehicle is already licensed by any other licensing authority (council or Transport for London).

1.17 Test of Fitness and Propriety

In addition to the vehicle itself, the Council will take the character of the applicant or existing proprietor into account when determining an application for the grant or renewal of a hackney carriage or private hire vehicle licence. Applicants for the grant or renewal of a vehicle licence must produce a basic DBS certificate which is not more than one month old, and provide details of all convictions (spent and live), cautions, fixed penalty notices, parking fines, Anti-Social Behaviour Orders, Community Protection Notices, injunctions, restraining orders and any other matter affecting their character on the application form and statutory declaration. This requirement does not apply if the applicant already holds a driver's licence issued by West Berkshire Council.

The Council will then use the following test to determine whether the applicant/licensee is a suitable person to hold a vehicle licence:

“Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”

This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Council to prove that they are not.

1.18 General

A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted.

If the application is not made in time to enable the vehicle test to be undertaken and all relevant processes to be completed before the expiry of the current vehicle licence, there will be a period of time during which the vehicle will be unlicensed and cannot be used as a hackney carriage or private hire vehicle. If the application is not made before the expiry of the current licence, but is made within five working days after expiry, the licence will only be renewed in exceptional circumstances. Using a vehicle, as a private hire vehicle or hackney carriage, when it does not have a valid Private Hire Vehicle or Hackney Carriage Proprietors Licence is a criminal offence.

Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken. This may include taking action against the licence, prosecution of the applicant, reporting the matter to other enforcement agencies including the police.

It should be noted that once a licence has been granted, that licence relates to that particular vehicle. The licence and the vehicle must be owned by the same person, and cannot be separated. In this context, “ownership” includes leasing a vehicle from a leasing company, but not from an individual or any former or current licensee. Evidence of such ownership will be required to accompany the application and on every renewal.

If a licensee wishes to change their vehicle during the currency of the licence, the existing licence must be surrendered and a new application made for the replacement vehicle.

A licensee can transfer the licence to another person during the currency of the licence, and the Council will acknowledge that transfer and register the new licensee. The character of the new licensee will be considered when application is made to renew the licence, and may be considered before that time. If the Council is not satisfied that the new licensee is a fit and proper person the licence will not be renewed or, in the case of an earlier review, action will be taken against that licence.

In order for an application to be considered the applicant must submit the following to the licensing authority:

- The completed vehicle licence application form.
- Application Fee.

As the vehicle cannot be separated from the licence, the vehicle must be owned or leased by the licensee. Proof of ownership of the vehicle must include:

- The original of the Vehicle Registration Document (Log Book/V5), certificate of registration for the vehicle (the new keeper's supplement section of the V5 document) will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the Council at the time of application).
- Receipt for the purchase of the vehicle, or documentary evidence of any leasing arrangement with a vehicle leasing company must also be provided where the applicant does not own the vehicle. Any lease must be from a commercial leasing company, and leasing arrangements from individuals will not be accepted.
- The original insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for use as a Hackney Carriage or as a Private Hire vehicle (as appropriate).
- Confirmation from the Council appointed garages that the vehicle has passed the Council test and vehicle examination requirements.
- Current MOT Certificate.

1.19 Vehicle Type and Design

All vehicles which are the subject of a licence application must have an appropriate 'type approval' which is one of the following:

- European Whole Vehicle Type Approval;
- British National Type Approval;
- Provisional GB Type Approval;
- GB Type Approval; or
- Individual Vehicle Approval.

All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to eight passengers not including the driver; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Where a vehicle has been altered, adapted or modified only Type Approval Certificates granted after alteration, adaptation or modification will be accepted.

With the exception of vehicles modified to carry wheelchairs, vehicles which have been modified in any way from the manufacturer's standard construction will not be considered suitable for licensing purposes. Exceptions may be made depending upon the nature of the modification.

Any vehicle which resembles a hackney carriage licensed by the Council will not be considered for licensing as a private hire vehicle.

1.20 Vehicle Standards

No vehicle will be licensed unless it:

- i. has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a [West Berkshire Council nominated garage](#).
- ii. has provision for every passenger to wear a seat belt. A sign must be displayed inside the vehicle requiring seat belts to be worn.

The Council licences three different types of vehicle:

- Wheelchair Accessible Vehicles (WAV);
- those which are not; and
- stretched limousines.

In respect of all vehicles, there must be a minimum seating capacity for one adult passenger, and vehicles that seek more passengers must provide a width of at least 410mm per person across any seat which accommodates more than one person.

There must be adequate legroom in front of any passenger seat and adequate headroom above any passenger seat. Adequate means that a six foot tall person can sit comfortably.

The Council does not maintain a list of acceptable vehicles but it is recommended that prior to purchasing any such vehicle, advice be sought from the Licensing Team.

All licensed vehicles (except for private hire vehicles which are granted a dispensation or exemption from displaying signage (details in paragraph 1.28 (Dispensation /Exemption Certificates) below) must meet the following requirements:

- i. Light transmitted through the windscreen must be at least 75%
- ii. All other windows (both front and rear) must allow at least 70% of light to be transmitted.

Where vehicles which are currently licensed have factory tinted/privacy glass fitted and are able to provide documentary evidence that this was fitted at the time of manufacturing and has not been replaced since, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

No aftermarket tinted film can be attached to the windows of any licensed vehicle.

Any vehicles that have been involved in an accident, which have required repair, may have to pass a further inspection at one of our nominated testing stations.

1.21 Vehicle Standards

The term “stretched limousine” in this policy will be taken to mean any vehicle that has been modified after manufacture with an additional body section.

Where any screen is fitted between the driver and the rear passenger compartment, passengers must be able to communicate with the driver at all times by means of an intercom system or suitable holes in the screen.

The seating in the vehicle must all face either forwards or backwards and a vehicle will not be licensed if any sideways facing seats remain.

Insurance

Before a vehicle licence will be issued, evidence of comprehensive insurance for either hackney carriage or private hire use (as appropriate) must be produced; this must be in the form of original documents, photocopies will not be accepted.

Age

Vehicles up to five years old from the first date of registration or which have travelled less than 25,000 miles since that date will be subject to an inspection before grant or renewal, and at six months or 25,000 miles whichever occurs first after the date of grant or renewal at one of West Berkshire Council's nominated testing stations. Where vehicles are five years or older from the date of first registration or which have travelled more than 25,000 miles since that date, they will be subject to an inspection before grant or renewal and then at four monthly or 15,000 mile intervals for the duration of the licence. If an inspection is not carried out in the month that it is due, the licence will be suspended until such a test has been passed.

All vehicles must meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.

This requirement can be waived in respect of specialist vehicles which have been modified or adapted to undertake particular local education authority contracts.

All applications for grant or renewal of vehicle licences must be accompanied by documentary evidence that the vehicle has been regularly serviced and maintained in line with the manufacturer's servicing schedule.

In addition, all vehicles must meet the following minimum standards:

Exterior of vehicle

The exterior paintwork on the vehicle must not:

- i. show signs of rusting;
- ii. be faded or show signs of mismatched paint repairs;
- iii. have five or more stone chips greater than 2mm in length in any direction;
- iv. have eight or more stone chips of any size;
- v. have any scratches, cracks or abrasions where the top layer of paint has been removed.

The exterior bodywork of the vehicle must not:

- i. have two or more dents greater than 10mm in length in any direction;
- ii. have four or more dents less than 10mm in length in any direction;
- ii. have fittings that are missing, broken or damaged.

The vehicle must not have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.

The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused.

The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

Interior of vehicle

The seating and carpet areas of the vehicle must not show signs of:

- i. staining;
- ii. damp;
- iii. fraying or ripping of the material;
- iv. seat covers that are loose or badly fitted.

The seats must provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.

Interior panels and fittings within the vehicle must not be damaged nor show excessive wear, or staining.

The interior of the vehicle must not have damp or other obnoxious smells.

The emissions limits detailed above do not apply to stretched limousines, vintage cars or novelty vehicles (for example a fire engine), which have been adapted to become private hire or hackney carriage vehicles.

Taximeters

All hackney carriages must be fitted with a taximeter approved by West Berkshire Council. The Council will specify approved taximeters from time to time and details will be available on the website.

The taximeter must be set to a rate not exceeding that specified in the council table of fares.

The taximeter must be used for all journeys charged by time and/or distance, and it is recommended that it is activated for all journeys within the district where a fixed fee has been agreed to avoid any risk of overcharging by the driver.

Private hire vehicles may be fitted with a taximeter (at the discretion of the vehicle proprietor). Any such metre must be approved by West Berkshire Council in accordance with the above requirement for hackney carriages.

Advertising

Advertising on the outside of any licensed vehicle is restricted to the name and telephone number of the owner or operator of the Hackney Carriage/Private Hire Vehicle, such advertisements must not exceed 50cm x 25cm and can only be affixed to the front and rear passenger doors, the boot, and the bonnet. Applications for departures from this limitation can be made in writing to West Berkshire Council's Licensing Team.

In addition, wheelchair accessible hackney carriages and private hire vehicles may carry all over “wrap” type advertising. This must be approved, in writing, by West Berkshire Council before the advertising is applied and any advertising must be in accordance with the specified advertising criteria to be agreed.

Any advertisements on any vehicles must be legal and comply with the [advertising standards agency code of practice](#).

1.22 Temporary Replacement Vehicle

If a licensed hackney carriage or private vehicle has been involved in an accident or is otherwise incapacitated, an application can be made for a replacement vehicle to be licensed on a temporary basis. The existing vehicle licence will be suspended and the replacement vehicle will be granted the same licence number. The temporary period will be determined by the Council when the application is made and will be based upon the estimated time for the repair of the original vehicle. No temporary licence will be granted for a period exceeding three months. Any replacement vehicle must meet the Council’s specification for hackney carriage or private hire vehicles and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.

1.23 Disabled Access

Vehicle Standards

Hackney carriage licence/plates have been granted to non - wheelchair accessible vehicles (suitable saloon, estate car or multipurpose vehicle). Provided those licences remain in force, similar vehicles will be licensed. However, if the vehicle licence lapses the acquired rights will be lost and a new application for wheelchair accessible vehicle will have to be made.

It is therefore essential that licensees ensure that complete renewal applications are made before the expiry of the current vehicle licence.

Wheelchair accessible private hire vehicles must also comply with the following specification in addition to those detailed above;

- i. Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- ii. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.
- iii. The clear height of the doorway must be not less than 1.2 metres.
- iv. Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.

- v. The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
 - a) be not more than 380mm from the ground, (measured at the centre of the tread width);
 - b) the surface shall be covered in a slip-resistant material;
 - c) have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements:

- i. not be more than 380mm in height from the ground, (measured at the centre of the step width);
- ii. not be less than 250mm deep;
- iii. the surface shall be covered in a slip-resistant material;
- iv. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- v. not be capable of operation whilst the vehicle is in motion;
- vi. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
- vii. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.

The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.

Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.

A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

1.24 Vehicle Type Approval

All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, re-tested to meet either the European

Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). Those vehicles which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.

1.25 Access for wheelchair users to Taxis and Private Hire Vehicles

See Guidance at: [Wheelchair access in taxis and private hire vehicles - GOV.UK](https://www.gov.uk/guidance/wheelchair-access-in-taxis-and-private-hire-vehicles)

1.26 Roof Signs

No roof sign can be fitted to, attached, displayed or used on any private hire vehicle.

A single roof sign must be fitted to each hackney carriage and meet the following conditions and specification:

- The roof sign must be connected to the taximeter to allow it to be automatically controlled.
- The roof sign must be lit when the taximeter is not active and not lit when the taximeter is in use.
- Roof signs must be kept clean and in good repair and at all times be securely mounted on the vehicle roof, with the main face showing the Council logo facing forward. The sign is to be positioned forward of the pillar between the front and rear doors (the B post), wherever possible. Vehicles with glass or fibreglass roofs or similar must attach the sign at the foremost point on the roof, where suitable magnetic adhesion is possible.

The proprietor must provide a roof sign to the following specification (unless the vehicle is a London Cab or other similar vehicle which was manufactured as a taxi and produced with a built in sign):

- The roof sign must have dimensions of 60.5cms long, 17.5cms wide at the middle point, 11cms high at the rear middle point and 3cms high at the front middle point. These dimensions do not include any raised lip or edging. Reference should also be made to any illustrative art work, or model signs, which can be provided by the Licensing Team if required.
- The roof sign must be white in background colour. When lit, the sign must show red to the rear but not red to the front and sides.
- The front face of the roof sign must show the words “TAXI LICENSED BY” followed by the West Berkshire Council Corporate Logo.
- The licence number must be shown, within a circle, on both sides of this wording.
- TAXI must be in capitals, in Arial font and approximately 65mm in height. The circles must be approximately 135mm in diameter and have the number cut out, 45mm high in Arial font.
- The near side of the sign must show a wheelchair logo in white on a blue background. The wheelchair logo must be in reflex blue. The logo must be 100mm square. The words and the circles must be in Kelly Green (Pantone Code 335c).
- Vehicles with raised roofs which are licensed as wheelchair accessible taxis must have a roof sign of the same dimensions and design.
- The rear face of the roof sign on all vehicles must show the licence number (once only) to the same specifications as on the front.

- The number may be positioned anywhere on the rear face at the discretion of the licensee. The licensee may use the remaining space for a name and/or telephone number which can include the word "TAXI". This text does not have to be green, (although the number does).

All inappropriate or unauthorised signage will be required to be removed.

It may be necessary for some wheelchair accessible taxis to display the sign on the front bulkhead of the vehicle due to height restrictions. Other than this variation, there can be no other variations from the specification.

In the event of the Council's Licensing Officers not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will have been breached and the proprietor requested to remedy the defect. The licensee of the vehicle may then be subject to a penalty within the [Penalty Points Scheme](#) and if not suitably rectified may have the sanction of law imposed.

Vehicles which are purchased as custom constructed taxis that have a sign provided by the manufacturer, which is not a sign fitted into the fabric of the vehicle, must comply with the above specification.

1.27 Roof Racks

If required to carry additional luggage, a roof rack or roof box can be used. It must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.

In the case of a hackney carriage, a second roof sign must be fitted to enable the roof signs to be seen. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box).

Trailers cannot be used with any licensed hackney carriage or private hire vehicle.

1.28 Dispensation /Exemption Certificates

There are two different circumstances in which the Council will consider granting an exemption from the requirement for a private hire vehicle to display the plates and additional signage (which will also remove the need for the driver to be wearing their badge). If an exemption certificate is granted, the vehicle cannot be used for regular private hire work: it can only be used under these specified contracts.

School Contracts

Vehicles that are used exclusively to transport passengers under a contract entered into with a local education authority may be granted an exemption. This is in recognition of the fact that so far as is possible, children who are transported by such vehicles should not be identified or stigmatised. An operator will need to demonstrate the existence of one or more contracts with education authorities or other educational establishments, and where the operator does not own the vehicle, will also have to demonstrate a contract with the vehicle owner. All such contracts must specify which vehicles will be used to discharge those contracts. The other requirements pertaining to vehicles will still however need to be met.

Executive Hire

This term is used in relation to vehicles that are used exclusively for contracts made between an operator and other businesses (excluding sub-contracting private hire bookings). This type of activity includes chauffeur services. An operator will need to demonstrate the existence of one or more contracts with identified businesses. To qualify for the exemption, any such contract must be for a minimum period of three months.

The operator can hold more than one contract, but where that is the case the operator must explain how those contracts will be serviced with the specified vehicle and where the operator does not own the vehicle, will also have to demonstrate a contract with the vehicle owner. All such contracts must specify which vehicles will be used to discharge those contracts. It is not possible to specify the makes and models of vehicles that will be considered for an executive hire exemption, but in general they must be luxury vehicles that provide significant amounts of space and comfort for passengers. Examples would include vehicles made by Rolls-Royce, Bentley, and vehicles of a similar nature to Mercedes S class, BMW 7 series, Jaguar XF and Range Rover.

An application for an exemption in either category must be made in writing on the form provided by the Council. There is no right of appeal against a refusal to grant an exemption certificate.

If an exemption certificate is granted, a notice will be issued by the Council which must be carried in the glove compartment of the vehicle at all times. In addition, the vehicle plate must be fixed inside the boot lid/tailgate in such a way that it can be examined by an authorised officer of the Council or a police officer.

The identification cards provided by West Berkshire Council, must be displayed in the front and rear windscreen of the vehicle.

Any exemption certificate that is issued will only last for the duration of the vehicle licence and a further exemption certificate will be required when the licence is renewed. West Berkshire Council must be issued with records relating to the contracted work undertaken by that particular vehicle when a renewal application is submitted.

1.29 Novelty Vehicles

The Council will consider applications for private hire vehicle licences for “novelty vehicles”. These are vehicles other than regular saloon, estate, people carrier or SUV (sport utility vehicles) and may include vintage or classic cars, fire engines, military vehicles, but this is not an exhaustive list.

Any such vehicle must have passenger seats and seat belts for each seat unless these were not fitted at the time of manufacture.

All other requirements will apply, and the vehicles will be subject to six monthly tests.

POLICY IN RELATION TO PRIVATE HIRE OPERATOR LICENCES

1.30 General

A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a

new application. A valid application is one which is complete in all respects and can be processed immediately.

Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current operator's licence, there will be a period of time during which the operator will be unlicensed and cannot make a provision for the invitation of bookings for private hire vehicle. If the application is not made before the expiry of the current licence, but is made within five working days after the expiry, the licence will only be renewed in exceptional circumstances.

Operating Private Hire Drivers and Vehicles without a valid licence is a criminal offence.

Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken.

1.31 Operator's Base

An operator's licence relates to one or more addresses (bases) within the West Berkshire Council area. Every address that is being used must be detailed on the licence, and if a licence does not relate to the address or addresses being used, that licence is void. Continued use of that licence will be a criminal offence.

An operator who has more than one operating office or base within West Berkshire does not require a separate licence for each premises, but must submit a list to West Berkshire Council containing all the addresses from which they run their business. An updated list must be sent to the Council whenever any of those addresses change.

Planning permission or a Certificate of Lawful Use for the use or change of use of premises, whether home or commercial is not required before an application can be made for an operator's licence. However it may be unlawful to use those premises as an operator's base and advice, should be sought from West Berkshire Council's Planning Service if required.

Anyone who is making a provision for the invitation of bookings (evidenced by a private hire office or base) in more than one local authority area will be required to hold an operator's licence with the local authority in each of those areas.

1.32 Fitness and Propriety

Before West Berkshire Council will grant or renew an operator licence, the applicant or licensee must satisfy the following requirements.

Identity

To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

Applicants from outside the UK must provide:

- a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely; or

- a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.

A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. West Berkshire Council reserves the right to verify, at any time, a Licensee's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include:

- a British passport;
- EC passport with the right to stay and work in the UK;
- permanent residence permit;
- work permit with a passport with correct authorisations;
- a UK birth certificate together with an official document giving the NI number such as a P45 or P60; or
- a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.

For applicants with a limited time to remain and/or work in the UK, the licence will cannot be granted for longer than the period of permission to remain and/or work. West Berkshire Council, may grant a licence for a shorter period. The licence may be extended should the applicant's right to remain and/or work in the UK be made permanent.

If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If a licensee loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within seven days.

1.33 Disclosure and Barring Service Checks (DBS)

An applicant must provide a basic DBS check which is no more than one calendar month old at the time of application. In addition, the Council will require an applicant to complete an application form/statutory declaration listing all criminal convictions (including spent convictions, and other non-criminal matters) to enable the Council to consider the applicant's fitness and propriety.

Licensees must provide a basic DBS which is not more than 30 days old on or before each anniversary of the grant of the licence. Failure to do so will lead to the licence being suspended.

Where an application is made by a partnership, limited liability partnership or limited company, the same requirements apply to all partners, directors and secretary (if any).

This requirement will not apply to any applicant who already holds a drivers licence with this Council

Where a licence is held by a partnership, limited liability partnership or limited company, the Council must be notified within one week of any change of partners, directors or secretary. In those circumstances a basic DBS not more than one calendar month old must be provided with that notification.

Operators must maintain and apply a previous convictions policy in the same terms as the one contained within this policy for all staff that they use. This includes obtaining and providing a basic DBS certificate not more than one month old at the point of first engagement by the operator and a requirement in the contract of employment/service to notify the operator of any subsequent arrest, charge or conviction within seven days of the event. This applies to all employees, workers and independent contractors. The operator must not engage the services of any person whose previous convictions or other matters lie outside that policy without the prior written authorisation of the Council.

1.34 Certificate of Good Conduct

As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than six months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.

NB - Nothing in this policy shall preclude a licensee from being required to undergo a further DBS check at any time as directed by an officer of West Berkshire Council.

1.35 Previous Convictions

In relation to the consideration of previous convictions and cautions recorded against applicants and licensees, West Berkshire Council has adopted the policy set out in [Appendix One](#). Applicants who would like to discuss what effect a conviction or caution might have on their application, can contact the Licensing Team at:

Theale Library
Church Street
Theale
Berkshire RG7 5BZ

Telephone: 01635 519184

Email: licensing@westberks.gov.uk

1.36 Test of Fitness and Propriety

Once a valid application has been made, the Council will make a decision as to whether or not the applicant/licensee is a fit and proper person to hold a private hire operator's licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the Council's standards. The test used will be:

“Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Council to prove that they are not.

1.37 Drivers and Vehicles

The operator must ensure that any private hire driver or private hire vehicle operated, employed or used by them holds a current private hire driver or vehicle licence issued by West Berkshire Council. The operator must hold the licence for the duration of the time that the driver or vehicle is being operated by that operator.

1.38 Enforcement and Appeals

This policy will be considered in conjunction with the Council's Enforcement Policy. The Council will ensure that all licensees comply with the law and conditions attached to their licences.

1.39 Enforcement Options

West Berkshire Council aims to maintain a consistent approach when making all decisions in relation to hackney C=carriage and private Hire licensing. In order to maintain a consistent approach, this policy is always considered, in addition to the Council's Enforcement Policy, and followed where appropriate. In reaching any decision West Berkshire Council will also have regard to the following:

- i. the seriousness of any offences;
- ii. the licensee's past history;
- iii. the consequences of non-compliance;
- iv. likely effectiveness of the various enforcement options;
- v. danger to the public.

Once West Berkshire Council has considered all the evidence and relevant information, the following options will be considered:

- i. take no action;
- ii. impose penalty points on the licence (see [Appendix Two](#));
- iii. suspend the licence;
- iv. revoke the licence;
- v. prosecute.

1.40 Appeals

If a licence application or renewal is refused or enforcement action is taken, the applicant or licensee will be informed in writing. That notification will detail the rights of appeal and the appropriate court in which an appeal should be brought.

Hackney Carriage and Private Hire Licensing Convictions Policy

(First Adopted in June 2019)

1. Introduction

- 1.1. The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licensee is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence.

2. General Policy

- 2.1. Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998).]

3. Powers

- 3.1. The [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#) excludes applicants or holders of a private hire vehicle or hackney carriage driver's licence from the provisions of the Rehabilitation of Offenders Act 1974. This means that the Council can take account of all convictions, whether spent or not. Therefore the Council will have regard to all relevant convictions. As detailed below, this will be particularly important where there is a long history of offending or a recent pattern of repeat offending.
- 3.2. In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

4. Consideration of Disclosed Criminal History

- 4.1. Applicants can discuss what effect their offending history may have on any application by contacting the Licensing Service in confidence for advice.
- 4.2. Applicants for the grant or renewal of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). This must include a check of the adult and child barred lists. Drivers will then be required to sign up to the DBS update service. If a driver refuses to sign up to the update service, a drivers licence will only be granted for six months and a fresh application (together with fees etc.) will have to be made.
- 4.3. Applicants for the grant of hackney carriage or private hire vehicle licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate to accompany every application and renewal of the vehicle licence.
- 4.4. Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate annually throughout the currency of the licence.

- 4.5. The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.
- 4.6. It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly when giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the application will normally be refused, and if the licence has been granted it will normally be revoked.
- 4.7. The sole purpose of hackney carriage and private hire licensing is to protect the public. That is the only consideration the Council can take into account when determining an application for a licence or whether to take action against an existing licence (suspend, revoke or refuse to renew).
- 4.8. Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.9. The purpose of this policy is to lay down guidelines as to what West Berkshire Council regards as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the Council in determining whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.
- 4.10. Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see [Local Government \(Miscellaneous Provisions\) Act 1976](#)¹ ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.11. There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.12. “Fit and proper” means that the individual (or in the case of a private hire operator’s licence or vehicle proprietors licence, the limited company together with its directors and secretary, or all members of a partnership¹) is “safe and suitable” to hold the licence.
- 4.13. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

¹ Section 57(1) and 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.14. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction². Fixed penalties and community resolutions will also be considered in the same way as a conviction³.
- 4.15. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.16. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Council to decide what action to take in the light of these guidelines.
- 4.17. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.18. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.19. As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.20. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.21. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

² This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

³ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

- 4.22. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.23. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.24. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.25. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.26. Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the Council will take that conviction into account and use this policy as an indication of the approach that should be taken.
- 4.27. This policy does not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

5. Drivers

- 5.1. As the Council issues dual licences (permitting the licensee to drive either a hackney carriage or private hire vehicle, referred to as a taxi driver's licence) and the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 5.2. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 5.3. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 5.4. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed, or completion of any disqualification from driving) before a licence will be granted.

6. Crimes Resulting in Death

- 6.1. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

7. Exploitation

- 7.1. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

8. Offences Involving Violence

- 8.1. Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.

9. Possession of a Weapon

- 9.1. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

10. Sex and Indecency Offences

- 10.1. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 10.2. In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

11. Dishonesty

- 11.1. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

12. Drugs

- 12.1. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.
- 12.2. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have

to undergo drugs testing at the time of application and every subsequent renewal at their own expense to demonstrate that they are not using controlled drugs.

13. Discrimination

- 13.1. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

14. Motoring convictions

- 14.1. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.
- 14.2. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

15. Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 15.1. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 15.2. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

16. Other Motoring Offences

- 16.1. A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has seven or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.
- 16.2. A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

17. Hackney Carriage and Private Hire Offences

17.1. Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

18. Vehicle Use Offences

18.1. Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

19. Private Hire Operators

19.1. A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

19.2. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

19.3. Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council’s overall criteria, that will lead to the operator’s licence being revoked.

19.4. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

20. Vehicle Proprietors

20.1. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

20.2. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

20.3. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

21. Licences Issued by Other Licensing Authorities

- 21.1. Applicants who hold a licence with another Council should not automatically assume that their application will be granted by this Council. Each case will be decided on its own merits.
- 21.2. Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

22. Summary

- 22.1. To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime may not bar an applicant permanently from becoming licensed. However as public safety is the sole consideration, applicants with criminal convictions must recognise that the Council will give careful and serious consideration to any such application. In truly exceptional circumstances there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.
- 22.2. It is the view of the Council that any person who has criminal convictions and therefore has to wait before an application is successful is more likely to value their licence and act accordingly.

Penalty Points Scheme

1. Penalty Points Scheme

- 1.1. Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the [Town Police Clauses Act 1847](#), [Local Government \(Miscellaneous Provisions\) Act 1976](#), Council Byelaws (in respect of hackney carriages) and the Policy and Conditions set by the Council.
- 1.2. The primary objective of the Penalty Points Scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
- 1.3. The Penalty Points Scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other actions.
- 1.4. The Scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach those conditions of licence, and following complaints from the public.
- 1.5. Licensees involved will be asked to attend the offices for an interview. Once investigations are completed, letters will be sent out detailing the outcome and a permanent record will be kept on the person's file. The outcome of investigations may result in officers determining that:
 - (a) no further action be taken;
 - (b) penalty points be imposed;
 - (c) a formal warning be issued,
 - (d) the licensee be referred to the Licensing Committee/Officers and/or prosecution.
- 1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to a senior officer. At that hearing the officer can remove the penalty points, uphold the penalty points, increase the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution. Drivers must appeal any points issued by Officers to the senior officer within 21 days of receipt of the written notification of the imposition of penalty points. Details of the appeal mechanism will be contained in the written notification.
- 1.7. Penalty points remain live or current for twelve months from the date the penalty points were imposed. If the decision was appealed to the Licensing Committee/senior officer, and the committee/senior officer upheld an imposition of points, those points will remain live for twelve months from the date of the committee/senior officer decision. The twelve month period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

- 1.8. Where a licensee accumulates more than twelve penalty points in any twelve month period, the matter will be referred to the Licensing Committee/senior officer for the committee/officer to decide whether the driver remains a fit and proper person. The Licensing Committee/senior officer may then suspend or revoke a licence, or issue a warning to the licensee, depending upon the circumstances. Periods of suspension of a licence by a committee/senior officer will be dependent on the nature of the breaches of the legislation/conditions/behaviour and the compliance history of the individual. Suspension periods will normally vary between seven and thirty one days.
- 1.9. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and conditions.
- 1.10. If points are issued to a proprietor/driver for a matter which is also a criminal offence which the Council could prosecute for, e.g. not wearing a driver's badge, failure to maintain operator's records, those person(s) will not then be the subject of a prosecution by the Council.

2. List of Offences/Breach of Vehicle Licence Conditions/Byelaws

Condition Number	Offence	Code	Points
TBC once text finalised	Failure to supply interim MOT test when vehicle is over six/twelve years of age	V1	4
	Failure to have or maintain illuminated markings at entrances and exits	V2	2
	Failure to have/maintain grab handles	V3	2
	Failure to have a means of loading wheelchairs into the vehicle, available at all times.	V4	2
	Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority	V5	4
	Failure to keep a wheelchair access vehicle available without modification at all times	V6	2
	Failure to provide an annual LPG safety compliance Certificate	V7	4
	Failure to maintain seat belts in a safe condition	V8	4
	Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	V9	4
	Failure to display approved roof sign	V10	2
	Failure to maintain roof sign in working order	V11	2
	Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.	V12	2

Condition Number	Offence	Code	Points
	Failure to display front door signs.	V13	4
	Displaying incorrect signs i.e. wrong wording or magnetic	V14	4
	Displaying other sign on front door	V15	4
	Private hire vehicles advertising incorrectly	V16	4
	Display sign that does not comply	V17	4
	Display web site address large lettering than permitted	V18	4
	Failure to display three or more "no smoking" signs in the vehicle	V19	4
	Private hire displaying the word taxi	V20	4
	Incorrectly displaying licence plate	V21	4
	Failure to return plate on expiry of licence if requested to do so by Licensing Staff	V22	4
	Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	V23	2
	Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	V24	2
	Advertising on vehicle without written authorisation from the Licensing Authority	V25	4
	Failure to submit taximeter for testing when requested to do so by Licensing Authority	V26	2
	Tampering or allowing an unauthorised person to tamper with taximeter	V27	4
	Failure to display a statement of fares inside the HC	V28	2
	Wilfully or neglectfully causing letters or figures in the statement to be obscured	V29	2
	Failure to deposit copy of statement of fares which differ from the approved fares	V30	2
	Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	V31	2
	Failure to supply steering geometry and alignment reports following an accident if required	V32	2
	Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks	V33	2
	Failure to have insurance for the licensed vehicle	V34	12
	Failure to provide evidence of insurance prior to expiry	V35	6

Condition Number	Offence	Code	Points
	Failure to keep copy of insurance/cover note in the vehicle	V36	2
	Failure to notify Licensing Authority of change of insurer or particulars within two working days.	V37	2
	Failure to produce details to the Licensing Authority of drivers permitted to drive	V38	2
	Failure to notify change of drivers	V39	2
	Failure to notify Licensing Authority of change of address or other contact details	V40	2
	Failure to carry a suitably marked approved fire extinguisher within the vehicle	V41	2
	Failure to carry marked first aid equipment as specified in conditions	V42	2
	Failure to obtain written permission to use trailers on Licensed vehicles	V43	12
	Failure to present vehicle and trailer for inspection	V44	4
	Using a dual driver without the appropriate DVLA category code to tow a trailer	V45	6
	Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	V46	2
	Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence	V47	2
	Failure to maintain a reasonable standard of behaviour	V48	2
	Failure to provide information requested by an authorised officer	V49	4
	Failure to provide assistance to an authorised officer	V50	4
	Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (1 st instance)	V51	6
	Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (2 nd instance)	V52	12
	Failure to show evidence of continuous MOT, interim MOT or insurance.	V53	12
	Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	V54	4
	Failure to have three CCTV signs	V55	2
	Failure to check CCTV weekly	V56	2
	Disconnecting CCTV system	V57	4
	Obstructing CCTV Camera	V58	2

Condition Number	Offence	Code	Points
	Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	V59	12

3. Breaches of Dual Driver Licence Code of Conduct

Condition Number	Offence	Code	Points
TBC once text finalised	Driver not clean and respectable in their dress	D1	2
	Driver not complying with the Dual Drivers Dress Code	D2	2
	Driver not behaving in a civil and orderly manner	D3	3
	Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	D4	2
	Driver smoking/vaping/similar whilst in the vehicle	D5	4
	PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking	D6	3
	Driver of PH vehicle plying for hire	D7	4
	Driver calling out or influencing person to travel in their vehicle for gain without a prior appointment	D8	3
	Failure to have in possession drivers badge whilst driving a licensed vehicle	D9	2
	Not displaying second badge in the vehicle which is visible to passengers being conveyed in the vehicle	D10	2
	Failure to surrender drivers badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	D11	2
	Failure to supply annual self-declaration and fee (1 st Occasion)	D12	6
	Failure to supply annual self-declaration and fee (2 nd occasion)	D13	12
	Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	D14	2
	Failure of driver to check vehicle proprietor has insurance on the vehicle	D15	2
	Driver carrying greater number of persons than the number specified on the licence	D16	12
	Carrying other persons in the vehicle without the consent of the hirer	D17	2

Condition Number	Offence	Code	Points
	Carrying a member of family/friend in a licensed vehicle when it is for hire/hired	D18	2
	Failing to carry or ensure safety of passenger luggage	D19	4
	Failing to offer reasonable assistance with luggage	D20	2
	Failing to take steps to ensure passenger safety	D21	6
	Failing to ensure passengers are dropped off safely, at the correct destination	D22	2
	Failing to search vehicle after journey	D23	2
	Failing to hand found property to the police	D24	2
	Failing to operate taxi meter correctly	D25	4
	Failing to use taximeter on pre-booked journey or fail to charge fee less than meter fee	D26	2
	Charging more than the metered fare	D27	4
	Tampering or allowing tampering of a taximeter	D28	4
	Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D29	2
	Demanding more than the previously agreed fare	D30	4
	Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet	D31	4
	Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	D32	4
	Failure to notify proprietor of complaints made by the passengers	D33	2
	Failure to notify passengers of their right to refer their complaint to the Licensing Authority	D34	2
	Failure to attend at appointed time or place without sufficient cause	D35	2
	Unnecessarily prolonging journey in distance or time	D36	4
	Failure to provide copy of dual drivers licence to operator	D37	2
	Failure to ensure insurance cover for driver to drive vehicle	D38	4
	Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	D39	2
	Failure to notify Licensing Authority of change of address/telephone number within 7 days	D40	4

Condition Number	Offence	Code	Points
	Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence	D41	12
	Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence	D42	6
	Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	D43	12
	Failure to notify Licensing Authority in writing within 7 days of serious injury or illness	D44	12
	Failure to notify the Licensing Authority of a DVLA notifiable condition	D45	12
	Failure to carry assistance dog without exemption	D46	4
	Making additional charge for carrying assistance dog	D47	4
	Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	D48	4
	Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	D49	2
	Failure to keep vehicle reasonably clean	D50	2
	Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so	D51	4
	Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D52	2
	Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	D53	4
	Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	D54	2
	Failure to comply the regulations governing the wearing of seat belts	D55	4

4. Breaches of Operator Licence Conditions – Private Hire

Condition Number	Offence	Code	Points
TBC once text finalised	Operating more vehicles than stated on licence	O1	2
	Failure to obtain and maintain insurance on vehicle	O2	12
	Failure to produce evidence of insurance cover to the Licensing Authority	O3	6
	Fail to provide valid insurance on expiry for any premises where the public have access	O4	6
	Failure to notify the Licensing Authority of change of insurer within 2 days	O5	2
	Failure to provide evidence of public liability insurance for premises	O6	2
	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	O7	2
	Failure to provide a prompt, efficient or reliable service	O8	2
	Failure to attend a booking at appointed time or place without sufficient cause	O9	2
	Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	O10	12
	Failure to have necessary documents and equipment	O11	2
	Operating the business from a premises outside the District	O12	12
	Failure to keep booking or waiting areas which the public have access to, clean, adequately heated, ventilated and lit	O13	2
	Failure to provide seating facilities in waiting areas	O14	2
	Failure to have in place planning permission if required at operators address	O15	2
	Failure to comply with planning permission or licence conditions for number of vehicles permitted	O15	2
	Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence	O16	4
	Failure to notify Licensing Authority of change of address	O17	2
	Failure to notify the Licensing Authority within seven days of any convictions imposed on them, during the period of the licence	O18	6

Condition Number	Offence	Code	Points
	Failure to keep proper records for a period of not less than six months	O19	3
	Failure to keep proper records	O20	2
	Failure to keep entries correctly	O21	2
	Failure to notify details of security arrangements	O22	2
	Failure to keep records of private hire vehicles operated	O23	2
	Displaying the word Taxi or Cab on a private hire vehicle	O24	2
	Failure to keep records of all drivers employed or failure to produce details of the drivers	O25	2
	Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator	O26	2
	Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	O27	2
	Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	O28	2
	Using unlicensed drivers to drive a Licensing Authority licensed vehicle	O29	12
	Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	O30	2
	Late to provide evidence of insurance or interim MOT (1st Occasion)	O31	6
	Late to provide evidence of insurance or interim MOT (2nd Occasion)	O32	12
	Failure to carry out or provide the required DBS checks on dispatch staff	O33	12
	Failure to record, maintain or provide details of checks on dispatch staff in a register	O34	12
	Failure to make appropriate checks of any operator for which work is outsourced	O35	12
	Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	O36	12
	Failure to require notification of convictions as part of the contract of employment	O37	12
	Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition	O38	12

5. Breaches of Council Byelaws Relating To Hackney Carriages

Condition Number	Offence	Code	Points
TBC once text finalised	Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	B1	2
	Causing or permitting the carriage to stand or ply for hire with an illegible plate	B2	2
	Failure to furnish the hackney carriage in accordance with requirements of the Byelaw	B3	2
	Failure to provide a taximeter in accordance with the requirements of the Byelaw	B4	2
	Failure to operate taximeter in accordance with requirements of the Byelaw.	B5	2
	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	B6	4
	Failure to proceed to another rank when at the time of arrival rank is full	B7	2
	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	B8	2
	A proprietor or driver using the services of a person to importune a person to hire the vehicle	B9	2
	Failure by driver to take reasonable precautions to ensure the safety of passengers	B10	4
	Driver or proprietor allowing more persons to be conveyed than the licence allows	B11	12
	Failure by driver to carry the badge provided by the Licensing Authority when plying for hire	B12	2
	Failure to provide when requested reasonable assistance with luggage	B13	2
	Failure to display statement of fares inside the carriage in a legible state	B14	2
	Failure to notify lost property to the Police within 48 hours of discovery	B15	2

Taxi Drivers' Code of Conduct

1. Scope

- 1.1. This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi driver's licence, suspension, revocation or refusal to renew your licence.
- 1.2. You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person. You must ensure that you do not act in any way, at any time that might affect that. The Council will consider all your behaviour, and that is not limited to the times when you are driving a hackney carriage or private hire vehicle.
- 1.3. When you are driving a hackney carriage or private hire vehicle, that remains a West Berkshire Council licensed vehicle and you remain a West Berkshire Council licensed taxi driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use). This Code of Conduct applies across the whole of the United Kingdom.

2. Your Taxi Drivers Licence And Badge

- 2.1. You have been issued with two copies of your drivers badge and a coloured armband. You must wear one driver's badge in the armband on your left upper arm at all times when you are driving or working with a private hire vehicle or hackney carriage and failure to do so is a criminal offence [under s54 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#)] when using a private hire vehicle and byelaw No 13 when using a hackney carriage]. You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi driver.
- 2.2. You must return your licence, badge and armband to the Licensing Team of the Council within 72 hours if:
 - (a) you change your home or business address;
 - (b) the licence expires, is suspended or revoked;
 - (c) you lose the right to work in the UK, or the right to remain in the UK;
 - (c) you wish to surrender your Taxi Driver Licence;
 - (d) you are required to do so by an "Authorised Officer of the Council".
- 2.3. In the event of the loss of your licence, badge or armband you must report the loss to the Licensing Team immediately.

3. Deposit Of Taxi Driver Licence When Working For Others

- 3.1. You must give your taxi driver licence to the private hire operator when driving private hire vehicles, or proprietor of any hackney carriage which you will be using. They will keep your licence while you are driving for them.

4. Production Of Documents

- 4.1. If an Authorised Officer of the Council, an Authorised Officer of another Council with which West Berkshire Council has a reciprocal arrangement or a police officer asks you, you must produce:

- (a) your DVLA driving licence;
- (b) your Taxi Driver Licence;
- (c) the vehicle registration document;
- (d) a valid certificate of insurance;
- (e) MOT certificate (if relevant).

within five days of the request being made at the location that they specify.

5. Medical Condition

- 5.1. You must notify the Council, in writing within 14 days of any change in your medical condition that may adversely affect your ability to drive private hire or hackney carriage vehicles.
- 5.2. You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.
- 5.3. If, at any time you feel unwell you must discontinue work until such time as you feel better and able to return to work.

6. Declaration Of Conviction / Caution / Penalty

- 6.1. You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders), CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions, restraining orders to West Berkshire Council on your initial application form.
- 6.2. If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of an CBO or CPN, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details, in writing and within 72 hours of the event.

7. Driving

- 7.1. You must comply with all road traffic regulations at all times.

- 7.2. You must comply with all legislation and conditions relating to the [hackney carriage](#) or [private hire](#) vehicle that you are driving at all times.
- 7.3. You must not sound your vehicle horn –
- (a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there
 - (b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road
 - (c) on any road in a built up area between 23h30 and 07h00.
- 7.4. Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.
- 7.5. You must not drive any hackney carriage or private hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that your driving and behaviour on the road is of the highest standard.
- 7.6. When parking, or otherwise waiting for either a hiring (hackney carriage), a booking to be communicated to you (private hire and hackney carriage) or attending for a pre-booked hiring (private hire and hackney carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).
- 7.7. When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.
- 7.8. When driving a hackney carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area. Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter unless an agreement was made between yourself and the hirer before the hiring commenced.
- 7.9. When driving a private hire vehicle you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) or as agreed between the hirer and the operator.
- 7.10. You must stop the engine of the vehicle at all times when the vehicle is stationary otherwise than through the necessities of traffic.
- 7.11. It is a criminal offence to hold and use a mobile phone or other handheld device whilst driving. In addition this will be regarded as a serious breach of the Code of Conduct.

8. Data Protection

- 8.1. You must ensure that you have the correct safeguards for storing personal data that comply with the [Data Protection Act 2018](#) and the [General Data Protection Regulations \(GDPR\)](#). This will include details of hirers (pre-booked hackney carriages) and also any dash cam footage (the use of dash cams is considered in relation to vehicle licences).

9. Conduct And Behaviour

- 9.1. You must be honest and trustworthy at all times.
- 9.2. You must be polite and courteous to your passengers, other road users and the public generally.
- 9.3. You must not use abusive or foul language, spit or smoke in or near the vicinity of your vehicle.
- 9.4. You must not use aggressive language or behaviour, or engage in any violent conduct.
- 9.5. You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.
- 9.6. If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including the date, pick up point and destination, vehicle licence number, operators name and driver name or licence number. You must then sign the receipt.
- 9.7. You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.
- 9.8. If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.
- 9.9. You must treat everybody decently, equally and fairly.
- 9.10. You must at all times treat passengers, any potential passenger, members of the public, police officers and police community support officer, council officers and all other public servants (NHS staff, fire fighters, HMRC staff etc.) with courtesy and respect.
- 9.11. You must not discriminate against any person because of their age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation which are the protected characteristics under the [Equality Act 2010](#).
- 9.12. You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).
- 9.13. You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.
- 9.14. You must not obtain the telephone numbers of, or engage in any form of social media contact with anybody under the age of 18.

- 9.15. You must not engage in any kind of sexual activity within or in the vicinity of your licensed vehicle.
- 9.16. You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.
- 9.17. You must always pick up your passengers on time unless unavoidably delayed. If the hiring has been arranged via a private hire operator or other third party, you must immediately contact that operator or third party to inform them of the delay and your estimated time of arrival.
- 9.18. You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.
- 9.19. You must maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately. If this is out of hours you can still email the Council on licensing@westberks.gov.uk or leaving a message on the answerphone at 01635 519184.
- 9.20. You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

10. Personal Appearance And Dress Code

- 10.1. You must maintain good standards of personal hygiene at all times.
- 10.2. You must always be clean and respectable in your dress and present a professional image. To achieve this you must comply with the following dress code which will also ensure that public and driver safety is not compromised.

Acceptable standards of dress

- 10.3. Collared shirts, blouses, polo shirts, or sweat shirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.
- 10.4. Shirts or blouses may be worn with a tie or open necked.
- 10.5. All clothing must be clean, of smart appearance and in good condition.

Trousers, shorts and skirts

- 10.6. Trousers can be either full length or shorts.
- 10.7. Skirts must be no shorter than 5cm above the knee (when standing) and can be of any longer length, but must not impede the safe operation of the pedals.
- 10.8. Trousers, shorts or skirts must be tailored and made of one colour of material.

Footwear

- 10.9. Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

Unacceptable standards of dress

- 10.10. Anything not conforming to the above, including:
 - (a) Clothing not being kept in a clean and fresh condition or any items which have holes or rips.
 - (b) Words or graphics on any clothing that is of an offensive or suggestive nature.
 - (c) Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
 - (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
 - (e) Not having either the top or bottom half of your body suitably clothed.
 - (f) No baseball caps or hoods worn up whilst in the vehicle.

11. Use Of The Vehicle

- 11.1. Private hire vehicles and hackney carriages are smoke free vehicles at all times under the [Health Act 2006](#). It is a criminal offence to smoke in a private hire vehicle at any time (section 7) or to allow a person to smoke in a private hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the [Code of Conduct](#).
- 11.2. You must not eat in the vehicle at any time, or allow passengers to eat in the vehicle at any time.
- 11.3. Animals must not be carried in private hire vehicles or hackney carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control, and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is

an estate car or hatchback and the animal can be seen from outside the vehicle through a window.

- 11.4. You must not carry more passengers than the maximum number prescribed by the conditions attached to the hackney carriage, your private hire vehicle licence and displayed on the vehicle plate.
- 11.5. You must carry a reasonable amount of luggage and assist passengers in loading it and unloading it from the vehicle.
- 11.6. You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
- 11.7. You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than two passengers may be carried.
- 11.8. You must not carry any child below the age of ten years in the front of the vehicle.
- 11.9. Hackney carriages and private hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adult's own risk. Children under three years of age can travel unrestrained in a hackney carriage or private hire vehicle if the appropriate restraint is not available. Children over three years of age and below eleven years of age or shorter than 135cms (approx. 4ft 6in) can use adult seat belts if the appropriate restraint is not available. Children over eleven years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts.

12. Insurance

- 12.1. It is your responsibility to ensure that the correct policy of insurance is in force for any hackney carriage or private hire vehicle that you are driving.

13. Vehicle Checks

- 13.1. Before using a hackney carriage or private hire vehicle for the first time each day, you must undertake a "walk around check". This requires that you ensure that the vehicle is roadworthy and fit for use as a hackney carriage or private hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.
- 13.2. Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.

- 13.3. If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.
- 13.4. You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire Operator [does not apply to hackney carriages].

14. Lost Property

- 14.1. After every hiring, you must search the vehicle for any misplaced or lost property.
- 14.2. If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 48 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner, and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.

15. Taximeters In Private Hire Vehicles [Taximeter Use In Hackney Carriages Is Governed By The Byelaws]

- 15.1. You may use a meter in the private hire vehicle only if it is constructed, attached and maintained in compliance with the [Private Hire Vehicle Licence Conditions](#).
- 15.2. Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.
- 15.3. You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).
- 15.4. You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.
- 15.5. You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
- 15.6. You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
- 15.7. You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse, or alter any meter with the intent to mislead.

16. Plying For Hire When Driving A Private Hire Vehicle [Does Not Apply When Driving A Hackney Carriage]

- 16.1. You must not pick up passengers who have not pre-booked with your operator.
- 16.2. You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.
- 16.3. You must not park or wait on or near any hackney carriage rank, or drop passengers off on a hackney carriage rank.

17. Fares When A Hackney Carriage Is Used For Pre-Booked Work

- 17.1. A hackney carriage can be used for pre-booked work both within West Berkshire and elsewhere. When the journey is wholly within the zone/county, or commences or ends in West Berkshire the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside West Berkshire the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

18. Legal Requirements (Contained In National Legislation) When Driving A Hackney Carriage

Your taxi Driver Licence and Badge

- 18.1. When driving a hackney carriage you must wear one copy of your badge in the issued armband, on your left upper arm at all times whilst you are working as a hackney carriage driver. You commit a criminal offence if you do not do so, for which you might be prosecuted (Hackney Carriage Byelaw 13.)

Disability Discrimination

- 18.2. When driving a hackney carriage you must carry an assistance dog and allow it to remain with its owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 [Equality Act 2010](#)).
- 18.3. When you are driving a hackney carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.
- 18.4. The duties are—
- (a) to carry the passenger while in the wheelchair;
 - (b) not to make any additional charge for doing so;
 - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and in reasonable comfort;
 - (e) to give the passenger such mobility assistance as is reasonably required.
- 18.5. And mobility assistance is assistance—
- (a) to enable the passenger to get into or out of the vehicle;
 - (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - (c) to load the passenger's luggage into or out of the vehicle;
 - (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

18.6. In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair using passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

Conduct

- 18.7. You must not drive a hackney carriage at any time if you do not hold a taxi drivers licence, or if your licence has been suspended (section 47 [Town Police Clauses Act 1847](#)).
- 18.8. You must not lend your taxi drivers licence to anybody else (section 47 Town Police Clauses Act 1847)
- 18.9. When driving a hackney carriage you must accept a hiring from a hackney carriage stand (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 Town Police Clauses Act 1847)
- 18.10. When driving a hackney carriage if you agree to charge a fare lower than that shown on the meter for a journey in a hackney carriage then you cannot charge more than that agreed fare (section 54 Town Police Clauses Act 1847)
- 18.11. When driving a hackney carriage you must not charge more than the fare shown on the meter of a hackney carriage for a journey wholly within the Council's area, irrespective of how the journey was arranged (section 55 Town Police Clauses Act 1847)
- 18.12. When driving a hackney carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 Town Police Clauses Act 1847).
- 18.13. When driving a hackney carriage if you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your hackney carriage (section 57 Town Police Clauses Act 1847).
- 18.14. When driving a hackney carriage you must not charge more than the fare shown on the meter for a journey within the district (section 58 Town Police Clauses Act 1847).
- 18.15. When driving a hackney carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 Town Police Clauses Act 1847).
- 18.16. You must not drive any hackney carriage without the consent of the hackney carriage proprietor (if that is not yourself) (section 60 Town Police Clauses Act 1847)
- 18.17. You must not leave a hackney carriage unattended at a hackney carriage stand (section 62 Town Police Clauses Act 1847)
- 18.18. You must not prevent any other driver of a hackney carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 Town Police Clauses Act 1847)

- 18.19. When driving a hackney carriage you must produce your taxi driver's licence if requested to do so by an authorised officer of the Council (or another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) [Local Government \(Miscellaneous Provisions\) Act 1976](#)).
- 18.20. You must return your driver's licence to the Council within seven days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
- 18.21. You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
- 18.22. You must return your licence, drivers badge(s) and armband to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 18.23. When driving a hackney carriage you must not charge more than the fare shown on the meter of a hackney carriage for a journey that ends outside the Council's area unless a different fare was agreed in advance (s66 Local Government (Miscellaneous Provisions) Act 1976).
- 18.24. When driving a hackney carriage you must not charge more than the metered fare for a pre-booked journey which is wholly within, or starts or finishes within the Council's area. (s66 Local Government (Miscellaneous Provisions) Act 1976).
- 18.25. You must use the shortest available reasonable route for all journeys by hackney carriage, subject to any directions given by the hirer. (s69 Local Government (Miscellaneous Provisions) Act 1976).
- 18.26. You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Bylaw 6).
- 18.27. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).
- 18.28. When driving a hackney carriage you must not conceal or obscure the number of the hackney carriage whilst standing or plying for hire (Hackney Carriage Bylaw 2).
- 18.29. When driving a hackney carriage you must not activate the taximeter when standing or plying for hire, but you must activate the meter before the journey commences but not until passengers are properly seated and secured. At the end of the journey you must stop the meter. This should be before passengers alight from the vehicle. (Hackney Carriage Bylaw 5).
- 18.30. When driving a hackney carriage and you are plying for hire you must proceed to a hackney carriage stand (rank) and if that rank is full, proceed to another stand. When you arrive at a stand that is not full you must position the vehicle behind the rearmost vehicle

on the stand and move forward as space becomes available (Hackney Carriage Bylaw 7).

- 18.31. You must not use the services of any other person to importune (encourage forcefully) anyone to hire your hackney carriage (Hackney Carriage Bylaw 8).
- 18.32. When driving a hackney carriage you must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the Hackney carriage (Hackney Carriage Bylaw 9).
- 18.33. When driving a hackney carriage if you have been pre-booked you must attend at the appointed time and place (Hackney Carriage Bylaw 10).
- 18.34. When driving a hackney carriage you must not carry more passengers in the hackney carriage than the conditions attached to the vehicle licence permit (Hackney Carriage Bylaw 12).
- 18.35. When driving a hackney carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Bylaw 14).
- 18.36. When driving a hackney carriage you must search the vehicle for lost property after every hiring (Hackney Carriage Bylaw 18).
- 18.37. When driving a hackney carriage you must take any lost property which is not been claimed within 48 hours to any staffed police station within West Berkshire (Hackney Carriage Bylaw 19).

19. Legal Requirements (Contained In National Legislation) When Driving A Private Hire Vehicle

Your taxi Driver Licence and Badge

- 19.1. When driving a private hire vehicle you must wear one copy of your badge in the issued armband, on your left upper arm at all times whilst you are working as Private Hire Driver. You commit a criminal offence if you do not do so, for which you might be prosecuted (s54 Local Government (Miscellaneous Provisions) Act 1976)

Disability Discrimination

- 19.2. When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with its owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 170 Equality Act 2010).
- 19.3. When you are driving a private hire vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

- 19.4. The duties are—
- (a) to carry the passenger while in the wheelchair;
 - (b) not to make any additional charge for doing so;
 - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - (e) to give the passenger such mobility assistance as is reasonably required.
- 19.5. And mobility assistance is assistance—
- (a) to enable the passenger to get into or out of the vehicle;
 - (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - (c) to load the passenger's luggage into or out of the vehicle;
 - (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 19.6. In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair using passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.
- 19.7. You must not drive a private hire vehicle at any time when your taxi drivers' licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).
- 19.8. When driving a private hire vehicle you must produce your taxi drivers licence if requested to do so by an authorised officer of the Council (or another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 19.9. You must return your driver's licence to the Council within seven days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
- 19.10. You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
- 19.11. You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 19.12. When driving a private hire vehicle you must use the shortest available reasonable route for all journeys by private hire vehicle, subject to any directions given by the hirer. (s69 Local Government (Miscellaneous Provisions) Act 1976).
- 19.13. You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976)

- 19.14. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976)
- 19.15. You must not drive any private hire vehicle with any roof sign which includes the words “taxi”, “cab” or “hire”, any similar words or anything which would indicate the vehicle is a hackney carriage (section 64 Transport Act 1980).

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Hackney Carriage Vehicle Licence Conditions

In these conditions which are imposed under the provisions of section 47 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Council” will mean West Berkshire Council.

“the Proprietor” means the person who has been granted the licence by West Berkshire Council under section 37 of the [Town Police Clauses Act 1847](#)

“the Vehicle” means the vehicle that is specified on the licence granted under section 37 of the Town Police Clauses Act 1847.

The following conditions will be attached to every hackney carriage (proprietors) vehicle licence unless specifically altered by the Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

General

1. The licensee must notify the Council of the location where the vehicle is kept regularly when not in use (excluding occasional locations that may be used e.g. for servicing and holidays) and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.
2. If the vehicle is licensed by any other Council, the proprietor must immediately stop carrying out any work under their West Berkshire Council licence. They must return the licence issued by West Berkshire Council to the Licensing Team of West Berkshire Council within five working days.

Identification Plates and Cards

3. The identification plate, additional signage and all fare cards and licence cards remain the property of the Council at all times, and must be returned on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Council informed within 24 hours.
4. The plate must be securely fixed to the rear exterior of the vehicle using the Council’s approved backing plate and permanent fixings. Velcro, adhesive, magnets and brackets are not acceptable. The security of the plate will be checked as part of the scheduled vehicle test and at any spot checks. The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.
5. All vehicles must display the roof sign correctly at all times. Such signs must be securely affixed by means of magnets unless they are an integral part of the vehicle.
6. All vehicles must display the additional signage correctly at all times.

7. All vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.

Maintenance of Vehicle

8. The vehicle, along with all its fittings and equipment must at all times be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with. This includes (but is not limited to) the following:
- (a) The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the Council.
 - (b) Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.
 - (c) The roof sign must be kept clean, free from obstruction and the illumination must operate correctly when linked to the taximeter.
 - (d) The roof (including any sunroof or removable covering) must be watertight.
 - (e) Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi- meters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.
 - (f) The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive deterioration or wear.
 - (g) The floor must be covered with carpet, mat or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, excessive deterioration and wear.
 - (h) The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs
 - (i) The doors, windows and seats must function in accordance with the original manufacturer's specification.
 - (j) The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record

must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

- (k) If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.
9. If a vehicle fails a hackney carriage test, an authorised officer of the Council at the test station will issue a suspension notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. That will immediately suspend the vehicle licence, from which point it cannot be used as a hackney carriage. The proprietor/driver will be invited to surrender the vehicle plate. If the plate is not surrendered, a "licence suspended" sticker will be affixed to the plate which will mean that the proprietor must purchase a new plate when the suspension is lifted. That suspension notice will be lifted when the vehicle is presented for a retest and that test is passed. If the suspension notice is not lifted within a period of two calendar months from the date on which it was issued, the vehicle licence will be deemed to be revoked. In that circumstance, any acquired rights will be lost.
 10. The proprietor of the vehicle must provide a copy of all Hackney Carriage Test certificates to the Council within seven days of receiving them.
 11. If the vehicle has been involved in an accident then the proprietor must notify the Council within two days and at the discretion of the Council, the vehicle may have to undergo a further inspection at one of the Council's nominated testing stations.

Doors

12. All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.
13. Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified or adapted to carry wheelchair using passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

Ventilation

14. The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver or passengers.

Wheelchair Accessible Vehicles (WAV's)

15. The following conditions apply to all hackney carriage vehicles which are built or adapted for the carriage of wheelchair using passengers.
 - (a) All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair using passengers must at all times function correctly and must be used in accordance with the manufacturer's instructions.
 - (b) Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

- (c) All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.
 - (d) The manufacturer's seat belt for the wheelchair using passenger must always be used when a wheelchair is being carried.
 - (e) Access ramps or lifts must be securely fixed to the vehicle prior to use and must at all times display information prescribed by other legislation and manufacturers markings.
 - (f) Ramps, steps and lifts must be securely stored in the vehicle before driving off.
16. The licensee must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair using passengers in safety and comfort.

Seatbelts

17. Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

Tyres

18. All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2mm tread depth at all times.
19. Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
20. The vehicle must be equipped at all times with, a spare wheel or other manufacturer's standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).
21. All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturer's minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
22. 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the spare wheel must be replaced before another journey carrying passengers commences.

Alteration of Vehicle

23. No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the written approval of the Council at any time while this licence is in force.
24. No fixtures or fittings, except those approved in writing by the Council can be attached to the outside of the vehicle.
25. All glazing must at all times comply with [The Road Vehicles \(Construction and Use\) Regulations 1986](#) regulation 32 with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

Seats and Passengers

26. In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.
27. A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.
28. Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.

Advertising

29. Advertising on the outside of the vehicle is restricted to the name and telephone number of the Proprietor or operator of the vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the vehicle, unless written permission is obtained from the Council.

Luggage

30. Luggage and storage areas must be kept as free space for passenger's luggage.
31. Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.
32. Vehicles with open luggage space such as estate cars must be fitted with a suitable guard between the luggage space and the passenger compartment which must be in use whenever passengers are carried.
33. Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever passenger's luggage is being carried.

Safety Equipment

34. **Fire Extinguisher** - A fire extinguisher must be provided to meet BS EN 31996 1Kg and maintained at all times and be readily available for use. The fire extinguisher must be clearly and permanently marked with the vehicle registration and vehicle licence number. This must be securely fixed in the vehicle and must not be located in the passenger compartment, unless the vehicle is a purpose built taxi, which has a purpose-built fire extinguisher compartment already in the vehicle. Clear signage must be displayed to alert passengers to the location of the fire extinguisher.
35. **First Aid Kit** - A first aid kit must be readily available at all times. The first aid kit must be stocked to the same level and quantity as originally supplied and be of a suitable and comprehensive type that meets the requirements of British Standard BS8599-2 (medium sized kit) and be permanently and legibly marked with the registration number or licence number of the vehicle.
36. **Radio Equipment** - The proprietor must ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

Taximeter

37. The proprietor must ensure the vehicle is fitted with a taximeter approved by the Council, and that meter must be kept in good repair and proper working order at all times. The taximeter must be set for the current tariff set by the Council or a continually lower rate, and must be sealed to prevent unauthorised adjustment of that meter.
38. All taxi meters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licensee must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.
39. The taxi-meter must be fitted with a mechanism which will start the taximeter and make the word "HIRED" to appear on the display, and a means of stopping the taximeter from recording time and distance so that for that period no fare is recorded.
40. When the taxi-meter is recording a fare, that must be displayed clearly, legibly and unambiguously on the meter display which must be sufficiently illuminated to enable it to be easily read in all conditions.
41. The word "FARE" must be printed alongside the display.
42. The taxi-meter must be located so that the entire display is plainly visible to any person travelling in the vehicle. The mechanism for activating the meter must be linked to the roof sign to ensure that when the meter is activated the roof sign light is switched off. It must not be possible to illuminate the roof sign by any other means.
43. If a fare has not been agreed between the driver (or booking agent) and the customer then the fare charged must be that which is shown on the meter.

44. The proprietor must ensure that a copy of the current fare table supplied by the Council is displayed inside the vehicle at all times and that table is not concealed from view or rendered illegible. If the meter is set to a lower rate, an additional fare table detailing the lower rate must also be displayed.
45. At all times, vehicles must be fitted with a roof sign that complies with the dimensions and specification detailed in the Hackney Carriage Policy, together with any other additional signage that is so specified.

Insurance

46. At all times during the currency of this licence the proprietor must maintain a policy of insurance complying with the requirements of Part VI of the [Road Traffic Act 1988](#) which covers hackney carriage use.
47. The proprietor must produce to the Council a new Certificate of Insurance or cover note within two working days of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents, photocopies will not be accepted.

Vehicle Damage

48. The proprietor must, as soon as reasonably practicable, but in any case within 72 hours, notify the Council, in writing on the Council's prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle must not be used until the Council have inspected the vehicle.
49. A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determine that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 Local Government (Miscellaneous Provisions) Act 1976 will be issued.

Roof Racks and Roof Boxes

50. Where a roof rack is used it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and all luggage must be covered with a waterproof cover.
51. Where a roof box is used, it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and must be properly closed and secured.
52. When either a roof rack or roof box is fitted, a second roof light must be fitted to the roof of the vehicle to enable the front and rear of the lights to be clearly seen ahead of and behind the roof rack or roof box. (This does not apply to purpose-built vehicles with an integral front facing roof sign). The second sign must be removed when the roof rack or roof box is removed.

Deposit of Licence

53. The proprietor must not allow the vehicle to be driven by any person who does not hold a current Dual Driver Licence issued by the Council.
54. If the proprietor permits or employs any person to drive the vehicle, that person must deposit their Dual Driver Licence with the proprietor who must, retain and safely store it until such time as the driver ceases to be permitted to drive the vehicle, at which point it must be returned to the driver.

Display of Conditions

55. The proprietor of this vehicle must have a copy of these conditions within the vehicle for inspection by those passengers at all times.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

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Private Hire Vehicle Licence Conditions

In these conditions which are imposed under the provisions of section 48(2) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Council” will mean West Berkshire Council.

“the Proprietor” means a person who has been granted a licence by West Berkshire Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“the Vehicle” means the vehicle that is specified on the licence granted under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

The following conditions will be attached to every private hire vehicle unless specifically altered by the Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

General

1. The licensee must notify the Council of the location where the vehicle is kept regularly when not in use (excluding occasional locations that may be used e.g. for servicing and holidays) and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.
2. If the vehicle is licensed by any other Council, the Proprietor must, immediately stop carrying out any work under their West Berkshire Council licence. They must then, return the licence issued by West Berkshire Council to the licensing department of West Berkshire Council within five working days.

Identification Plates and Cards

3. The identification plate, additional signage and licence cards remain the property of the Council at all times and must be returned on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Council informed within 24 hours.
4. The plate must be securely fixed to the rear exterior of the vehicle using the Council's approved backing plate and permanent fixings. Velcro, adhesive, magnets and brackets are not acceptable. The security of the plate will be checked as part of the scheduled vehicle test and at any spot checks. The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.
5. All vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.
6. If the proprietor has a dispensation/exemption certificate in relation to contract work, the vehicle will still need to display the licence cards on the front and rear windscreens of

vehicle. The licence plate must be carried in the boot of the vehicle at all times, and the dispensation certificate granted by the Council must be carried in the glove compartment.

Maintenance of Vehicle

7. The vehicle, along with all its fittings and equipment, must at all times be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with. This includes (but is not limited to) the following:
 - (a) The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the Council.
 - (b) Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.
 - (c) The roof (including any sunroof or removable covering) must be watertight.
 - (d) Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi- meters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.
 - (e) The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive deterioration or wear.
 - (f) The floor must be covered with carpet, mat or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, excessive deterioration and wear.
 - (g) The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs.
 - (h) The doors, windows and seats must function in accordance with the original manufacturer's specification.
8. The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
9. If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

10. If a vehicle fails a private hire vehicle test, an authorised officer of the Council at the test station will issue a suspension notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. That will immediately suspend the vehicle licence, from which point it cannot be used as a private hire vehicle. The proprietor/driver will be invited to surrender the vehicle plate. If the plate is not surrendered, a "licence suspended" sticker will be affixed to the plate which will mean that the proprietor must purchase a new plate when the suspension is lifted. That suspension notice will be lifted when the vehicle is presented for a retest and that test is passed. If the suspension notice is not lifted within a period of two calendar months from the date on which it was issued, the vehicle licence will be deemed to be revoked.
11. The proprietor of the vehicle must provide a copy of all Private Hire Test certificates to the Council within seven days of receiving them.
12. If the vehicle has been involved in an accident then the proprietor must notify the Council within two days and at the discretion of the Council, the vehicle may have to undergo a further inspection at one of the Council's nominated testing stations.

Doors

13. All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.
14. Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified or adapted to carry wheelchair using passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

Ventilation

15. The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver or passengers.

Wheelchair Accessible Vehicles (WAV's)

16. The following conditions apply to all private hire vehicles which are built or adapted for the carriage of wheelchair using passengers:
 - (a) All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair using passengers must at all times function correctly and must be used in accordance with the manufacturer's instructions.
 - (b) Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.
 - (c) All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.

- (d) The manufacturer's seat belt for the wheelchair using passenger must always be used when a wheelchair is being carried.
 - (e) Access ramps or lifts must be securely fixed to the vehicle prior to use and must at all times display information prescribed by other legislation and manufacturers markings.
 - (f) Ramps, steps and lifts must be securely stored in the vehicle before driving off.
17. The licensee must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair using passengers in safety and comfort.

Seatbelts

18. Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

Tyres

19. All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2mm tread depth at all times.
20. Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
21. The vehicle must be equipped at all times with, a spare wheel or other manufacturer's standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).
22. All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturer's minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
23. 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the spare wheel must be replaced before another journey carrying passengers commences.

Alteration of Vehicle

24. No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the written approval of the Council at any time while the licence is in force.

25. No fixtures or fittings, except those approved in writing by the Council, can be attached to the outside of the vehicle.
26. All glazing must at all times comply with [The Road Vehicles \(Construction and Use\) Regulations 1986](#) regulation 32 with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

Seats and Passengers

27. In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.
28. A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.
29. Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.
30. Any drinking vessels provided by the proprietor or driver of the vehicle must be made of either toughened glass or plastic.
31. If any passenger is under the age of 18 years no alcohol in open vessels can be carried in the vehicle.
32. The proprietor must ensure that there is sufficient means by which any person in the vehicle may communicate with the driver.

Advertising

33. The proprietor must not display or permit to be displayed on or from the vehicle any sign or notice which consists of or includes the word "Taxi" or "Cab" whether in the singular or plural or "Hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word.
34. Advertising on the outside of the vehicle is restricted to the name and telephone number of the proprietor or operator of the vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the vehicle, unless written permission is obtained from the Council.

Luggage

35. Luggage and storage areas must be kept as free space for passengers' luggage.
36. Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.
37. Vehicles with open luggage space, such as estate cars, must be fitted with a suitable guard between the luggage space and the passenger compartment which must be in use whenever passengers are carried.

38. Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever a passenger's luggage is being carried.

Safety Equipment

39. **Fire Extinguisher** - A fire extinguisher must be provided to meet BS EN 31996 1Kg and maintained at all times and be readily available for use. The fire extinguisher must be clearly and permanently marked with the vehicle registration and vehicle licence number. This must be securely fixed in the vehicle and must not be located in the passenger compartment. Clear signage must be displayed to alert passengers to the location of the fire extinguisher.
40. **First Aid Kit** - A first aid kit must be readily available at all times. The first aid kit must be stocked to the same level and quantity as originally supplied and must be of a suitable and comprehensive type that meets the requirements of British Standard BS8599-2 (medium sized kit) and be permanently and legibly marked with the registration number or licence number of the vehicle.

Radio Equipment

41. The proprietor must ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition, and maintained in proper working order.

Taximeter (if fitted)

42. If the private hire vehicle is fitted with a taximeter it must be of a type approved by the Council, and that meter must be kept in good repair and proper working order at all times.
43. All taxi meters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licensee must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.
44. The taxi-meter must be fitted with a mechanism which will start the taximeter and make the word "HIRED" to appear on the display, and a means of stopping the taximeter from recording time and distance so that for that period no fare is recorded.
45. When the taxi-meter is recording a fare, that must be displayed clearly, legibly and unambiguously on the meter display which must be sufficiently illuminated to enable it to be easily read in all conditions.
46. The word "FARE" must be printed alongside the display.
47. The taxi-meter must be located so that the entire display is plainly visible to any person travelling in the vehicle.

48. If a fare has not been agreed between the operator and the customer then the fare charged must be that which is shown on the meter.
49. The proprietor must ensure that a notice detailing the fares charged by the operator is displayed inside the vehicle at all times and that table is not concealed from view or rendered illegible. It must also contain a statement that the Council has no control over private hire fares.

Vehicle Insurance

50. At all times during the currency of the licence, the proprietor must maintain a Policy of Insurance complying with the requirements of Part VI of the [Road Traffic Act 1988](#) which covers private hire use.
51. The Proprietor must produce to the Council a new Certificate of Insurance or cover note within two working days of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents. Photocopies will not be accepted.

Vehicle Damage

52. The proprietor must, as soon as reasonably practicable, but in any case within 72 hours, notify the Council, in writing on the Council's prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle must not be used until the Council have inspected the vehicle.
53. A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determined that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 will be issued.

Roof Racks and Roof Boxes

54. Where a roof rack is used it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and all luggage must be covered with a waterproof cover.
55. Where a roof box is used, it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and must be properly closed and secured.

Deposit of Licence

56. The proprietor must not allow the vehicle to be driven by any person who does not hold a current Private Hire/Dual Driver Licence issued by the Council.
57. If the proprietor permits or employs any person to drive the vehicle, they must inspect and make a copy of that person's Dual Driver Licence or Private Hire Licence and retain and safely store that copy, until such time as the driver ceases to be permitted to drive the vehicle, at which point it must be returned to the driver.

Display of Conditions

- 58.** The proprietor must, have a copy of these conditions within the vehicle, for inspection by passengers, at all times.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

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Private Hire Operator Conditions

In these conditions which are imposed under the provisions of section 55(3) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Council” will mean West Berkshire Council;

“the Operator” shall mean the holder of a licence issued by West Berkshire Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

General

1. The operator (unless a single person operator/driver/proprietor) must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”), and notify the Council of their identity and contact details, including a mobile telephone number. That person will be the first point of contact between the Council and the operator. The operator must identify another person as a deputy for holiday and sickness cover and the identity of the deputy, together with their contact details including a mobile telephone number must also be provided to the Council. All references to the manager include references to the deputy when they are acting in that capacity.

Disclosure and Barring Service (DBS) Checks

2. The operator (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a DBS basic disclosure (dated within one month of the application) on or before the anniversary of the granting of the operator’s licence. Failure to do so will result in the licence being suspended until such time as the DBS certificate is provided.
3. The cost of these checks will be covered by the applicant/licensee.
 - (a). Where the operator holds a dual driver licence or private hire driver licence they are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a drivers licence.
 - (b) The operator must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.
 - (c) The operator must maintain a register of all such staff which shall include a record of when each DBS check has been undertaken. This register must be available for inspection by an authorised officer of the Licensing Authority upon request. The register should include the following:
 - i. the date that person’s employment in that role commenced;
 - ii. the date the operator checked the DBS certificate;
 - iii. the name of the person that checked the DBS certificate;
 - iv. the date the person ceased to perform that role
 - (d) The register must be retained for six months in line with the booking records.

- (e) Should an employee cease to be on the register and later re-enter the register a new basic DBS certificate (or use of the Update Service) should be viewed by the operator.
4. Where the applicant/operator employs or intends to employ persons involved in taking bookings or the dispatch of vehicles, the operator must produce and apply a policy on the employment of ex-offenders in those roles. This policy should be based on the Council's Previous Convictions Policy. The policy must be available for inspection on request of an authorised officer of the Licensing Authority. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's Previous Convictions Policy standards will lead to consideration by the Council as to whether the operator remains a fit and proper person.
 5. The operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 48 hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are employed in this role.
 6. The operator must make certain that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. The operator must have required evidence of this from the company before outsourcing these functions.

Vehicle and Driver Licences

7. The operator must inspect and retain all the private hire vehicle licences and dual driver licence or private hire licences of vehicles and drivers operated, engaged or otherwise utilised by the operator. Those licences must be stored securely and retained for as long as the vehicle or driver is operated by that operator. At the end of that they must be returned to the vehicle proprietor or driver as appropriate.

Records

8. The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.
9. The Operator must ensure that the following details of every private hire booking invited or accepted by them are recorded before the commencement of each journey:
 - (a) the name of the passenger or other identifying features e.g. hotel room number;
 - (b) the time of the request;
 - (c) the time the vehicle is required the pick-up point;
 - (d) the destination (if known at that time);
 - (e) the name of the driver;
 - (f) the driver's licence number;
 - (g) the vehicle registration number;
 - (h) the vehicle licence number;
 - (i) the name of any individual that responded to the booking request;
 - (j) the name of any individual that dispatched the vehicle;

- (k) If the vehicle being used is covered by a dispensation, the details of, or a reference to, the contract under which the work is undertaken.
10. The operator must keep these records for a period of not less than six calendar months from the date of the entry.
 11. The operator must also keep records of all vehicles operated by them. These details shall include:
 - (a) details of the proprietor(s)/licensee;
 - (b) registration number;
 - (c) any radio call sign used;
 - (d) maintenance history of the vehicle.
 12. The operator must keep these records for a period of not less than six calendar months from the date the vehicle ceases to be operated by that operator.
 13. The operator must keep up to date records of the names and addresses of all licensed drivers who are used by the operator. The operator must provide the Council with a list of the following at the end of each calendar month, to arrive within seven working days:
 - (a) the date any driver began working for, or being available to be operated by the operator;
 - (b) when any driver's activity detailed above ceased;
 - (c) any change of address of any driver in service;
 - (d) when they became aware that any driver was suffering from any illness, disability or condition which may have affected the driver's ability to safely carry out their duties.
 14. If at any time the operator does become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) they must immediately cease using that driver until such time as the driver can demonstrate that they can drive a private hire vehicle without risk to the public.
 15. The operator must keep these records for a period of not less than six calendar months from the date the driver ceases to be engaged or otherwise used to drive private hire vehicles by that operator.
 16. All records and retained licences must be available for inspection at any reasonable time by an authorised officer of the Council or a police officer.

Standards of Service

17. The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
18. The operator must in particular (but this is not an exhaustive list):
 - (a) Ensure that all private hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.

- (b) Ensure the vehicle dispatched is a West Berkshire Council licensed private hire vehicle and the driver of the vehicle is a West Berkshire Council licensed private hire driver.
- (c) Keep any premises which are under the control of the operator and which are open to the public clean, adequately heated, ventilated and lit.
- (d) Ensure that the hirer is advised that if any passenger is under the age of 18 years, no alcohol in open vessels will be allowed in the vehicle.
- (e) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (f) Ensure that the correct licences are in place for any radio equipment.
- (g) Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

Ride Sharing/Car-pooling

- 19. At the time of booking, individual hirers must be made aware of and explicitly consent to bookings that are part of a ride sharing/carpooling journey.
- 20. As part of ride sharing/carpooling schemes, operators must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.

Public Service Vehicles (PSVs)

- 21. Public service vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer.

Complaints

- 22. The operator or manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
- 23. The operator must maintain a register of complaints (digital or hard copy), which must include the following information:
 - (a) Complainant's name, address/email address;
 - (b) Details of the complaint;
 - (c) Time and date of the alleged incident;
 - (d) Time and date the complaint was received by the operator;
 - (e) How the complaint was received e.g. phone, email etc.;
 - (f) Name of person that received the complaint;
 - (g) Name of the alleged perpetrator;
 - (h) If the complaint was referred to the Licensing Authority – time and date of when it was referred and by whom;
 - (i) Details of the action taken to resolve the complaint and by whom;

Date the complaint was resolve

24. A copy of the complaints register must be available for inspection upon request of an authorised officer of the Licensing Authority. The records must be retained for a period of six months.
25. The operator must on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Licensing Authority.
26. The operator must ensure that details of how a customer may contact the operator in the event of any complaint relating to a booking or other contract are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.
27. Where a complaint is received by the Licensing Authority, the operator must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an authorised officer or police officer in respect of the complaint.
28. The operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them when it has been identified that the complaint relates to any of the following:
 - (a) allegations of sexual misconduct (including the use of sexualised language);
 - (b) racist behaviour;
 - (c) violence (including verbal aggression);
 - (d) dishonesty including theft;
 - (e) equality breaches;
 - (f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

Change of Address

29. The operator must notify the Council in writing of any change of their address (including any address or addresses from which they operates or otherwise conduct their business (as an operator) within seven days of such change taking place.

Convictions

30. The operator must notify the Council in writing of any conviction, caution, fixed penalty notice, injunction, restraining order or other matter which might affect their continuing fitness and propriety imposed on them, or any criminal charge against them within seven days. The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding an operator's licence.

Advertising

31. The operator must not display or permit to be displayed on or from their premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning except where the operator also takes bookings for hackney carriages.

Insurance

32. Any premises that are under the control of the operator and are open to the public must be covered by Public Liability Insurance.
33. This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.
34. Operators must ensure that at all times there is in force, for all private hire vehicles operated, a policy of insurance covering private hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
35. Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any authorised officer of the Licensing Authority.

Personal Data

36. The loss of personal data by theft or otherwise (including any hacking of the operators' computer systems) must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. The operator must also check whether any data loss needs to be reported to the Information Commissioner's Office, for more information see: [Report a breach | ICO](#)

Working Hours

37. The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted to drive for more than ten hours per day and must have a break lasting at least 30 minutes after driving for five and a half hours. The driver must also have a break at the end of this period, unless it is the end of the working day.

Display of Conditions

38. The operator must display a copy of these conditions in any premises which are under their control and open to the public. A copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

Subcontracting

39. If the operator subcontracts any booking to another operator licensed in England (including Greater London), Wales or Scotland, the operator who initially accepted the booking remains liable under the contract.
40. If any booking is subcontracted to another operator, then the operator who initially accepted the booking must inform the hirer of the subcontract before the hiring commences.

Informative

The operator must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting the operator if such circumstances arise.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

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Document Control

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Author:	Julia O' Brien	Sign & Date:	
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Change History

Version	Date	Description	Change ID

Helping West Berkshire Taxi Trade Go Greener

Committee considering report:	Executive
Date of Committee:	22 September 2022
Portfolio Member:	Councillor Steve Ardagh-Walter
Date Portfolio Member agreed report:	04 April 2022
Report Author:	Jenny Graham/Sean Murphy/Moira Fraser
Forward Plan Ref:	EX4215

1 Purpose of the Report

- 1.1 Members of the Licensing Committee are being asked to consider options available to the Council to assist the local taxi trade to 'go greener' and provide incentives to entice them to switch to ultra-low emission vehicles.
- 1.2 The discussion will also assist with formulating a response to the motion tabled at the 18 January 2022 Council meeting for the Executive to consider. The motion sought to introduce a fee based incentive scheme to help all forms of vehicles licensed by West Berkshire for public transport to go green.

2 Recommendations

The Licensing Committee are asked to:

- 2.1 **CONSIDER** the options set out in this report and **DISCUSS** any additional incentives to recommend to the Executive.

In particular the Committee are asked to consider:

- (a) Whether or not to agree that a fee based incentive (similar to that set out in paragraph 5.30) should be introduced in respect of the 2023/24 budget.

If so

- (i) If a subsidy should be in place for hybrid and or fully electric vehicles.
- (ii) What the level of subsidy should be.
- (iii) How long the subsidy should be in place for.
- (iv) What criteria will be applied to the subsidy.

Helping West Berkshire Taxi Trade Go Greener

- (b) Whether Members would support the capping the cost of EV rapid charges for taxis licensed on our network (see paragraph 5.23) and if so where that cap should be set at and how this could be accommodated.
- (c) Whether Members would support providing access to free parking (paragraph 5.25) with charging points to assist drivers that could not charge their vehicles at home.
- (d) Whether Members would support a budget bid to provide cash grants to support the trade to purchase electric vehicles and if so the level of the grant and the timescales attached to it.
- (e) Whether or not Members would support a budget bid to purchase electric vehicles which would then be loaned to the trade.
- (f) Whether or not Members would support a budget bid to set up a fund so that the Council could act as a lender to the trade to purchase electric vehicles.

2.2 **CONSIDER** and if appropriate amend the response set out in paragraph 5.48 to the Helping West Berkshire Taxi Trade Go Greener Motion and provide a recommendation to the Executive to consider at the 22 September 2022 meeting.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>The financial implications of this report will depend on the range of options that Members propose to put forward. If any of these proposals are accepted by Members then they would need to form part of the budget setting process, and the prioritisation of these proposals would need to be considered against other Council priorities and the wider financial position that the Council faces when setting its budget.</p> <p>In respect of the response to the Motion it should be noted that 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. If Members agree that the fees be modified the 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 (PPP) budget.</p> <p>The financial implications of the report have been discussed with the S151 Officer and the Senior Finance Manager and advice has also been sought from external financial consultants.</p>

	<p>In respect of financial support the Council could offer to encourage the trade to purchase electric vehicles there are three main options:</p> <p>The Council could</p> <ol style="list-style-type: none"> 1. buy the vehicles and lease them to the drivers; 2. provide them with some form of grant (cash grant or loan) to subsidise them leasing or buying themselves; 3. or providing a guarantee on a loan they take out and lower the cost by giving them access to the Council's strong credit position. <p>There would be a number of financial and legal considerations that would need to be taken into consideration in respect of each of these options. The simplest approach is likely to be the provision of a cash grant (see paragraphs 5.36 to 5.41 of the report)</p>
<p>Human Resource:</p>	<p>There are no HR implications associated with the production of this report.</p> <p>If Members were minded to buy electric vehicles and lease those to the trade consideration would need to be given as to who would administer the scheme and what the resource implications of this decision would be.</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> <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</p> <p>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</p>

	<p>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;</p> <p>(b) the reasonable cost of providing hackney carriage stands; and</p> <p>(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>			
Risk Management:	<p>Fees are potentially subject to legal challenge. It is therefore important that the fees and methodology are subject to ongoing review.</p> <p>The Council would need to ensure that it did not confer an advantage on one organisation over another using Council resources (State Aid).</p>			
Property:	<p>There are no property implications associated with this report.</p>			
Policy:	<p>Any modification of the Licensing Fees will be undertaken in accordance with Section 53 of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>Any relevant changes to policy will also be reflected in the Hackney Carriage and Private Hire Vehicle Policy which is in the process of being updated.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

Helping West Berkshire Taxi Trade Go Greener

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		No evident contribution to inequality in relation to this report. Any options put forward would need to take into consideration disabled people's use of taxis and private hire vehicles. Officers would also need to consider the impact that any proposals would have on any other people with protected characteristics.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		See above.
Environmental Impact:	✓			If Members are minded to make changes to the vehicle fleet this might have a positive impact on the environment.
Health Impact:	✓			If Members are minded to make changes to the 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:		✓		The PPP's Website and Social Media outlets will be used to raise awareness of any opportunities for the trade to 'go greener'.
Council Strategy Priorities:	✓			Support businesses to start develop and thrive in West Berkshire. Maintain a Green District. Ensure sustainable services through innovation and partnerships.
Core Business:		✓		The Public Protection Service Delivery Plan 2021-23 acknowledges that all partner Councils have developed agendas

				around climate change and it therefore requires the PPP to work with taxi and private hire operators to encourage / incentivise the move to electric vehicles (EVs).
Data Impact:		✓		No impact
Consultation and Engagement:	The Licensing Committee are asked to consider and discuss options around incentivising the local taxi trade to make the move to ultra-low emission vehicles. These options will be discussed with the Taxi trade at a Liaison Group meeting.			

4 Executive Summary

- 4.1 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 (ULEVs). The survey of Private Hire and Taxi Drivers received 72 responses. Drivers shared their concerns around going electric and what incentives would encourage them to do so.
- 4.2 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. This process is undertaken annually by the Public Protection Partnership (PPP). During the statutory consultation on the 2022/23 fees, which took place at the end of the 2021 calendar year, two responses were received requesting that the Council amend the fee structure to incentivise the taxi trade to move to Electric Vehicles (EVs).
- 4.3 In addition a Motion was tabled at the 18 January 2022 Full Council meeting urging the Council to introduce a licence fee scheme that would introduce a zero-licence fee tariff for any taxi that is powered fully by electricity and a 50% reduction of the licence fee for any taxi that can do a minimum of 50 miles on electric power before switching to fossil fuel.
- 4.4 This report seeks to consider the barriers raised by the trade to switching to ULEVs and possible incentives that the Council could introduce to encourage the trade to do so.
- 4.5 The incentives were discussed at a cross party Environment Advisory Group (EAG) meeting on the 04 April 2022. Members were supportive of identifying a range of options to incentivise the trade for discussion by the Licensing Committee albeit that they requested that input was sought from the Finance Team. Officers have met with Finance colleagues and advice has also been sought from external financial consultants Arlingclose Limited.

5 Supporting Information

Introduction

- 5.1 The PPP has received a number of requests to look into options and incentives to encourage taxis to switch to more environmentally friendly vehicles in West Berkshire. Throughout the report taxis are taken to mean both hackney carriages (which are vehicles licences to ply for hire on ranks or that can be hailed in the street) and private hire vehicles (which are vehicles licensed by the Council which must be pre-booked). Licence fee refers to those fees associated with Hackney Carriage and Private Hire Licences, plus Private Hire Operators (PHO) licences for both new vehicles / operators and renewal of licences.
- 5.2 It was agreed, at Full Council in January 2022, that initial discussions on proposals relating to the motion tabled at that meeting should take place at the EAG. A report was considered at the 04 April 2022 meeting. Members were supportive of identifying incentives that might induce the trade to move to more environmentally friendly vehicles while recognising the barriers that the trade had raised about switching to ULEVs.
- 5.3 The EAG noted that there were some barriers that the Council could influence such as the local charging infrastructure network, taxi policy and fee based incentive schemes. Issues such as the cost and types of vehicles and the range the vehicles could cover were not something the Council could address. Officers were however asked to look into funding streams that could potentially be accessed to assist drivers with lease or purchase costs of vehicles or costs associated with installing charging points.
- 5.4 Full Council also agreed at the January meeting that the Licensing Committee should consider the response to the motion (see paragraph 5.48) before a final determination would be made by the Executive. Officers recommend that in addition to the response to the motion it would also be useful to address the responses to the consultation on fees and the wider issue of incentivising the trade to 'go greener' in a single report.
- 5.5 It should be noted that licence fees are set by the Joint Public Protection Committee on a cost recovery basis. It is then up to the partner authorities to determine if they wish to subsidise the fees in any way. These subsidies have to be met from the partner authority's budgets (in this case West Berkshire Council) and not those of the PPP. Any additional incentives would also need to be funded by the Council unless external funding streams can be identified.
- 5.6 A number of initial discussions and a consultation have already taken place with the trade to determine what their perceived barriers to switching are and what incentives might persuade them to make the changes.
- 5.7 Officers have looked at the types of initiatives that have been introduced in other authorities to see if any of them could usefully be employed in West Berkshire.

Background

- 5.8 As at the 31 March 2022 the Council had granted the following number of licences:

Helping West Berkshire Taxi Trade Go Greener

	Licence Type	No Issued
Vehicle	Hackney Carriage Vehicle	123
	Private Hire Vehicle	138
Driver	Dual Driver Licence*	184
	Private Hire Driver	100

* WBC issues two types of drivers licence: either a dual licence which permits you to drive either HC or PH vehicle or a purely PH Drivers licence.

5.9 The Licensing Team cannot confirm the number of electric vehicles that are currently operated in West Berkshire as this information is not specifically recorded but there are at least four Private Hire vehicles operated by a company that only use EVs.

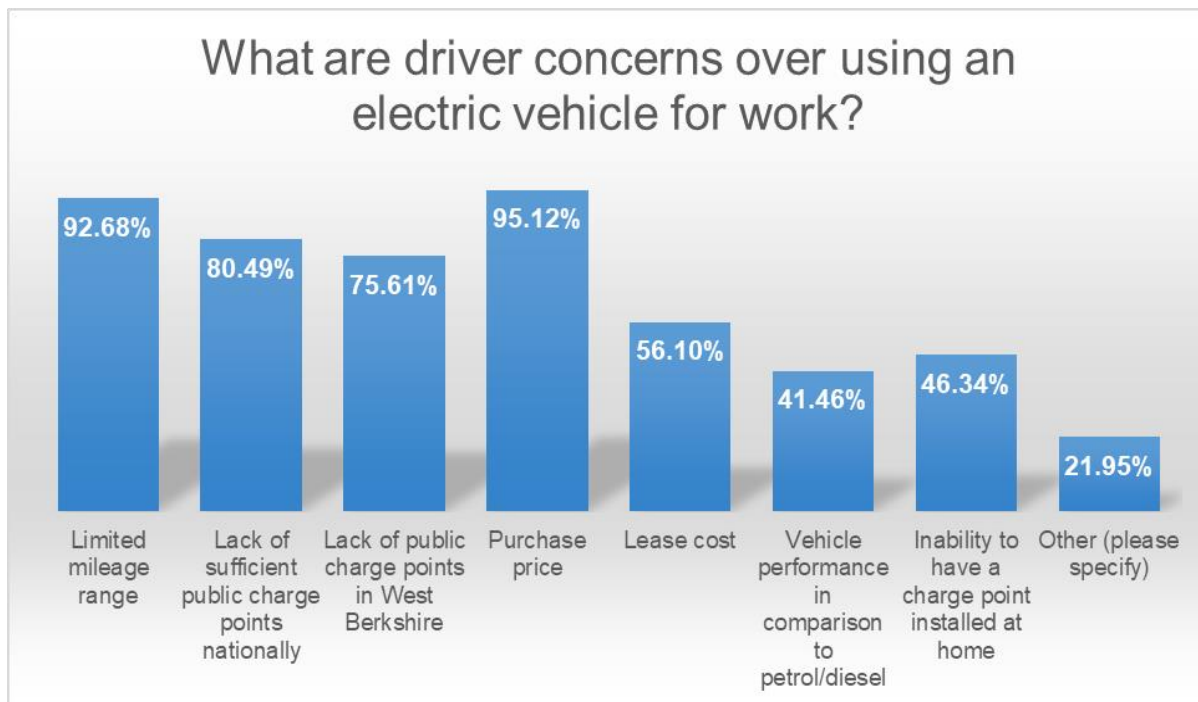
5.10 The following Fees and Charges were agreed at the Budget Council meeting in 2022:

Vehicle Licences	2022/23 Fee
Hackney Carriage Vehicle – New	£266
Hackney Carriage Vehicle – Renewal	£236
Private Hire Vehicle – New	£266
Private Hire Vehicle – Renewal	£236
Driver Licences	
Driver – New	£301
Driver –Renewal	£272

5.11 In April 2021, West Berkshire Council undertook a Private Hire and Taxi Driver Survey to understand driver work routines and interest in ULEVs. The survey of taxi drivers received 72 responses. Drivers shared their concerns around going electric and what incentives would encourage them to do so.

5.12 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.

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



5.14 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.

5.15 Detailed feedback on the survey of the taxi trade can be found at Appendix A to this report.

5.16 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. This process is undertaken annually by the PPP. During the statutory consultation on the 2022/23 fees, which took place at the end of the 2021 calendar year, two responses were received requesting that the Council amend the fee structure to incentivise the taxi trade to move to electric vehicles. The full responses are set out in Appendix B to this report. Where objections are received the Licensing Committee is required to consider the comments received and then make a recommendation to full Council. It should be noted that fees are set on a cost recovery basis and the Council is not permitted to increase the fees for petrol and diesel vehicles to cover the cost of ULEV or EVs.

5.17 The consultation responses were discussed at the 31 January 2022 Licensing Committee where Members determined that the 2022/23 fees should be recommended to full Council without modification. The then Chairman, at the meeting indicated that he was however in favour of trying to incentivise the trade to move to greener vehicles where possible, using the levers available to the Council such as fees and the availability of fast charging points on taxi ranks within the district. He therefore requested that officers undertake the necessary research to propose a potential scheme that could be included in the 2023/24 fee setting process.

- 5.18 In addition a Motion was tabled at the 18 January 2022 Full Council meeting urging the Council to introduce a licence fee scheme that would introduce a zero-licence fee tariff for any taxi that is powered fully by electricity and a 50% reduction of the licence fee for any taxi that can do a minimum of 50 miles on electric power before switching to fossil fuel.
- 5.19 The motion proposed by Councillor Adrian Abbs and seconded by Councillor Lee Dillon is set out in full in Appendix C to this report.
- 5.20 The Chairman advised that Council would not debate the Motion at the Council meeting and, in accordance with Procedure Rule 4.9.8, this would be referred to the Environment Advisory Group for consideration as the detail of the Motion falls within the remit of the Executive. A report would be considered at the Environment Advisory Group, in consultation with the Licensing Committee, and the Executive and the outcome of that would be reported to Council. Officers are seeking a view from Members as to whether a fee based incentive should be introduced in respect of the 2023/24 budget.
- 5.21 The Councils [Ultra Low Emission Vehicle Strategy](#) notes that the Council declared a climate emergency in 2019 with a stated aim of net zero emissions for the district by 2030. It recognises that transport emissions make up a large part of the districts overall emissions and that taking steps such as providing electric vehicle charging infrastructure, all road users passing through the district can be assisted with the switch to cleaner fuels.
- 5.22 The Strategy includes commentary that, in respect of the taxi trade initial efforts will focus around driver/operator engagement and information sharing, additional requirements to licences or incentives for ULEV use will later be considered. To kick start this process a driver education event, run by the Energy Saving Trust, was arranged by Officers on the 17th November 2021. The event comprised an online seminar covering all the key issues such as EV range, costs and recharging and also afforded the opportunity to test drive some vehicles. Officers will continue to seek out more opportunities for these type of engagement events.
- 5.23 There is a specific action within the ULEV Strategy for the Council to undertake infrastructure feasibility surveys for taxi ranks and these surveys are currently planned to be included as part of the next phase of the current EV Chargepoint installation programme. There is an external website called Zap Map (<https://www.zap-map.com/>) that is generally the accepted site to go to if you want to look up where public charge points are in an area. All the recent points installed by the Council are on there, as well as other points from private providers. An option to encourage the trade to switch could include capping the cost of EV rapid charges for taxis licensed on our network (Cambridge City Council have done this).
- 5.24 Anecdotal information suggests that installing rapid charging infrastructure is not straightforward and there are many significant constraints on locating chargers electricity supply critical amongst them. There is also some resistance from drivers who believe that in the long term they have a negative impact on battery life.
- 5.25 The taxi trade have commented that it needed to be recognised that not all drivers could charge vehicles at home when installing infrastructure. Access to free parking with charging points might assist this group of drivers. This would need to be discussed as

part of the recently launched Parking Strategy but there may be potential to look at this for overnight parking in specific Council public car parks that have charge points. This would present more of an issue during the day.

5.26 The trade also suggested that access to charging points should be free to all taxi drivers not only those licensed in an area as those that had travelled the furthest were most likely to need to be able to recharge their batteries. This would require national co-operation.

5.27 In addition to reviewing the regulatory framework to integrate emission considerations, including: licensing emission standards, low emission taxi ranks and procurement decisions the ULEV Strategy proposes

- Consideration of reduced licence fees for taxis;
- Consideration of introducing a requirement for a percentage of ULEVs in operators' fleets;
- Investigating the introduction of ULEV only taxi ranks.

5.28 A number of authorities have already introduced licence fee exemptions for zero emission vehicles and offered licence fee discounts for ultra-low emission vehicles (Malvern Hill District and Cambridge City Councils for example).

5.29 If Members are minded to implement a fee subsidy in West Berkshire they will need to agree what the level of subsidy should be, how long the subsidy should remain in place for and what the criteria should be. Most plug in vehicles that can be used for 'Private Hire' typically have 'theoretical' emissions less than 40g/Km CO2. Consideration could also be given to the inclusion of additional criteria such as 'electric only' range. 'Hackney Carriage' vehicles would be harder to deal with due to need to be wheelchair accessible and a lot of current low emission vehicles are not capable of being converted.

5.30 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 each year of low emission capable Hackney Carriage and Private Hire vehicles for or each of the next three years up to and ending on 31st March 2026 this would require a subsidy as set out below, which would also be subject to any annual adjustment to the fees:

2023/24	2024/25	2025/26	2026/27	2027/28
£2660	£2360	£2360		
	£2660	£2360	£2360	
		£2660	£2360	£2360
£2660	£5380	£7740	£4720	£2360

5.31 The introduction of a fee subsidy alone is however unlikely to convince the trade to switch to EVs given that their concerns locally referred to prohibitive cost of vehicles, the lack of choice, the range of vehicles being insufficient, the lack of infrastructure and the length of time to charge the batteries.

5.32 Some authorities have introduced schemes to assist the trade with purchasing or leasing new vehicles. Portsmouth City Council have for example introduced a [Clean Air Fund](#) offering financial support (up to £1,500 per vehicle) to help drivers upgrade or replace any non-compliant vehicles with cleaner, greener ones.

- 5.33 Oxford City Council have introduced a scheme (funded by Energy Superhub Oxford Project) which provides a £5000 grant for Oxford city licensed Hackney Carriage drivers to transition to an EV. The grant provides a contribution towards the costs of purchasing a new Ultra Low Emission Hackney Carriage.
- 5.34 Nottingham City Council have introduced a scheme whereby hackney carriage drivers are able to trial new electric vehicles. The Council bought the three vehicles (following a successful bid to the government's Early Measures Fund) and then a further three vehicles in January 2020. Drivers are able to loan the taxis for 30 days at a time. More information can be found at: <https://www.transportnottingham.com/driving/electric-taxi-trial/>. If Members are minded to support this approach other funding streams would need to be identified as this one off funding stream is no longer available.
- 5.35 While these city councils do not share the same demographics as rural West Berkshire they do highlight some options to explore albeit that they would require significant financial investment from the Council unless grant funding streams could be accessed. The taxi trade is also able to get a discount of up to £1500 on the price of brand new low-emission vehicles through the [Plug-in-Grant](#) which the government pays to vehicle dealerships and manufacturers on behalf of the purchaser. The grant has been extended until at least April 2024 for new electric taxis. There is also funding in this scheme to get a grant of up to £2500 towards the cost of converting a passenger vehicle into a wheelchair accessible vehicle. There are however limitations on the number of grants and the vehicles that it applies to.
- 5.36 One of the options put forward at the Taxi Trade Liaison Group was around making use of existing partnerships for providers of electric vehicles. Should Members be minded to explore these options and agree a scope the financial implications would be clarified. Locally the trade have also commented that a scheme where the Council purchased the vehicles and leased the EVs to the trade might make the scheme more attractive to them.

Financial and Policy Considerations

- 5.37 If Members are minded to consider proposals around buying, leasing or providing grants to the trade to procure electric vehicles there are a number of financial, resource and legal considerations that will need to be taken into account. More detailed advice will be sought if a preferred option is put forward.
- 5.38 If, for example, it was agreed that the Council would procure electric vehicles and then lease them back to the trade Officers would need to establish what, if any credit licences the Council will need. There are also a few complex accounting elements that will need to be factored in depending on whether an operating lease or a finance lease would be put in place. Credit losses would have to be considered as part of the financial management around the scheme. In addition additional resources are likely to be needed to administer and manage the scheme. The Council could opt to act as an intermediary and make use of a professional leasing company but this would require a high degree of caution as there are rules around acting as an intermediary in this way.
- 5.39 The Council could also act as a lender and while this would negate some of the complex accounting and requirements around asset management of the scheme the Council

would need to seek legal advice around a number of issues including the ramifications of providing credit.

- 5.40 The financial advice received suggests that the simplest option might be to provide operators with a cash grant. This use of finances would need to weigh up any benefits to the Council and its residents and businesses against other schemes which would contribute to the green agenda. If Members were minded to pursue this option careful consideration would need to be given to the conditions associated with the grant.
- 5.41 If Members decided that the best option would be to provide a guarantee, it should be noted that Council is only permitted to guarantee up to 80% of the total value of the loan, and the expected value of the guarantee would need to be included in the annual accounts.
- 5.42 One of the concerns raised at the EAG meeting was around state aid. This is something that would need to be considered in respect of all three options. However, this is unlikely to be a large barrier as there is a general carve out for dealing with individuals, and a de minimis of £300,000 per rolling three year period per operator.
- 5.43 The Council is in the process of amending its Hackney Carriage and Private Hire Vehicle Policy. The draft policy is included as a discussion item on the Licensing Committee agenda. The draft policy includes a requirement that all vehicles must meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.
- 5.44 The trade have commented that EVs cannot easily be converted into wheelchair accessible vehicles. An option that could be explored would be a change in policy requirements around Wheelchair Accessible Vehicles in the Hackney Carriage Fleet where for example this requirement could be removed for a percentage of the fleet where the vehicles were replaced with EVs. Members are encouraged to submit responses to the consultation on the draft policy prior to its adoption later in the year.
- 5.45 Any changes would however have to take into consideration requirements of existing equalities legislation. It should also be noted that on 28 June, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 (“The 2022 Act”) took effect in England, Scotland, and Wales. It will amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators. The 2022 Act is designed to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against. More information about the impact of this legislation is set out in the Annual report which is also on this agenda.
- 5.46 A new report, [A Fare Shake: Reforming Taxis for the 21st Century, from the Adam Smith Institute](#) argues that the Government should move to overhaul current taxi cab legislation, creating a more dynamic and equitable sector to better serve the needs of Britons as they get moving after Covid. They also recommend the introduction of policies offering incentives for hackney carriage and private hire drivers to switch to green vehicles through offering discounts on green vehicles, and raising capital through a Green Taxis and PHVs Fund to subsidise faster transition away from combustion engines.

5.47 The Licensing Committee is asked to consider the options put forward and suggest any additional options that Officers could explore.

Response to the Motion

5.48 In light of the discussion at the EAG meeting the following responses to the requests set out in the motion are proposed:

Motion: The Council Commits to:	Response
Introducing the subsidised incentive scheme within next year's budget.	Officers are proposing that a fee based incentive scheme be introduced from 01 April 2023. The Licensing Committee is asked to consider and agree the parameters, scope and duration of the scheme.
Providing (where practical) fast charging points next to taxi ranks to remove range anxiety for taxi drivers.	The Environment Delivery Team have a target to install Chargepoints in approximately 25 car parks this financial year so this will be a significant undertaking and impact on ability to consider taxi ranks as well. Depending on feasibility studies it may be that rapid charging points are installed in Public Car Parks, instead of or alongside fast chargers.

Proposals

5.49 It is proposed that Members consider the introduction of an exemption/subsidy to vehicle licence fees for EVs or ULEVs. The level of subsidy, duration of the scheme, what criteria should be adopted and how the subsidy should be funded will need to be specified. The level of subsidy set out in paragraph 5.30 would not create a significant financial burden to the Council.

5.50 Infrastructure feasibility surveys for taxi ranks to be undertaken and reported back to the EAG and Licensing Committee.

5.51 A consultation event be arranged with the Taxi Trade to consult on any proposals put forward.

6 Other options considered

6.1 The report sets out a range of options that members might wish to consider. Other options may be suggested by Members at the meeting for Officers to explore.

6.2 Although current government policy and incentives appear to be tied to electric vehicles as the answer to transport emissions, the Council should not lose sight of the fact that there are other potential solutions out there that over time, as technology and

infrastructure develops, may provide alternative means of ‘greening’ the district’s taxi vehicle fleet, e.g. Hydrogen.

7 Conclusion

- 7.1 Ongoing meaningful consultation with the trade is essential to the successful outcome of this project. It should be noted that while the number of electric car models priced under £35k has increased by almost 50% since 2019 the purchase of an EV would still constitute a significant financial outlay for the trade at a time when they have had to contend with the ramifications of the Covid pandemic and then more recently the increasing cost of fuel. The latter might however be seen as a driver for change. It will therefore be important to put together a basket of measures to incentivise the trade to help the Council achieve its stated aim of aim for net zero emissions for the district by 2030.
- 7.2 There is an expectation that as the second hand market grows used EVs will also become available at lower prices which could also be a determining factor for the trade.

8 Appendices

- 8.1 Appendix A – Feedback on the Private Hire and Taxi Driver Survey (ULEV)
- 8.2 Appendix B – Responses to the Annual Fee Consultation
- 8.3 Appendix C – Motion to Council

Background Papers:

None

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:

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Job Title: PPP Policy and Governance Officer
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Feedback on the Private Hire and Taxi Driver Survey (ULEV)

1. Background

- 1.1 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.
- 1.2 The survey of Private Hire and Taxi Drivers received 72 responses and has provided some really useful information to help inform future projects.
- 1.3 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. A desire was also raised that the Council does not overlook hydrogen fuelled vehicles.

2. Highlights of the Survey

- 2.1 Survey respondents were able to select multiple answers and leave free text responses to some questions, they were also able to skip questions should they wish. Therefore the following percentages are based on the numbers of respondents to each question and not necessarily the full 72 respondents.
- 2.2 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 3 years.
- 2.3 Over 80% of journeys were less than 50 miles, as shown in Figure 1, with over 80% of drivers driving less than 200 miles a day. Over 50% would consider an electric vehicle for personal use, of those who would consider an electric vehicle for work, 30% thought they may purchase/lease one within the next 6 years, of those 20% within the next 3 years.

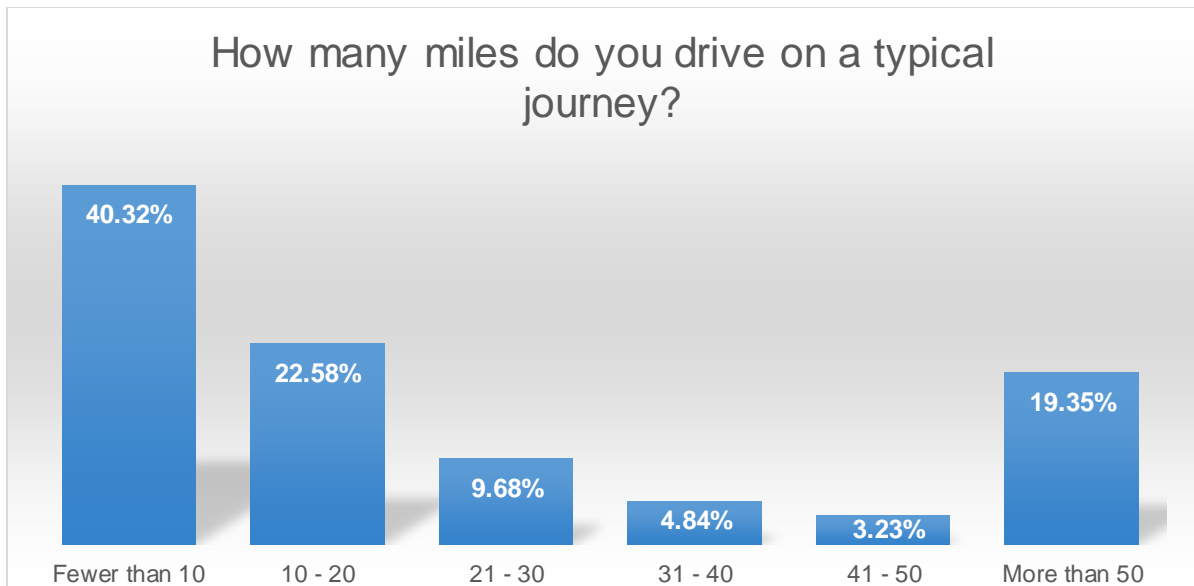


Figure 1: Number of miles driven on a typical journey

- 2.4 These observations are particularly encouraging for electric vehicle take-up, as the distances travelled are well within the currently available vehicle ranges, and drivers were fairly receptive to the idea of switching to electric in the coming years. As most drivers have diesel vehicles, switching to electric would also have significant air quality benefits over diesel vehicles.
- 2.5 Drivers reported that they visited a variety of locations to pick up/drop off passengers, as shown in Figure 2 below. Other responses included locations such as hotels, cruise terminals, work places, supermarkets and doctors' surgeries. The majority of these locations are the type of places where charge points are or could be available in the future to enable top-up charges if required. Some airports and city centres have, or are introducing, low emission zones in the near future, so regular trips to such places could become more expensive without a low emission vehicle.

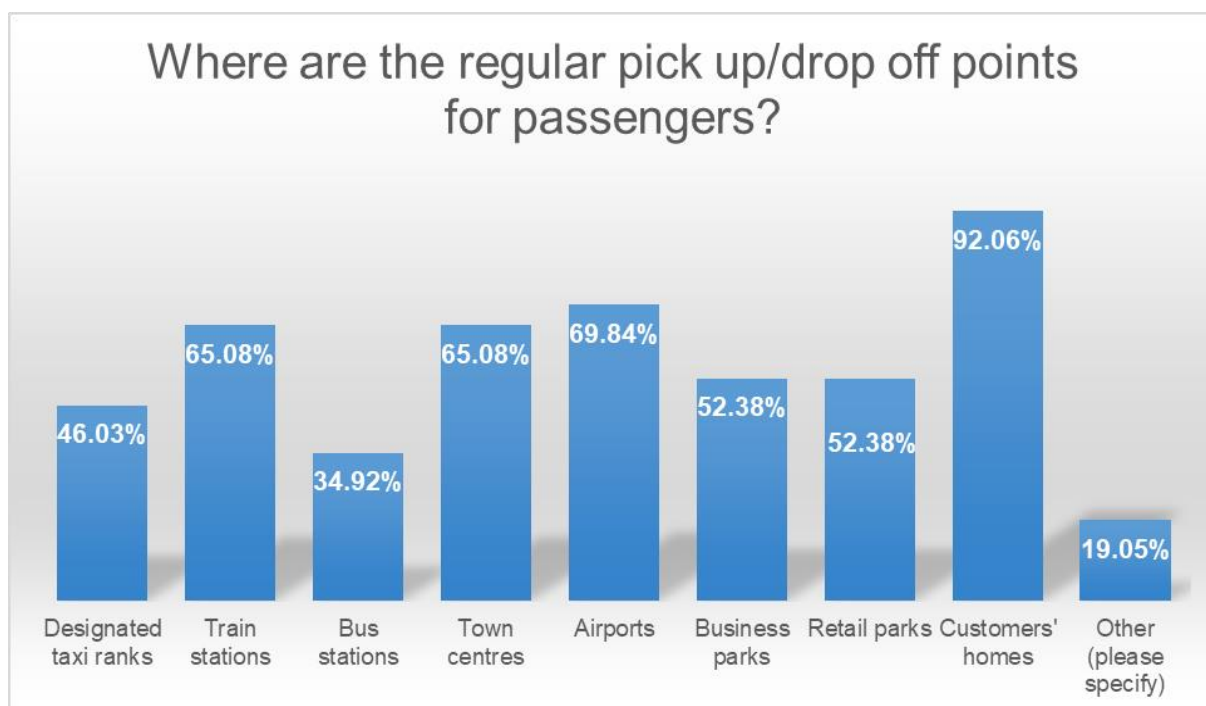


Figure 2: Regular passenger pick up/drop off locations

- 2.6 When asked where drivers would like to charge electric vehicles, 75% wanted to charge at home, 22% at work and 48% at town centre rapid charges (respondents were able to select more than one option which is why these % figures total more than 100). 67% of those answering felt there are areas in West Berkshire that needed to prioritise charge points, locations included taxi ranks, car parks, supermarkets, rural areas/village halls, train stations, petrol stations, on-street and shopping centres.
- 2.7 Although electric vehicles would in theory make sense for the distance vehicles are travelling, provide savings in fuel and congestion charges etc. for drivers, none of the drivers used an electric vehicle. Figure 3 below shows the reasons stated, other reasons also include no charging facilities at taxi ranks, no time to charge between jobs, the cost of the vehicle (particularly an issue for Hackney Carriage because of the limited choice/high cost of disabled access vehicles). The responses were not unusual to the common reasons why drivers are unsure about using an electric vehicle, however often these reasons can be perception rather than the reality. For example, West Berkshire has good charging facilities available compared to many other local authorities, although the public won't necessarily notice them if they aren't seeking one as charge points are far less visible than a fuel station.

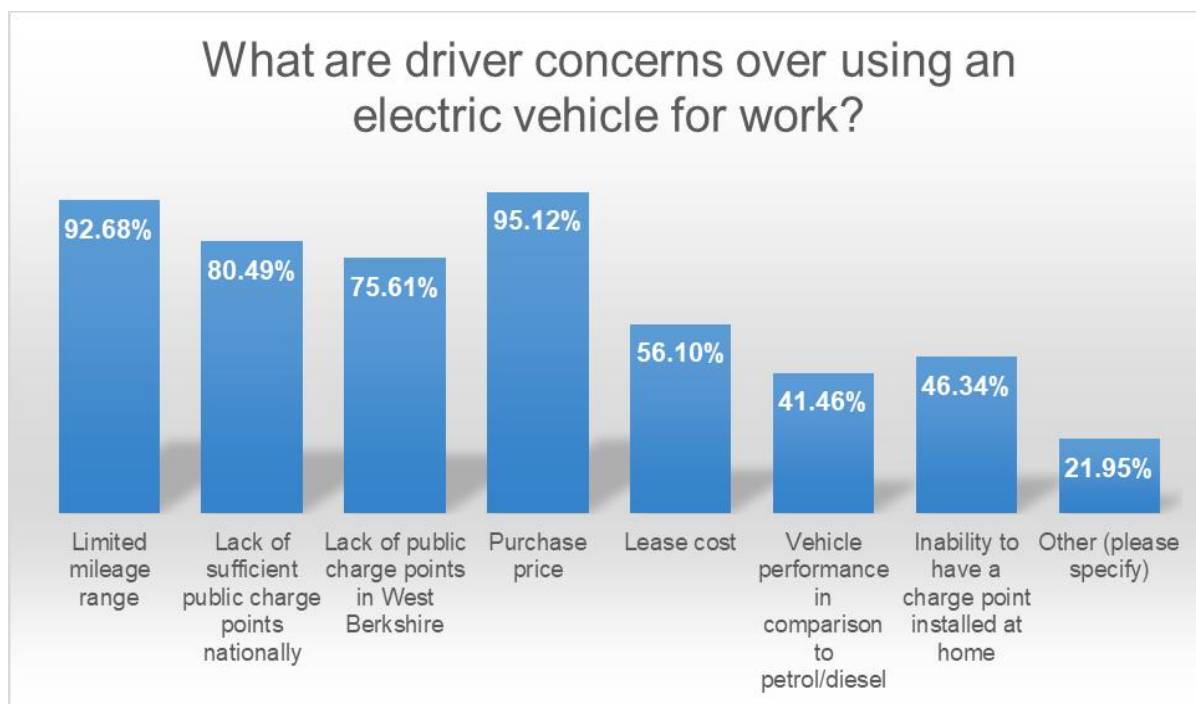


Figure 3: Driver concerns over using an electric vehicle for work

2.8 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. The majority of these incentives are actually already available but it is unclear from the survey whether drivers are aware of these or not. Assistance with the upfront cost of the vehicle was also another frequently stated desirable incentive.

3. Next Steps

- 3.1 One of the aims of West Berkshire Council's Ultra Low Emission Vehicle Strategy is to encourage low emission vehicle uptake amongst Hackney Carriage/Taxi drivers, although the Strategy contains limited actions around this, as this survey is the first stage of driver engagement. The survey results have shown that drivers are interested in low emission vehicles, however there are a number of factors that may need to be overcome before they will consider switching. In order to help address some of these concerns, drivers may need more information or the opportunity to trial a vehicle in their duties.
- 3.2 As a first step, West Berkshire Council, in partnership with the Energy Saving Trust (EST) are arranging an **EV demo day for the 17th November '21, starting from 10am, for approximately 15–20 drivers.**
- 3.3 EST will run a webinar from 10am until about 11/11:30am where interested drivers can learn more about electric vehicles, models currently available, purchase and running costs, and ask questions of experts.

- 3.4 Attendee's will then have an opportunity to test drive a number of electric vehicles suitable for taxi &/or private hire work. The test drives will start and finish from a local hotel car park (T.B.C) and drivers will be booked in for one-hour-slots, during which they will be able to drive different electric vehicles for about 20 minutes each.
- 3.5 The Council would like to actively promote this demo day amongst the Trade and is seeking support from the members of this group to promote it amongst their contacts. Promotional materials in the form of emails and social media are ready to be released and just need to be directed to the most appropriate individuals / groups.

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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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Motion Proposed By Councillor Adrian Abbs and Seconded By Councillor Lee Dillon at the Full Council meeting on the 18 January 2022

“Overview:-

Given the Council’s declaration of a climate emergency at a district wide level, it is a critical part of the delivery to have any body, company or individual contributing to carbon emissions join West Berkshire Council in achieving its stated goals of net zero by 2030.

Transport is amongst the largest contributors of carbon emissions and the taxi trade is one group over which West Berkshire Council has some direct influence.

During recent meetings with the trade body several key factors were established that have led directly to this motion and, should this motion be adopted, allow West Berkshire Council to encourage the whole trade in going greener at pace.

For the purposes of this motion “Taxis” refers to vehicles licenced for plying for hire on ranks or that can be hailed in the street and private hire vehicles which are vehicles licensed by the Council which must be pre-booked. “Licence fees” refers to those fees associated with Hackney Carriage and Private Hire Licences, plus Private Hire Operators (PHO) licences for both new vehicles / operators and renewal of licences.

Other direct benefits would also result from the adoption of this motion in and around taxi ranks where charging infrastructure is deployed.

- Street vendors that use car parks next to taxi ranks could use direct electricity feeds rather than the petrol and diesel generators currently used.
- Reductions in noise from all vehicle types and street vendors would result from the removal of fossil fuel engines.
- Improvements in Air Quality and specifically a reduction in Nitrous Oxide and fine particulate matter which would lead to a safer environment for all.

Council notes:

- 95% of Taxis are still diesel according to the latest survey of the trade.
- That 60% of those that recently responded to a consultation said they are considering changing their vehicle in the next 3 years.
- That 80% of the journeys made in a taxi are less than 50 miles.
- That 80% of taxi drivers drive less than 200 miles a day.
- That poor air quality (especially in built up areas) is a significant risk to health.
- That whilst 50% of respondents would consider electric for personal use, only 30% thought they might choose electric for work.
- That to meet our climate emergency declaration goals by 2030, significant changes in transport modes are needed as quickly as possible.
- That most battery electric vehicles suitable for use as a taxi have ranges of more than 200 miles.

- That full plug-in hybrids often have a range on pure electric exceeding the average journey needed by taxi.
- The upper end of the cost estimates for licences is £36K assuming all 60% of those thinking of a change do so in year 1.

In order to help achieve this:

This Council will introduce an incentive scheme to help all forms of vehicle licensed by West Berkshire for public transport to go green. The incentive scheme would run until the 31 March 2025 and would result in the Council subsidising licence fees over a three-year period for each taxi.

This scheme will introduce a zero-licence fee tariff for any taxi that is powered fully by electricity and a 50% reduction of the licence fee for any taxi that can do a minimum of 50 miles on electric power before switching to fossil fuel - known often as plug-in hybrids. The cost of this proposal for every 10% of fee take up would be a subsidy of:

- £6.5K fully electric
- £3.25K for hybrid

This Council commits to:

- Introducing the subsidised incentive scheme within next year's budget.
- Providing (where practical) fast charging points next to taxi ranks to remove
- Range anxiety for taxi drivers".

Statutory Consultation on Hackney Carriage Tariffs 2022

Committee considering report:	Executive
Date of Committee:	07 July 2022
Portfolio Member:	Councillor Tom Marino
Report Author:	Moira Fraser
Forward Plan Ref:	URGENT ITEM

1 Purpose of the Report

To review the published Hackney Carriage fare scale in light of the current fuel costs and to determine the consultation process that must be undertaken if the Executive resolves to vary the current table of fares.

2 Recommendation

That the Licensing Committee

- 2.1 **NOTES** the existing tariffs in Appendix A.
- 2.2 **CONSIDERS** the reasons for the proposals and the outcome of the recent non-statutory consultation undertaken with the Taxi Trade as set out in Appendix B.

If the Licensing Committee Members are minded to seek a change to the current hackney carriage fare scale, they should:

- 2.3 **CONSIDER** what variation to the current fares may be appropriate.
- 2.4 **OBSERVE** that a copy of the statutory notice should be placed in the Newbury Weekly News, the Reading Chronicle, on the Public Protection Partnership's website and on display at the Market Street Council Offices.
- 2.5 **OBSERVE** that a copy of the notice should be emailed to the trade.
- 2.6 **CONSIDER** if the consultation period should run for the minimum of 14 days set out in statute i.e. 14 July to the 28 July 2022 or if a longer timescale should be applied.
- 2.7 **OBSERVE** that if objections are received and not withdrawn the objections will be discussed and a further decision will be made at the 22 September Executive meeting concerning any modification of the variation decided and the date on which the varied table of fares shall come into operation.

That the Executive

2.8 **NOTES** the existing tariffs which have been in place since 19 November 2021(Appendix A).

2.9 **CONSIDERS** the reasons for the proposals, the outcome of the recent non-statutory consultation undertaken with the Taxi Trade as set out in Appendix B and the views of the Licensing Committee.

2.10 **RESOLVES** whether or not to make variations to the current table of fares for hackney carriage tariffs based on the proposals set out in Appendix C or Ci to this report.

If the Executive decides to make any changes to the current table of fares they are asked to:

2.11 **RESOLVE** that the period within which objections to the variation(s) can be made (the statutory consultation) will be the 14 July 2022 to the 28 July 2022 or a longer period determined at the meeting.

2.12 **AGREE** that a public notice (akin to the one set out in Appendix D) will be placed in the Newbury Weekly News and the Reading Chronicle on the 14 July 2022.

2.13 **AGREE** that the consultation will be promoted on the website and a note will be displayed at the Market Street Offices by the 14 July 2022.

2.14 **AGREE** that a copy of the notice should be emailed individually to all West Berkshire licensed Hackney Carriage Proprietors for their comments.

2.15 **NOTE** that if objections are received, and not withdrawn, the Executive at its meeting on the 22 September 2022 will consider the objections and determine whether the varied table of fares shall be modified or not, and set a date when the varied table of fares, with or without modification, will come into operation. The implementation date must be no later than two months after the period for objections.

2.16 **NOTE** that if no objections are received, or if the objections are withdrawn, the proposed table of fares will come into effect on the day after the consultation closes.

2.17 **NOTE** that the outcome of the consultation will be reported back to the next meeting of the Licensing Committee due to take place on the 07 November 2022.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no specific financial implications for the Council arising from this report. The consultation, including the cost of notices in newspapers, will be undertaken using existing resources.

Human Resource:	Any actions will be met from within existing resources			
Legal:	<p>The procedure for setting fares and public notice requirements are stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>The procedure is prescriptive and requires that a decision to make/vary a table of fares is made first. Following this, there is a statutory consultation requirement, to allow for any objections to the new table to be made. The remainder of the process is dependent on whether any objections are received (and not withdrawn).</p> <p>There is no right of appeal so any legal challenge to the decision(s) made in relation to a new/varied table of fares would be by way of judicial review.</p> <p>The function of making/varying the table of fares for hackney carriages is a function of the Executive Committee (which could be exercised in accordance with the Council's Scheme of Delegation).</p> <p>Laura Knowles consulted.</p>			
Risk Management:	None			
Property:	None			
Policy:	The Council is about to go out to consultation on the Hackney Carriage and Private Hire Licensing Policy.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		<p>X</p>	<p>Nationally young women are one of the largest groups to use taxis. Other groups, such as those who are disabled and those who are elderly may also use taxis more frequently.</p> <p>Any change to fares suggested could impact these groups financially, but equally there needs to be a viable taxi trade to provide a taxi service for these groups and all residents/visitors to West Berkshire.</p> <p>While it is accepted that any changes to the tariffs might have a disproportionate impact on some of the protected groups this report is seeking observations on the impact of those changes if Members are minded to consult on them.</p> <p>Any statutory consultation, as a result of a proposal to change the current fares, will be conducted in accordance with statutory requirements and provide an opportunity for protected groups to comment on impact. The review of the current fares is seeking to protect the public from excessive fares but at the same ensuring that this remains a profitable sector and therefore retaining drivers and operators to provide the service to those who rely on it.</p> <p>Any objections, including those relating to equalities, will be reported back to the Executive.</p>
<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		<p>X</p>	<p>See above.</p>

Environmental Impact:		X		During the informal consultation we did receive some comments that increasing tariffs due to increasing fuel costs would not act as an incentive to switch to hybrid or electric vehicles.
Health Impact:		X		None
ICT Impact:		X		None
Digital Services Impact:		X		The notice will be placed on the website by the Public Protection Partnership.
Council Strategy Priorities:	X			The provision of a viable taxi trade in the district will support a number of the priorities in the Council Strategy, in particular they are associated with supporting businesses to start, develop and thrive in West Berkshire.
Core Business:		X		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
Data Impact:				None
Consultation and Engagement:	The procedure for setting fares and public notice requirements are stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.			

4 Supporting Information

Introduction

- 4.1 The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
- 4.2 Local authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, local authorities have the power to "...fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table

(hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.”

- 4.3 This legislation does not specify any restrictions on the number of or timings for subsequent changes/variations to the table of fares; a local authority can exercise their power whenever they deem reasonable and appropriate. There is also flexibility in terms of whether the power is exercised to increase or decrease existing rates, or to devise a new table of fares altogether.
- 4.4 The trade are not obligated to charge the maximum fare. This means that hackney carriage drivers are within their rights to negotiate the fare down provided that the final agreed fare is no more than the maximum set.
- 4.5 Any changes to the current tariffs would need to be subjected to a statutory consultation process.

Background

- 4.6 The current tariff scale as set out in Appendix A was agreed in November 2021. It has previously been agreed that the fares would be discussed annually at the first Taxi Trade Liaison Group meeting of the year. If there was support for modifying the fares a report would be brought to July Licensing Committee meeting for discussion. The Executive would then be asked to make a decision on whether or not to go out to consultation at the September meeting. When the issue of changes to the fares was discussed with the trade at the January 2022 Taxi Trade Liaison Group meeting the trade were broadly supportive of an increase in 2022 in line with the inflation rate which was around 5% at the time.
- 4.7 At the time the current fares came into operation (November 2021) petrol cost around £1.47 a litre and diesel £1.50 per litre. As at the 17 June 2022 petrol costs around £1.86 a litre and diesel around £1.92 per litre. This sharp increase is impacting on the trade’s ability to maintain viable businesses. The April ONS data released on the 18 May 2022 shows that CPI is tracking at 9% and RPI at 11.1%. Inflation is running at 9.1% as of the 22 June 2022. Given these changes in circumstances it was felt that the decision making process needed to be expedited this year.
- 4.8 Officers have written informally to the trade to establish if the trade supported an increase in their fares this year and asked if so if they would like to see an increase of circa 5% or 10%. A summary of the responses and comments made are set out in Appendix B to this report.
- 4.9 Of the 48 responses received 48% (23) of the consultees stated that they would like to see an increase of circa 5% and 46% (22) would like to see a 10% increase. Two respondents indicated that that they would not like to see the fares go up as they were concerned that it might deter people from using taxis.
- 4.10 Officers have also received a request from a member of the trade to delay the implementation until the Hackney Carriage and Private Hire Licensing Policy has been adopted. This Policy is an item which is due to be considered at Licensing Committee on 4 July 2022. It is at an early stage; the Licensing Committee will be looking at the proposal for a policy and going out to consultation in relation to proposals. Any such

policy that may be adopted in due course will relate to the licensing regime for hackney carriages/private hire and standards that apply to members of the trade. The matters covered by the draft Policy relate to licensing functions, separate from fixing the table of fares customers may be charged (drivers' income). For this reason and due to the timings around the adoption of the policy officers are of the opinion that the decision on whether or not to vary the table of fares should not be delayed until the policy is adopted.

4.11 To provide some additional context for the table of fares a comparison of the cost of a two mile fare across 349 local authorities as at 17 June 2022 can be found at: <https://www.phtm.co.uk/newspaper/taxi-fares-league-tables>. A selection are set out in Appendix E.

4.12 In accordance with best practice guidance, "Fare scales should be designed with a view to practicality". The current table has been developed with this in mind, in particular taking into account the limitations of what can be accommodated on the taximeters. In light of the response from the trade, the current inflation rates and the cost of fuel a proposed set of fares for a 5% increase are set out in the Appendix C. Officers have also set out a proposed set of fares for a circa 8% increase in Appendix Ci. This has been included to reflect the outcome of the informal consultation. Appendix Ci also takes cognisance of the comments received from the trade that the majority of users now pay by electronic means which results in additional expenditure for the trade. If Licensing Committee Members were minded to propose a 10% increase and the Executive resolve to vary the table by 10% the figures set out on the consultation document would be adjusted to reflect this decision.

4.13 A 5% increase would see a two mile journey during hours when tariff 1 was in operation increase from £7.40 to £7.60.

Option 1 - Changes to Tariffs Based on a Circa 5% Uplift			
Distance in Miles	Tariff 1 (Current)	Tariff 1 (Proposed)	% Increase
Flag	£3.00	£3.00	0%
1	£5.00	£5.00	0%
2	£7.40	£7.60	2.7%
3	£9.80	£10.20	4%
4	£12.20	£12.80	4.9%
5	£14.60	£15.40	5.5%
6	£17.00	£18.00	5.9%
7	£19.40	£20.60	6.2%
8	£21.80	£23.20	6.4%
9	£24.20	£25.80	6.6%
10	£26.60	£28.40	6.7%

4.14 A circa 8% increase would see a two mile journey during hours when tariff 1 was in operation increase from £7.40 to £8.00.

Option 2 - Changes to Tariffs Based on a Circa 8% Uplift			
Distance in Miles	Tariff 1 (Current)	Tariff 1 (Proposed)	% Increase
Flag	£3.00	£5.00	66%
1	£5.00	£5.40	8%
2	£7.40	£8.00	8.1%
3	£9.80	£10.60	8.1%
4	£12.20	£13.20	8.2%
5	£14.60	£15.80	8.2%
6	£17.00	£18.40	8.2%
7	£19.40	£21.00	8.2%
8	£21.80	£23.60	8.3%
9	£24.20	£26.20	8.3%
10	£26.60	£28.80	8.3%

4.15 Officers have also included some proposed changes to the descriptions of the tariffs to address some of the ambiguity in the existing table around change over times. The table of fares also includes provision for fouling charges which are a standard feature of most tables of fares. The proposed maximum fares are designed to take into consideration the costs of cleaning the vehicle as well as any loss of earnings while the vehicle has to be cleaned. Members will need to take a view as to the appropriateness of the charging levels.

Proposals

4.16 In order to set maximum fares, the 1976 Act prescribes a statutory consultation process and a means of dealing with objections in relation to a local authority's proposal to adopt or vary fares.

4.17 If the Licensing Committee are minded to seek any adjustment to the fares, and subsequently a decision is taken by the Executive to make change(s) the Council must publish a notice setting out the proposed changes in at least one local newspaper. Officers propose that any notice should be placed in both the Newbury Weekly News and the Reading Chronicle. This is in line with what was agreed when the fees were consulted on in 2021. The notice must specify the period that readers will have to object to the change set out in the notice (the period must be at least fourteen days from the date of the first publication of the notice). The notice should also set out how the objections should be made. It is proposed that the notice is placed in the newspapers on the 14 July 2022 and that the consultation period run from this date until the 28 July 2022. This is in line with the requirement to consult for a minimum of 14 days. The consultation period in 2021 ran for 28 days and Members may therefore wish to extend the consultation period in 2022. Any ensuing changes will be made to the public notice and table of fares.

4.18 The Licensing Committee and the Executive are asked to consider if they are of the view that this period is acceptable or not.

4.19 A copy of the notice must be displayed at the Council's Office and in addition a copy will also be placed on the Public Protection Partnership's website. The Council could also choose to email a copy of the notice to individual members of the trade. Officers would

recommend that this is done. The matter will also be discussed at the July Taxi Trade Liaison Group meeting.

- 4.20 If no objection to the variation is received within the consultation period or if all objections are withdrawn, the revised fares will come into operation on the date of the expiration of the consultation period specified in the notice or the date of withdrawal of the last objection whichever date is the later.
- 4.21 If objections are received the matter will be discussed by Members at the 22 September 2022 Executive meeting. A further date would need to be set to determine when the new table of fares, with or without modifications following consideration of the objections, would come into force. This date is required to be no later than 2 months after the consultation period (e.g. 28 September 2022/11 October 2022).
- 4.22 A report would be taken to the 07 November 2022 Licensing Committee meeting to inform that Committee of the outcome of the consultation and any further decision taken by the Executive, if they are required to make a further decision.

5 Other options considered

- 5.1 Not to consider or make any variations to the tariffs.
- 5.2 To delay the decision to make any variations until the September Executive meeting.

6 Conclusion

The issue of setting fares for hackney carriage drivers is an important one primarily for two reasons. The fares set by local authorities largely determine the ability of drivers to earn a decent living but also functions to ensure that passengers receive a fair deal when taking a journey in a licensed hackney carriage. Having informally consulted the trade, Members are asked to seek a way forward in terms of fare setting in the current circumstances.

7 Appendices

- 7.1 Appendix A – Existing Tariffs
- 7.2 Appendix B – Outcome of the Non-Statutory Consultation process
- 7.3 Appendix C and Ci – Proposed Table of Fares at 5% and 8%
- 7.4 Appendix D - Public Notice
- 7.5 Appendix E – Comparison Data

Background Papers:

None

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



**WEST BERKSIRE COUNCIL HACKNEY CARRIAGE FARE CHART effective 19 November 2021
FARES FOR DISTANCE AND TIME**

All distance and time charges include uncompleted parts thereof

Tariff 1		Tariff 2		Tariff 3		Extra Charges
Rate for the first mile: £5.00		Rate for the first mile: £7.50		Rate for the first mile: £10.00		Where there are five or more passengers in a vehicle the meter will be switched to Tariff 2
Rate for each mile thereafter: £2.40		Rate for each mile thereafter: £3.60		Rate for each mile thereafter: £4.80		
Hiring when journey commences between 06:00 and 22:00 Monday to Saturday (excludes bank holidays and public holidays, Boxing Day and Christmas Day)		Hiring when journey commences between 22:00 and 06:00 Monday to Saturday, on Sundays, bank holidays and public holidays, between 06:00 and midnight on Boxing Day, between 19:00 and midnight on Christmas Eve and New Year's Eve		Hiring when the journey commences on Christmas Day until 06:00 on Boxing Day and journeys commencing between midnight and 06:00 on New Year's Day.		Taxi Plate Number:
£3.00	Maximum Charge up to 352 yards or 69.1 seconds or a combination of time and distance	£4.50	Maximum Charge up to 352 yards or 69.1 seconds or a combination of time and distance	£6.00	Maximum Charge up to 352 yards or 69.1 seconds or a combination of time and distance	
20p	For each subsequent 146.7 yards or every 28.8 seconds or part thereof	30p	For each subsequent 146.7 yards or every 28.8 seconds or part thereof	40p	For each subsequent 146.7 yards or every 28.8 seconds or part thereof	Waiting Time Per Hour T1 = 25.00 T2 = 37.50 T3 = 50.00

Cross Over Speed 9.34MPH

Where the hackney carriage is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey in accordance with the Local Government (Miscellaneous Provisions) Act 1976 section 67. If a hackney carriage is booked by telephone, text, email or other electronic means a booking fee may be charged by prior arrangement only

If the journey takes the taxi outside the West Berkshire Council area the driver MUST still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started. These are the maximum fares chargeable and any lesser fare agreed before commencement of the journey still applies.
Congestion Charge, ULEZ, or any tolls will be applied for any journey where such charges or tolls are incurred. These charges would not appear on the meter.
The driver must carry an assistance dog at no extra charge – Equality Act 2010, section 168
Any complaints about a taxi or a driver should be directed to Licensing@westberks.gov.uk quoting if possible the taxi plate number and or the driver's badge number

0% 0r Delay	5%	10%
3 (6%)	23 (48%)	22 (46%)
Comments		
Fuel will be increasing to over £2 a litre the trade has lost over the covid 19 and trade is now improvising but with the fuel increase and insurance more ever increasing.		
I believe the next increase should be 10% due to the exorbitant price of fuel. Also the last increase would have been implemented back in 2020 had Covid not decimated the trade.		
I think a 10% increase is the very minimum we need to be increasing the tariffs by. The cost of fuel being the main reason.		
I'm not sure if anyone has reviewed the average income of a taxi driver in West Berkshire in 2022 compared with, say 2000, but I suspect incomes have fallen dramatically. I can no longer afford to work as a taxi driver and will be exiting the trade soon. I will have to find something that pays better. And that shouldn't be difficult.		
I feel we will deter people from using taxis if the price goes up so soon after the last increase.		
I would like to see a 5% increase immediately please.		
Thanks for cooperation. I am agreed with your decision. As the fuel prices goes up.		
Going forwards may be time to not set tariffs, allow the trade to set their own, Council to be advised of tariffs used, by company Operator. This works locally in South Oxfordshire.		
How can everybody afford all these rises. We don't want to drive them away from using taxi and phv but the fuel is too dear thanks we have to make a living		
I would like to suggest at looking at a min fee of £5.50 for the first mile, as 9 out of 10 passengers now pay with card, with us losing the 2% that we get charged for each transaction,		
As fuel now approaches 20% of my takings (from 11% in 2019) I feel that we have to have an increase to continue to make our businesses viable. This may well be temporary but we need more regular reviews linked to the cost of living. The increase in January was the first in 7 years, this should not be allowed to happen again.		
Personally as I think as the current rate of inflation is now around 10%, I should like to see a minimum increase of 5%. This is purely to not off put regulars from using taxis in and around west Berkshire! I think 10% would be a too large increase and would put off our regular users.		
However, it should be noted, that today I filled up my vehicle at 204.9 for Diesel, where 6 months ago it was £1.43 a litre, almost a 50% increase!! Therefore I feel that 5% is more than justifiable and to be honest quite reasonable.		
Adoption should be delayed until the Hackney Carriage and Private Hire Licensing Policy has been adopted. This proposal, based on fuel prices, does not support the Council's Climate Change policies. Current fuel prices are an incentive to switch to electric and hybrid vehicles and increasing the fares will not encourage the trade to make the change. It also does not help to support those vehicle owners that have purchased the electric vehicles.		

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WEST BERKSIRE COUNCIL HACKNEY CARRIAGE FARE CHART effective July/ September 2022
FARES FOR DISTANCE AND TIME

All distance and time charges include uncompleted parts thereof

Tariff 1		Tariff 2		Tariff 3		Taxi Plate Number:
Rate for the first mile: £5.00		Rate for the first mile: £7.50		Rate for the first mile: £10.00		
Rate for each mile thereafter: £2.60		Rate for each mile thereafter: £3.60		Rate for each mile thereafter: £4.80		
Hiring when journey commences between 06:00 and 21:59 Monday to Saturday (excludes bank holidays, public holidays, 24 th , 25 th , 26 th , 31 st December and 1 st January)		Hiring when journey commences between 22:00 and 05:59 Monday to Saturday, 06.00 and 21.59 Sundays, bank holidays, and public holidays, between 06:00 and 23.59 on 24 th , 26 th and 31 st December.		Hiring when the journey commences between 00.00 on the 25 th December and 05:59 on 26 th December. Journeys commencing between 00.00 and 05:59 on 1 st January		Extra Charges When this vehicle is carrying more than 4 passengers, a surcharge of 50% will be applied to the fare shown on the meter at the end of the journey. This will however not be shown on the taximeter Fouling of vehicle – interior (maximum £150) Fouling of vehicle – exterior (maximum £50)
£3.00	Maximum Charge up to 415 yards or 88.5 seconds or a combination of time and distance	£4.50	Maximum Charge up to 415 yards or 88.5 seconds or a combination of time and distance	£6.00	Maximum Charge up to 415 yards or 88.5 seconds or a combination of time and distance	
20p	For each subsequent 135 yards or every 28.8 seconds or part thereof	30p	For each subsequent 135 yards or every 28.8 seconds or part thereof	40p	For each subsequent 135 yards or every 28.8 seconds or part thereof	

Where the hackney carriage is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey in accordance with the Local Government (Miscellaneous Provisions) Act 1976 section 67. If a hackney carriage is booked by telephone, text, email or other electronic means a booking fee may be charged by prior arrangement only

If the journey takes the taxi outside the West Berkshire Council area the driver MUST still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started. **These are the maximum fares chargeable and any lesser fare agreed before commencement of the journey still applies.**

Congestion Charge, ULEZ, or any tolls will be applied for any journey where such charges or tolls are incurred. **These charges would not appear on the meter.**

The driver must carry an assistance dog at no extra charge – Equality Act 2010, section 168

Any comments about a taxi or a driver should be directed to Licensing@westberks.gov.uk quoting if possible the taxi plate number and or the driver's badge number



WEST BERKSIRE COUNCIL HACKNEY CARRIAGE FARE CHART effective **July/ September 2022**
FARES FOR DISTANCE AND TIME

All distance and time charges include uncompleted parts thereof

Tariff 1		Tariff 2		Tariff 3		Taxi Plate Number:
Rate for the first mile: £5.40		Rate for the first mile: £8.10		Rate for the first mile: £10.80		
Rate for each mile thereafter: £2.60		Rate for each mile thereafter: £3.90		Rate for each mile thereafter: £5.20		
Hiring when journey commences between 06:00 and 21:59 Monday to Saturday (excludes bank holidays, public holidays, 24 th , 25 th , 26 th , 31 st December and 1 st January)		Hiring when journey commences between 22:00 and 05:59 Monday to Saturday, 06.00 and 21.59 Sundays, bank holidays, and public holidays, between 06:00 and 23.59 on 24 th , 26 th and 31 st December.		Hiring when the journey commences between 00.00 on the 25 th December and 05:59 on 26 th December. Journeys commencing between 00.00 and 05:59 on 1 st January		Extra Charges When this vehicle is carrying more than 4 passengers, a surcharge of 50% will be applied to the fare shown on the meter at the end of the journey. This will however not be shown on the taximeter Fouling of vehicle – interior (maximum £150) Fouling of vehicle – exterior (maximum £50)
£5.00	Maximum Charge up to 1489.235 yards or 264 seconds or a combination of time and distance	£7.50	Maximum Charge up to 1489.235 yards or 264 seconds or a combination of time and distance	£10.00	Maximum Charge up to 1489.235 yards or 264 seconds or a combination of time and distance	
20p	For each subsequent 135.385 yards or every 24 seconds or part thereof	30p	For each subsequent 135.385 yards or every 24 seconds or part thereof	40p	For each subsequent 135.385 yards or every 24 seconds or part thereof	
						Waiting Time Per Hour T1 =30.00 T2 =45.00 T3 = 60.00

Where the hackney carriage is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey in accordance with the Local Government (Miscellaneous Provisions) Act 1976 section 67. If a hackney carriage is booked by telephone, text, email or other electronic means a booking fee may be charged by prior arrangement only

If the journey takes the taxi outside the West Berkshire Council area the driver **MUST** still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started. **These are the maximum fares chargeable and any lesser fare agreed before commencement of the journey still applies.**

Congestion Charge, ULEZ, or any tolls will be applied for any journey where such charges or tolls are incurred. **These charges would not appear on the meter.**

The driver must carry an assistance dog at no extra charge – Equality Act 2010, section 168

Any comments about a taxi or a driver should be directed to Licensing@westberks.gov.uk quoting if possible the taxi plate number and or the driver's badge number

WEST BERKSHIRE DISTRICT COUNCIL
Local Government (Miscellaneous Provisions) Act 1976 Section 65 Hackney
Carriage Fares

NOTICE IS HEREBY GIVEN that West Berkshire District Council proposes to vary the table of fares chargeable in the District as follows:

- i. For the first 415 yards - £3,00
- ii. For each subsequent 135 yards – 20p
- iii. Waiting Time 28.8 seconds – 20p

OR

- i. For the first 1489.235 yards - £5,00
- ii. For each subsequent 135.385 – 20p
- iii. Waiting Time 24 seconds – 20p

A full set of proposals, including what will happen if there are objections, can be found at: <https://publicprotectionpartnership.org.uk/licensing/consultations/>

Any objections to the proposed variations should be submitted in writing addressed to Sean Murphy at the address below by THURSDAY 28 July 2022.

A copy of the notice is available for public inspection during normal office hours at the address below for 14 days from the 14 July 2022.

If no objections are received by Thursday 28 July 2022, or any such objections are subsequently withdrawn, the revised table of fares shall come into operation from FRIDAY 29 July 2022.

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

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Please find below a selection of comparator authorities as at the 17 June 2022. A full list of two mile journeys by authority can be found at:

<https://www.phtm.co.uk/newspaper/taxi-fares-league-tables>.

Authority	Tariff
London Heathrow	£13.40 (highest tariff)
Epsom & Ewell	£9.80
Wokingham	£8.20
Reading	£8.00
Surrey Heath	£7.90
Basingstoke & Deane	£7.60
Bracknell Forest	£7.80 (£1.00 increase)
Oxford City	£7.60
Rushmoor	£7.60 (£1.20 increase)
Southampton	£7.60 (1.40 increase)
West Berkshire	£7.40
Bath and North East Somerset	£7.20
Slough	£7.00 (£1.00 increase)
Wiltshire	£7.00
Vale Of White Horse	£6.90
Hart	£6.80
Swindon	£6.70
Basingstoke And Deane	£6.60
Runnymede	£6.60
RBWM	£6.40
East Hampshire	£6.40
Cotswold	£6.30
Spelthorne	£6.20
Winchester	£6.20
Buckinghamshire	£6.00
Test Valley	£6.00
Milton Keynes	£6.00
Warwick	£6.00
Pendle	£4.40 (lowest)

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West Berkshire Council Licensing Annual Report 2021/22

Committee considering report:	Licensing Committee
Date of Committee:	04 July 2022
Portfolio Member:	Councillor Tom Marino
Report Author:	Moira Fraser
Forward Plan Ref:	N/A

1 Purpose of the Report

To set out the work of the Licensing Committee, Licensing Sub-Committee and Licensing Service in 2021/22.

2 Recommendation

That the Committee **NOTES** the content of this report including the work of the Licensing Committee and Service related activity for 2021/22.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The Licensing functions within the PPP operate on a cost recovery basis with respect to discretionary fees. The Committee considers discretionary fees before they are considered by Full Council as part of the annual budget setting process. The report shows information relating to volumes of applications at March 31 st 2022. Due to the impact of the Covid pandemic throughout the previous year Officers had already identified a financial risk associated with licensing income. This was covered off by holding vacancies in the service.
Human Resource:	Vacant posts were held during the year to help mitigate the loss of licensing income arising from the various Covid lockdowns. During Quarter 2 of 2021/22 the Applications Team was merged with the Licensing Operations function as a result of changes to the Partnership Support function.
Legal:	These are all statutory functions.

	Under the Licensing Act 2003 and the Gambling Act 2005 there is a legal obligation for the Council to set key policies. In other areas the Council has a range of powers to set licence conditions and adopt sector specific policy positions.			
Risk Management:	The PPP operated a risk based approach for their inspection programme during the 2021/22 municipal year. It was apparent that the implications of the national lockdown would be a risk to the hospitality and other licensed sectors such as taxi and private hire operators and drivers. The PPP has had to regularly amend its approach to maintain its services to an appropriate standard.			
Property:	None.			
Policy:	The Licensing regime is covered by the policies arising from the Licensing Act 2003 and the Gambling Act 2005. In other areas the Council has a range of powers to set licence conditions and adopt sector specific policy positions.			
	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?		✓		There are no decisions in this report
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		There are no decisions within this report, any policies or actions referred to will have already undergone and EIA when considered previously by committees
Environmental Impact:		✓		This report has no environmental impacts.

Health Impact:		✓		There are no health impacts
ICT Impact:		✓		None
Digital Services Impact:		✓		None
Council Strategy Priorities:		✓		This report covers the business as usual work of the Licensing Committee, Licensing Sub-Committee and the Licensing functions provided by the PPP.
Core Business:		✓		This report covers the business as usual work of the licensing committee and the Licensing functions provided by the PPP.
Data Impact:		✓		All data reported is open data and any addresses detailed are in the public domain following hearings open to the public.
Consultation and Engagement:	None the report is to note only.			

4 Supporting Information

Introduction

- 4.1 The shared Public Protection Partnership (PPP) delivers a range of regulatory functions. Licensing however is distinct in the way that activities are overseen and policy is set. Whilst all decisions related to the PPP go through the Joint Public Protection Committee, each partner authority retains its individual licensing committee to set licensing related policy and monitor performance. This requires careful co-ordination and clear governance arrangements have been put in place to ensure that this happens.
- 4.2 The shared Licensing Service considers and issues a range of licences, consents, notices and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to West Berkshire. Legislation requiring a licence/consent/notice/permit for a business activity is generally enacted in order to protect users of a service or the wider community such as those that might be affected due to their proximity to the licensed premises or their interaction with an individual licence holder. Animal Welfare licensing provisions are there to protect the health and wellbeing of animals in regulated settings such a kennels or performances. Good regulation, properly implemented also provides a level playing field for the licensed sector.

- 4.3 It is acknowledged by the licensed sector that an effective licensing regime, soundly administered and founded on sensible and effective policies creates consumer confidence which in turn is positive for licence holders. The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress rapidly through the licensing process. The service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.
- 4.4 As part of the work to streamline the service and in order to add resilience to the teams the Applications Team was merged with Licensing Operations during 2021/22. In addition Licensing Liaison Officers (LLOs) have been engaged on a temporary basis to assist all licence sectors with recovery during and after the Covid pandemic. The LLOs worked across all three authorities, whilst Wokingham was in the partnership. They acted as the first point of contact for the trade-hospitality and taxi/private hire sectors answering queries or feeding matters raised back to obtain answers as well as checking statutory notices and assisting in monitoring events.

The Licensing Committee

- 4.5 The Licensing Committee is responsible for setting the policy direction that forms the basis of licensing activity in the District. Under the Licensing Act 2003 and the Gambling Act 2005 there is a legal obligation for the Council to set key policies. In other areas the Council has a range of powers to set licence conditions and adopt sector specific policy positions. There is also a requirement for the Council to have a Licensing Committee of between 12 and 15 Members.
- 4.6 The Licensing Committee comprises 12 Members and the 2021/22 membership is set out below:

Conservative Group (seven Members)	Steve Ardagh-Walter, Jeff Beck, Graham Bridgman, Clive Hooker, Rick Jones (Chairman), Tony Linden and Graham Pask
Liberal Democrat Group (four Members)	Adrian Abbs, Phil Barnett (Vice-Chairman), Billy Drummond and Martha Vickers
Green Group (one Member)	David Marsh

- 4.7 Over the 2021/22 period the Licensing Committee met on 04th May 2021 (annual meeting), 21st June 2021, 06th September 2021 (Special), 08th November 2021 and 31st January 2022. The Committee considered a number of matters including: the draft Statement of Gambling Principles (SoGP), the ensuing consultation and post consultation document, the Committee oversaw the statutory process for varying Hackney Carriage Tariffs making recommendations to the Executive about modifications, proposed and adopted amendments to the Scheme of Delegation in relation to both the Licensing Act 2003 and the Gambling Act 2005 and considered the

Licensing Fees and Charges for 2022/23 including considering the outcome of the consultation on the statutory element of these fees.

4.8 The SoGP was adopted by full Council at the 02 December 2021 meeting and the revised Statement was published ahead of the 31st January 2022 deadline. The revised Hackney Carriage Tariffs (an uplift of circa 5%) came into effect on the 19 November 2021 following Executive approval at the 18th November 2021 meeting.

4.9 In terms of forward planning, in addition to the annual fees and charges cycle, a number of policies including the following are scheduled for consideration during the 2022/23 cycle:

- The Draft Hackney Carriage and Private Hire Licensing Policy (July 2022);
- Response to the Helping West Berkshire Taxi Trade Go Greener Motion (July 2022);
- Consideration of Revised Hackney Carriage Tariffs (July and November 2022)
- The Draft Licensing Policy (January 2023);
- Charity Collections Policy (January 2023).

4.10 At each meeting Committee Members are asked to consider if there are any additional items that they wish to include on the Forward Plan.

Licensing Sub-Committees

4.11 While the Licensing Committee carries out functions relating to licensing and registration the Licensing Sub-Committee considers gambling and licensing applications where representations are received. These meeting are arranged on an ad-hoc basis. Each Sub-Committee comprises three Members drawn from the membership of the Licensing Committee. A substitute is also appointed in the event that, for whatever reason, one of the Sub-Committee Members has to withdraw from the panel.

4.12 During the 2021/22 financial year the sub-committee met on six occasions and a summary of the matters are set out in the table below:

Type of Application	Premise	Outcome
Premise Licence	3 Market Place, Lambourn, RG17 8XU	Licence Granted
Premise License	The Breeze Drinks Company Ltd, Hawkridge House, Hawkridge Hill, Frilsham, RG18 9XA	Licence Granted
Vary an Existing Premise Licence	Aldi Foodstores, London Road, Newbury, RG14 1LA	Variation Granted
Review of Premise Licence	Pinchington Hall, Crookham Hill Crookham Common Thatcham RG19 8DQ	Licence Revoked
Review of Premise Licence	Newbury Real Ale Festival, Land between Northcroft	New Additional Conditions Imposed

	Leisure Centre& Newbury Cricket Club, Northcroft Lane, RG14 1RS	
Application to Vary a Premise License	Spoons Coffee Shop Ltd, Unit 7, The Colonnade, Overdown Road, Tilehurst, Reading, RG31 6PR	Approved in Part

- 4.13 Two further meetings for Aldi (Bath Road, Calcot) and Falkland Cricket Club were cancelled following successful mediation.
- 4.14 The Pinchington Hall Review decision, under the Licensing Act 2003, was originally appealed to the Magistrates' Court but the applicant withdraw their appeal against the decision prior to the matter being heard.
- 4.15 The number of sub-committee meetings held each year remains relatively low albeit that there was a relatively big increase in the numbers in 2021/22 which could be indicative of the changes in Covid regulations during the year. In 2020/21 two meetings were held, 2019/20 six applications were heard, three sub-committees took place in 2018/19 and three in 2017/18.
- 4.16 The cessation of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 ("the Regulations") in May 2021 which permitted meetings to take place in a virtual format has meant that both the Licensing Committee meetings and Licensing Sub-Committees meetings have taken place in a hybrid format. This format required Members to be present in the face to face meetings whilst Officers and attendees or interested parties could join remotely or in person. Members that attended the Licensing Committee meetings remotely were able to take part in the debate but were not permitted to vote on relevant items.

Training

- 4.17 Joint Licensing Act training for Members from all three partner authorities, prior to Wokingham's exit from the Partnership, was undertaken on the 25th and 26th May 2021 via Zoom. The training was delivered by PPP staff and Legal and Democratic Services Officers from all three authorities. The aim of the sessions was to help Members identify licence types and authorisation processes, note the legal framework that underpins the licensing regime; grasp the licensing objectives; understand the licensing process and the councillors' role in it; recognise valid representations and who can make them and be informed about the way hearings are conducted in each authority.
- 4.18 The sessions were held in two parts firstly a general session on Licensing for all Members and then Members were placed in individual break out rooms for each authority with their own Solicitor to cover Sub-Committee/hearing procedures.
- 4.19 In addition Officers from the PPP were invited to attend a Newbury Town Council meeting in January 2022 to explain the role of the town council in licensing hearings and identify the type of information that should be included in a licensing representation. It is hoped that this session could be replicated for other town and parish councils during the 2022/23 municipal year.

4.20 Training on the Gambling Act 2005 was undertaken by an external provider in June 2021. The training was again attended by Members from all three partner organisations.

Taxi and Private Hire Liaison Group Meetings

4.21 The Group was 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, fees and other matters of common interest. The Group is also tasked with reporting back to the Licensing Committee with any recommendations for alterations to the existing or proposed licences, policies, tariffs and fees.

4.22 The Group comprises the Chairman and Vice Chairman of the Licensing Committee, Members of the Licensing Committee, the Public Protection Manager, the Licensing Manager and representatives from the Hackney Carriage and Private Hire Trade. The number of attendees from the Trade remains relatively low albeit that there has been a slight improvement in attendance at the meetings throughout the year. Officers continue to encourage trade representatives to attend the meetings and the minutes are circulated to the trade and Licensing Committee to keep them abreast of discussions that have taken place.

4.23 During the 2021/22 financial year the Group met on the 02 June 2021, 26 October 2021 and the 17 January 2022. A range of issues were discussed including the impact that COVID-19 had had on the trade, discussions on tariffs for the forthcoming year and fees for the 2022/23 budget. We also had colleagues attend the meeting to provide presentations and facilitate discussions on electric vehicles and updates on the air quality (anti idling) campaign.

4.24 PPP Officers continue to work with the Environment Delivery Team to raise awareness with the trade about the use of electric vehicles and a workshop to discuss barriers to using these vehicles was held on the 17 November 2021. This session also provided an opportunity for the trade to test drive electric vehicles. While the turnout at this session was disappointing those that attended commented that they had found it very useful and that the presenters had been very knowledgeable. Officers will continue to seek out opportunities to deliver these types of events for the trade. A report setting out some options to incentivise the taxi trade to 'go greener' is included on this agenda.

Impact of COVID- 19 on the PPP Licensing functions

4.25 The PPP including officers from the Licensing Service, have had a significant role to play in investigating, managing and preventing outbreaks during the 2021/22 financial year. This work came to an end in March 2022.

4.26 The Licensing Service has engaged with the trade throughout Covid and has responded to suggestions from the taxi trade and have also provided other West Berkshire Council services with information from the trade.

4.27 The Licensing Service provided information to go onto the PPP website that the licensed trade could access in respect of Covid matters and set out the help available as well as conducting visits to advise businesses and undertook various webinars with the trade.

4.28 The applications team have been resourceful in finding ways that licences could be issued in a timely manner despite having to find new ways of working as the trade were no longer able to access the offices as a matter of course.

Impact of COVID- 19 on the PPP Licensed Sector

4.29 The impact of Covid continued to be felt by the licensed trade during the 2021/22 financial year. The data in Appendix A shows that there has been a decrease in all types of taxi trade licences issued when compared to 2019. Anecdotally the trade informed us that they had lost around 75% of their trade during the pandemic. Some of these licences are on a three year cycle which makes it difficult to ascertain the total impact.

4.30 The number of licensed animal boarding establishments and dog breeders has now returned to pre-covid levels, with the numbers almost doubling when compared to 2020/21. The number of licensed home boarders (33) is marginally higher than in 2019.

4.31 The number of personal and premises licences as at the 31 March 2022 is higher than in previous years. The number of temporary event notices have, understandably, increased dramatically compared to the previous year but has not yet reached pre-pandemic levels.

4.32 The impact on the licensed trade cannot be underestimated. The hospitality industry has had to cope with periods of closure whilst the taxi trade has been dealing with relatively few people being in our towns and needing vehicles to get about along with the down turn in airline travel as that itself was severely impacted.

4.33 This led to ingenuity from the trade and a massive diversification in their business- some have left their industry altogether while others have been able to survive due to their resourcefulness and hopefully things will continue on a more positive note in the future.

Development of Single Case Management System

4.34 During the 2021/22 period officers have also been heavily involved in the work to streamline online interactions and reduce delivery costs to be able to pass on efficiency savings to the Licensing trades. For the first time data from West Berkshire and Bracknell will be stored in the same place, with improved customer management processes and less bureaucracy. This project is referred to as the Tascomi project and the new software is due to be implemented by the summer of 2022.

Communication and Engagement

4.35 A further aspect of the Committee's role, supported by officers, is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The Service provides a range of advice and information sheets via its [website](#). We have also expanded our social media presence with active Facebook and Twitter pages.

Facebook: [@PublicProtectionPartnershipUK](#)

Twitter: [@PublicPP_UK](#)

4.36 Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, and meeting private hire

operators at their offices and taxi drivers at the ranks. Officers from the Licensing Service also attend Safety Advisory Group meetings to provide advice to event organisers to promote public safety at the large number of events that are held across the District each year.

- 4.37 A major joint initiative with Thames Valley Police (TVP) around Child Sexual Exploitation was undertaken in hotels in Newbury in Quarter 3 of 2021/22 whereby officers went out with police colleagues to see if the licensees had any concerns over a young person being with an older individual wishing to book a room etc. In addition this initiative was extended to testing for under age sales at the bar. Twelve hotels in total were visited, many of which were fully booked, however none of them challenged the officers or contacted the police. A follow up operation is to be arranged by Thames Valley Police due to the safeguarding concerns. The PPP will be involved with the operation and will continue to have these types of conversations with licensees during routine inspections.
- 4.38 A joint partnership operation with TVP, WBC Road Safety and PPP, Operation Holly, was conducted before Christmas in relation to drink driving, including checking vehicles for compliance in various areas for example- road worthiness, overweight, correctly licensed etc. Forty Four vehicles were stopped during the operation and 34 vehicles passed the inspection and returned negative breath tests. In addition the checks found a number of defects including mobile phone offences (3), seatbelt offences (10) and two vehicles were overweight and one vehicle had an insecure load. The checks also identified some vehicle defects including no sidelight bulb, no front number plate, one tyre below the legal limit and an issue with an exhaust.
- 4.39 Operation Coachman was conducted in February 2022, in partnership with Thames Valley Police, School Transport, Road Safety WBC and other partners. The check was organised to quality assure the safety measures implemented by transport companies employed to convey students to school and to check the roadworthiness of the vehicles used. Thirty four vehicles were checked during this operation and there were no issues arising from police checks of drivers or the chaperones. One vehicle was found to have no MOT and two other vehicles received delayed prohibition notices for a faulty seatbelt and a faulty rear washer. A fourth vehicle was subjected to an immediate prohibition due to corrosion and seatbelt condition.
- 4.40 There were four under age sales operations undertaken during the year in which 33 premises were visited and none of the premises failed the purchases.
- 4.41 The Licensing Service also meets and works closely with partner authority home to school transport teams to ensure closer working relationships to protect the safety of vulnerable children.
- 4.42 PPP Licensing data shows that it dealt with 229 requests for service in 2021/22 (compared with 265 in 2020/21, 168 in 2019/20, 199 in 2018/19 and 210 in 2017/18). These figures include some general telephone enquiries, due to the adaptations which have had to be made due to the remote home working of many staff due to COVID-19. The majority as shown have been logged for further response.
- 4.43 The work of the Licensing Service has always been a feature of the overall PPP customer satisfaction performance. Where issues have arisen there is a procedure for following these up. Service improvements are managed through the Quality Management System and recorded within our Improvement Action Logs.

Looking Ahead

- 4.44 Recruitment and retention of staff will be a priority for the Service during the first half of 2022/23. It is anticipated that the implementation of the new IT system in the summer will start to deliver efficiencies for the service and provide a better experience for our businesses.
- 4.45 There are also a number of legislative changes which will have an impact on both the taxi trade and hospitality sector. Some examples are set out below.
- 4.46 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (the act) received Royal Assent on 31 March 2022 (aka Sian's Law). The Act places a legal duty on licensing authorities to record certain information in a national database including decisions to refuse, refuse to renew, suspend and revoke licences of taxi and private hire drivers. This will be a major safeguard in stopping those, who for an adverse determination for safeguarding reasons, simply licensing in another local authority area.
- 4.47 In addition as of 04th April 2022, when renewing a taxi, private hire or scrap metal licence in England and Wales a 'tax check' must be completed first and the PPP are obligated as part of the licensing process to ensure it has been done. Information has been circulated to the trade, press releases and social media campaign information issued and information on the website has been updated to highlight this change.
- 4.48 On 28 June, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 ("The 2022 Act") will take effect in England, Scotland, and Wales. It will amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against. It will be a requirement for all authorities to publish a list of licenced taxis and PHVs they designate as being wheelchair accessible. It should be noted that the PPP already does this but we will need to ensure that the content is 'accessible to disabled users and is easily discoverable.' We will also ensure that the trade is made aware of these changes and the procedures and criteria they will need to follow to apply for an exemption.
- 4.49 The enactment of this legislation will require taxi and PHV drivers to:
- Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
 - Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.
- 4.50 In addition PHV operators will be required to accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.
- 4.51 The Business and Planning Act 2020 introduced during the Covid pandemic modified provisions in the Licensing Act 2003 to provide automatic extensions to premises licences that only permitted sales of alcohol for consumption on the premises ("on-sales") to allow sales of alcohol for consumption off the premises ("off-sales"). This legislation was extended under the Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 until the 30 September 2022 when it will lapse. This could impact on applications to vary existing premises licences later in

the year where businesses might wish to continue to make use of this operating model.

- 4.52 Clause 184 of the Levelling Up and Regeneration Bill which is currently making its way through parliamentary processes is seeking to introduce provisions for making pavement licensing permanent. It also seeks to introduce two new fee caps under which the local authority can charge a fee for a pavement licence, £350 in the case of a renewal application and £500 in the case of any other application. This replaces the previous fee cap of £100.
- 4.53 The Environment Bill enacted in November 2021 has implications for the hospitality sector which will require clearer labelling of products, reducing plastic use and requirements around separating food waste.

5 Other options considered

None the report is to note only.

6 Conclusion

The Licensing Committee has continued to meet throughout 2021/22 and held Sub-Committee hearings, albeit it in remote and latterly hybrid formats. They have met their requirements and discharged their duties appropriately and in accordance with the Constitution. Officers have reported issues to the Committee and worked to implement decisions alongside maintaining a high standard of service to the licensed trade. This report sets out the ways in which these objectives have been met.

7 Appendices

- 7.1 Appendix A – Number of Licences in the West Berkshire Area
- 7.2 Appendix B – Number of Applications Received
- 7.3 Appendix C – Licensing Service KPIs

Background Papers:

None.

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

Number of Active Licences within the West Berkshire Council Area

Licence Type	At 31/03/2022	At 31/03/2021	At 31/03/2020	At 31/03/2019
Private Hire Operator	51	56	61	58
Private Hire Vehicle Licence	138	127	163	156
Private Hire Driver	100	106	130	117
Dual (HC & PH) Driver	184	193	247	239
Hackney Carriage Vehicle	123	133	153	159
Animal Boarding Establishment and Dog Breeding	20	11	20	19
Home Boarding of Dogs Licence	33	26	31	31
Riding Establishment Licence	6	5	6	8
Pet Shop Licence	3	4	3	2
Dangerous Animals	1			
Zoo Licence	1			
Scrap Metal Dealer Site	5	5	5	7
Scrap Metal Dealer - Mobile	3	5	4	7
Dermal Personal and Premises Registration	357	334	242	313
Hairdresser Registration	36			
Personal Licence	2269	2207	2157	2077
Premises Licence	509	465	458	497
Premises Licence Application (No alcohol)	7	73	75	
Temporary Event Notice (total issued)*	379	71	610	559
Club Premises Certificate	38	40	40	40
Street Trading Consent	25	20	24	26
Street Collections*	29	10	82	20
House to House Collections*	21	17	39	9
Small Society Lottery	116	108	108	148
Licensed Premises Gaming Machine Permit	8	9	10	8
Licensed Premises Gaming Machine Notice	83	83	84	85
Club Machine Permits	7	6	8	9
Club Gaming Permits	0	0	0	1
Gambling Premises	13	12	14	16
Caravan Licence	31			
Licensable HMO	30			
Civil Marriage	17			

*data shows total received for the year

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Number of applications received by year, with application outcome – WBC

Type	2020/21					2021/2022				
	Total	I	W	R	P	Total	I	W	R	P
Private Hire Operators	17	17				22	19	2		1
Private Hire Vehicles	139	138			1	147	145			2
Private Hire Drivers	28	26			2	40	33	1		6
Dual (Hackney Carriage and Private Hire) Drivers	95	88			7	53	47		1	5
Hackney Carriage Vehicles	140	140				125	121		2	2
Animal Boarding Establishments	11	3	1		7	7	7			
Home Boarders of Dogs	15	1	2		12	26	19	1		6
Dog Breeder	2				2	5	2	1		2
Dangerous Wild Animal	1	1				1				1
Riding Establishments	0					2	2			
Performing Animals	0					0				
Pet Shops	3	2			1	2	2			
Zoo Licence	0					1				1
Scrap Metal Site	0					0				
Scrap Metal Mobile Collectors	2	2				1				1
Hairdressers	4	4				2	2			
Personal Licences	53	50		2	1	66	65			2
Premises licence - variation/vary DPS	77	76		1		89	88			1
Premises licence - minor variation	8	7		1		10	9		1	
Premises licence - transfer	23	23				8	7			1
Premises licence - new	21	16			5	21	18		1	2
Temporary Event Notices	72	68	1		3	379	373	1	2	3
Club Premises Certificates - new	1	1				1	1			
Street Traders - mobile	17	16		1		8	8			
Street Traders - site	27	22			5	22	20	1	1	
Street Collections	10	10				28	28			
House to House Collections	17	17				21	21			
Lotteries	18	18				35	35			
Licensed Premises Gaming Machine Permits	2	2				2	2			
Gaming Machine Notifications						0				
Skin Piercing - individual	8	5	1		2	18	15		1	2
Skin Piercing - premises	9	6			3	7				1
Club Machine Permits						1	1			

Key: I = licences issued, W = applications withdrawn, R = applications refused or rejected, P = applications pending decision, e.g. awaiting documentation before licence issue

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Measure of Volume	2021/22	Notes (Comments)
Number of Visits to Licenced Premises (including DPS Checks and LLO visits)	230	
Number of Taxi / PH Checks	45	
Number of Operator Checks	20	
Number of Taxi Rank Checks	38	
Number of Visits to Animal Establishments	50	
Number of Licensing – General Inquiries/advice	115	
Number of Complaints made about those licenced (or unlicensed) by the authority	84	
Number of Contacts directly attributable to the trade making contact	68	
Number of COVID related inquiries	9	
Total Inquiries	310	

KPI	Target	Q1	Q2	Q3	Q4	2021/22	Notes (Comments)
% of licensing applications processed within statutory timescales or 5 days	Base	90/149 (60%)	165/226 (73%)	179/225 (80%)	193/231 (84%)	627/831 (75%)	
% of Temporary Event Notices processed within statutory timescales (3 days)	Base	70/79 (89%)	106/116 (91%)	82/89 (92%)	82/87 (94%)	340/371 (92%)	
% of licensing complaints/requests for advice dealt with appropriately within 10 working days (Whole service KPI)	90%	67/93 (72%)	88/145 (61%)	46/80 (80%)	57/72 (79%)	258/390 (66%)	

Detailed Breakdown of the types of demands on the service in 2021/22 compared to 2020/2

Licensing Area	Recorded Licensing interactions		General Enquiries and Requests		Requests from the trade for information, meetings, updates		Complaints about licence holders/premises, non-compliance or unlicensed activities	
	2020/21	2021/22	2020/21	2021/22	2020/21	2021/22	2020/21	2021/22
L - Animal	36	29	20	19	5	5	11	5
L - Premises	73	100	52	66	1	13	20	21
L - Street Trading	25	14	12	4	2	6	11	4
L - Taxi	86	78	45	12	14	35	27	31
L - TEN	3	8	3	8	0	0	0	0
Licensing	42	0	34	0	2	0	6	0
Total	265	229	166	109	24	59	75	61

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Licensing Committee Forward Plan November 2022 to November 2023

No.	Ref No	Item	Purpose	Lead Officer	Comments
07 November 2022					
1.		Hackney Carriage and Private Hire Policy	To consider the comments received on the policy during the consultation and recommend that the revised policy be adopted.	Julia O' Brien	
2.		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.	Moira Fraser	
3.		Taxi Liaison Update	To summarise the work of the Taxi Trade Group set up by the Licensing Team to advise on a way forward for issues raised by the trade.	Moira Fraser	
4.		Hackney Carriage Tariffs	To feedback on the statutory consultation in relation to the hackney carriage table of fares and to note any decisions taken by the Executive on the matter.	Moira Fraser	
23 January 2023					
5.		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	
6.		Taxi Liaison Meeting Update	To provide an update on the discussion at the January Taxi Trade Liaison meeting.	Moira Fraser	
7.		Draft Licensing Policy	To review the existing policy and the methodology for consultation on the draft policy.	Julia O' Brien	
8.		Charity Collections Policy	To consider the existing policy and make any amendments.	Julia O'Brien	

No.	Ref No	Item	Purpose	Lead Officer	Comments
July 2023					
9.		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	
10.		Hackney Carriage Tariffs	To consider any proposals for adjustments to tariffs, should they be requested by the trade, which would then be the subject of a consultation exercise and Executive approval.	Moira Fraser	
11.		Sex Establishments Policy	To review and if appropriate amend the policy and agree the consultation methodology.	Julia O' Brien	
12.		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	
LC November 2023					
13.		Fees and Charges 2024/25	To set out the Fees and Charges which have been proposed by the Joint Public Protection Committee at the September 2023 meeting and agree the methodology for consultation for the fees the council has a statutory duty to consult on.	Moira Fraser	
14.		Taxi Liaison Update	To summarise the work of the Taxi Trade Group set up by the Licensing Team to advise on a way forward for issues raised by the trade.	Moira Fraser	
15.		Hackney Carriage Tariffs	To feedback on the statutory consultation in relation to the hackney carriage table of fares and to note any decisions taken by the Executive on the matter.	Moira Fraser	
16.		Scrap Metal Licence Policy	To consider the draft policy.	Julia O'Brien	

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