

Notice of Meeting



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Licensing Committee

Monday, 7th November, 2022 at 4.30 pm
In Council Chamber, Council Offices,
Market Street, Newbury

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Date of despatch of Agenda: Thursday, 27 October 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

e-mail: Benjamin.Ryan1@westberks.gov.uk

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



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

Agenda

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2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 4 July 2022.	7 - 16
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 .	17 - 18
4. Licensing Fees and Charges 2023/24 Purpose: <ul style="list-style-type: none">This report sets out the Public Protection Partnership's Fees and Charges which have been proposed by the Joint Public Protection Committee at its meeting on the 05 October 2022.Each partner Council is required to review the fees and charges on an annual basis. Appendix A details the fees and charges for 2023/24 proposed for the Public Protection Service.To consider the proposals for the statutory consultation associated with the fees and charges for private hire operator, and hackney carriage and private hire vehicle licence fees.	19 - 48
5. Hackney Carriage Tariffs Purpose: <ul style="list-style-type: none">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.To outline the process that will be followed in 2023 if any changes are required to the table of fares.	49 - 68



Agenda - Licensing Committee to be held on Monday, 7 November 2022 *(continued)*

6. **Draft Hackney Carriage and Private Hire Licensing Consultation Update** 69 - 160
Purpose: To provide the Licensing Committee with an update on the outcome of the public consultation on the policy and provide an update on the progress that is being made with reviewing the policy with the trade.
7. **Update Following Discussions at the Taxi and Private Hire West Berkshire Council Liaison Group** 161 - 166
Purpose: To provide the Committee with an update and raise any issues emanating from the most recent Liaison Group meetings.
8. **Forward Plan** 167 - 168
Purpose: To consider and agree the Forward Plan.

Sarah Clarke.

Sarah Clarke
Service Director – Strategy and Governance

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 – 7 November 2022

Item 1 – Apologies for absence

Verbal Item

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DRAFT

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

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON

MONDAY, 4 JULY 2022

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

Also Present: Sean Murphy (Public Protection Manager), Julia O'Brien (Team Manager – Licensing), Moira Fraser (Principal Officer – Policy and Governance), Amanda Ward (Lead Officer Licensing), James Button (James Button & Co Solicitor) and Ben Ryan (Democratic Services Officer).

Apologies for inability to attend the meeting: Councillor Adrian Abbs

PART I

3. Minutes

The Minutes of the meetings held on 31 January 2022 and 10 May 2022 were approved as true and correct records and signed by the Chairman.

4. Declarations of Interest

There were no declarations of interest received.

5. Draft Hackney Carriage and Private Hire Licensing Policy

The Committee considered a report (Agenda Item 4), which looked at the new draft Hackney Carriage and Private Hire Licensing Policy which had been prepared in response to the Department for Transport's guidance on "Statutory Taxi and Private Hire Vehicle Standards". This guidance required local authorities to review, revise and update their policies in relation to Hackney Carriage and Private Hire Licensing.

The Licensing team were looking for recommendations on several aspects of the policy, prior to consultation and would remain in draft until the consultation had been completed.

Mr James Button introduced the draft policy and highlighted that the purpose of the policy was to enhance public safety. He then worked through some of the areas where clarity from Members was being sought. He discussed the choice laid out on page 30 of the Agenda, which was whether to waive the second and third year licence fees for individuals over the age of 65, as after a certain age it was required that a taxi licence be renewed annually. Mr Button advised that by adding this to the policy, it would remove questions over age discrimination, however this would come at a financial cost to West Berkshire Council.

Councillor Graham Bridgman stated that there would still be administrative costs associated with the renewals and he wondered if a reduced fee should be applied. The Chairman replied that the Public Protection Partnership (PPP) stated that the administrative load and costs would be manageable.

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Councillor Graham Pask added that, at a certain age, you had to renew your driver's licence with the Driver and Vehicle Licensing Agency (DVLA) every three years and that this process was free. He therefore suggested that years two and three be free for renewal and queried whether there was an age limit where drivers would no longer be eligible for a licence. Mr Button replied that there was no upper age limit and that eligibility was usually decided by whether a driver was seen as 'fit and proper'. Mr Button finished by adding that it would be incredibly difficult to add an upper age limit to the policy.

Councillor Jeff Beck explained that the Charity Commission restricted volunteers driving patients to hospital to 80 years of age. The Chairman added that he was not in favour of upper age limits but would instead insist on the provision of insurance documentation during renewal.

Councillor Steve Ardagh-Walter asked for clarification on why renewals occurred every year instead of every three years. Mr Button informed the Councillor that it would be possible not to implement a recurring one year renewal, however its implementation had been suggested for safety reasons, because of the potential for new medical issues to arise. Mr Button continued to specify that the one year checks could be done from the age of 70 and that this would be in alignment with DVLA practice. Members agreed that the wording should be amended to read 'From the age of 70 on, licences will only be granted on an annual basis. The licences for the second and third year following the one year grant will be issued at no cost to the driver/applicant to bring the cost to the driver in line with the fee structure for those under the age of 70.' They also agreed that the table at 9.6 (Medical Examination) should be amended to reflect this.

Mr Button discussed the choices highlighted on page 32 of the Agenda (section 8 Application for the renewal of a licence). This laid out the renewal process of a Taxi Licence and whether there should be a one month temporary licence granted after expiry.

Councillor Bridgman asked how long it took for the Licensing Team to process an application for a Taxi Licence, as this would allow for a date to be set where a taxi driver had to start the renewal before the expiry of a licence. Councillor Bridgman added that if a taxi driver had not applied for a licence within that time, then no extension should be provided, however if the licence was not ready due to administrative issues there should be an extension of the licence until the application was processed. Mr Button responded that West Berkshire Council had no ability to extend a licence after expiry and that there had to be a process to issue a new licence. Councillor Bridgman stated that a temporary monthly licence should be issued whilst Officers made a decision and if the decision was not to renew the licence, the current temporary licence would expire.

Councillor Pask questioned whether the authority reminded drivers that their licence was due to expire. Mr Sean Murphy answered that reminders were sent out, although to make this policy work, the Committee needed to agree on a date on which to send those reminders out. Councillor Pask suggested that the Council provide a one month extension, if the delay was due to internal delays.

Councillor Beck pointed out that it should be clarified that the extension of the existing licence should be without charge.

Mr Button then addressed that the time taken to process an application should be backdated from the date of expiry, as some would look to benefit from any administrative delay.

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The Vice-Chairman queried how much time, before the expiry of a licence, would be reasonable to implement a deadline for applications, so that Officers could process applications before the licences expired. Mr Murphy responded that the current process suggested 28 days. Ms Julia O'Brien added that busier periods would require that applications be submitted a month before, however applications at the present time were taking five working days to process. Mr Button argued that it would be reasonable to send reminders two months beforehand, as there was potential for delays with Disclosure and Barring Service (DBS) checks.

Councillor Bridgman suggested an introduction of a timescale where an application had to be made between a maximum of 40 working days and a minimum of 20 working days before expiry. This would lead to several alterations firstly, that if you had not applied within the 20 working days, the application would need to be treated as a brand new application, instead of a renewal and secondly if the Council had not made its decision before the expiry date then a monthly extension would be granted until the application had been processed. Mr Button stated that a High Court judgment (*Exeter v Sandle*) ruled that you could make a renewal after expiry, however evidence would need to be provided of exceptional circumstances and the application would have to be made within a short period of time after expiry. Members agreed to these changes which would be reflected in the consultation version of the draft policy.

Mr Button then moved on to the frequency of required Safeguarding and Disability Assistance Training. The options laid out were every three or six years, with the former being recommended.

The Chairman began by stating it was his belief that training should occur every three years and that this would be in line with the practice undertaken by Bracknell Forest Council.

Councillor Pask questioned what form the training would take. Ms O'Brien explained that these could take place virtually (for renewals), or in person (for new applications) and usually took around three hours to complete. Furthermore this was a process the PPP were looking to bring in-house. The Chairman probed further by asking whether the training, if run by West Berkshire Council, would be at any cost to the drivers and Ms O'Brien responded that there would be no cost. It had previously been agreed that they would be included in the driver's licence fee. Councillor Martha Vickers enquired whether the training would be interactive or not, of which Ms O'Brien suggested that if the training was brought in-house, it could be something the team would do. Members agreed that the consultation version of the policy should require training to take place every three years.

Mr Button then introduced the issue on page 53, paragraph 4.1 and explained that the wording conflicted with the current policy and suggested that the Council removed the words 'in confidence', to allow Officers to discuss cases with colleagues. He stressed that this should not result in information being readily available for public consumption. The Committee agreed to remove the words 'in confidence'.

Mr Button brought attention to the choice on page 56 of the Agenda, paragraph 5.4. This was in regards to criminal convictions and the granting of taxi licences. The choice was whether or not to grant a licence after the period of time served, or after the original time sentenced.

Councillor Bridgman asserted that the authority should always look for the end of the longest period where a disqualification, fine, or sentence had been imposed.

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Councillor Pask questioned whether paragraph 5.4 was in regards to all convictions, or only driving convictions and Mr Button replied confirming the former. Councillor Pask further probed, by providing examples of more extreme crimes. Mr Button answered that in extreme cases the policy stated that a taxi licence would not be issued as the applicant would not be considered a 'fit and proper' person. Members agreed that the current wording should be replaced with 'In relation to single convictions, before a licence will be granted the following time periods should elapse following completion of the sentence. "Sentence" means the period of imprisonment imposed (not simply the time served), the date of conviction if a fine was imposed and completion of any disqualification from driving, or the end of whichever lasted longer if more than one penalty was imposed.'

Mr Button moved on to the Penalty Points Scheme appeals mechanism and asked Members to consider where appeals against penalty points should lie i.e. whether this should just be the Licensing Committee or if it should include a senior officer

The Chairman asked if a Sub-Committee could decide the appeal, of which Mr Button responded that this was up to the Members, but suggested that it did not go to a full Committee.

The Chairman questioned how often appeals occurred within West Berkshire Council. Ms O'Brien replied that there was currently no penalty points system in West Berkshire and therefore it was difficult to say how often this would occur. Ms Amanda Ward estimated no more than ten appeals per annum.

Councillor Linden asserted that appeals needed to be determined by Officers first, then if necessary, Members could decide at a separate panel and that this was in-line with the rest of West Berkshire's Appeals processes.

Councillor Ardagh-Walter wanted to know how the points system would be policed. Ms O'Brien asserted that it would be policed through a variety of factors, which would include; complaints, enforcement actions and vehicle inspections.

Councillor Pask enquired whether West Berkshire Council had done this previously and whether it was mandatory for the Council to implement the points system. Ms O'Brien responded that West Berkshire Council did not have a scheme like this and that creating one would lead to a more progressive form of enforcement.

Mr Button added that the legislation gave West Berkshire Council freedom to suspend and revoke Taxi Licences, and that the twelve point system would allow for a fair test to see whether drivers had learned from their mistakes, however if a driver accumulated 12 points and then went to Committee, the Council could suspend the licence for a period of time, of which if the appellant was unhappy, they could appeal to the Court. This process would allow for a gradual escalation of affairs.

Councillor Pask asserted that Members should be the ones that determined appeals, as Members already heard other appeals, including those for Home to School Transport and Council Tax, therefore the continuation of this system would make logical sense.

Mr Murphy stated that it was in-line with other processes within the PPP and that the appeal should go to a Sub-Committee. Councillor Bridgman subtly disagreed with this by stating that there should be a two stage system, with stage one being held by Officer Decision and stage two going to a Sub-Committee, therefore the Officers would be the first port of call for all appeals. Councillor Bridgman pointed to the fact that there was an existing Appeals Committee that should be utilised for the second stage of the appeal, as a result the Licensing Committee should suggest to Council that this would be an issue for the Appeals Panel. If agreed this would need to be reflected in the Scheme of Delegation once the policy had been adopted.

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Councillor Clive Hooker queried how long the points stayed active for and Mr Button highlighted that within the draft policy, it stated a period of 12 months from the date they were imposed, or the date of any appeal where they were upheld, or increased, would be the date of expiry. Members agreed to the two stage process and that the Appeals Panel should be used to determine appeals.

Mr Button moved onto the final point of contention within the draft Taxi Licensing Policy. West Berkshire Council was historically split into two zones for granting licences, however all licences in recent history had been granted for both zones, therefore it was recommended that the Council remove the zoning entirely.

Councillor Pask highlighted that this was a historic issue which occurred during the creation of West Berkshire Council, where taxi drivers wanted to keep hold of the Newbury territory, however after 20 years it made no sense to continue with the division of territory.

Mr Button added that even if it was not within the Licensing Committee's remit, that the issue be taken to Council at a later date. Councillor Bridgman added that as this was a draft copy for consultation and that it was not a definitive choice on the policy, it would not need to go to Council at this stage.

Councillor Hooker enquired why there was no mention of automatic locking doors within the draft policy. Mr Button responded, saying there was no mention of automatic door locking as it would be difficult to address within the policy. On one hand, it would help drivers prevent bilking and would help safeguard individuals within the Town Centre, however on the other hand, it could be dangerous if the driver was ill-intentioned. Councillor Hooker clarified that he was looking at whether this could be added, of which Mr Button said it would be a struggle to make it; comprehensible, comprehensive, enforceable, but if it became a huge problem it could be re-visited.

The Chairman requested further information on why the emissions standards section of the policy had no mention of standards being applied to stretch limos, whereas there were exceptions for vintage cars. Mr Button responded that limos were elderly vehicles and made up a tiny fraction of the entire fleet, as a result it would be unfair to apply these standards to limos. Councillor Bridgman added that vintage, by definition, encompassed cars built before 1930. Mr Button emphasised that classic cars would also be included and that within the policy it stated that enforcement was optional.

Councillor Ardagh-Walter pondered why the draft policy set Euro 5 standards on eligible cars and not Euro 6. Mr Button delved into the fact that Euro 6 standards were applied to cars from 2018 onwards and that Euro 5 was applied from 2012. If Euro 5 emission standards were enforced, the policy would be fairer on drivers and the policy could be revisited in the future to apply Euro 6. Councillor Ardagh-Walter then asserted that the Council should signpost a year in advance of when they aimed to phase out Euro 5 standards. Councillor Bridgman put forward that Euro 6 standards were actually applied to cars from 1 September 2015. The Chairman highlighted that this could end up excluding a lot of people which Councillor Pask furthered by emphasising the need for a realistic introduction, as the shortage of supply for cars could be problematic.

Mr Murphy finished off by stating that the draft policy would incorporate a 'greening of the fleet' policy to review Euro 5 each year. This would be included in the annual report on helping the taxi trade go greener.

The Committee **RESOLVED** that within the draft policy:

- (1) Yearly renewals of taxi licences would be in place, after the age of 70, with no charge for the second or third year, within a three year period.

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- (2) Officers would deal with the changes in phrasing within the policy, due to the changes made by the Committee.
- (3) Safeguarding and Disability Assistance training to be mandatory every three years.
- (4) On page 53, paragraph 4.1, the words 'in confidence' were to be removed.
- (5) A two-stage appeal process would be implemented for the new 12 Point Penalty System. Stage one being held by Officer Decision and Stage two being held by a Member appointed Appeals Panel.
- (6) The taxi zones within West Berkshire were to be removed.

The Committee **RESOLVED** that:

- (1) Subject to the above changes, Officers would consult on the draft Hackney Carriage and Private Hire Licensing Policy set out in Appendix A.
- (2) The consultation would run from the 6 July to the 28 September 2022 and that it would be promoted as set out in paragraph 5.12.
- (3) On conclusion of consultation and consideration of responses, the matter would return for further consideration to the 7 November 2022 Licensing Committee for potential adoption.

6. **Helping West Berkshire Taxi Trade Go Greener (EX4215)**

The Committee considered a report (Agenda Item 5), which outlined several options available to the Council to assist the West Berkshire Taxi Trade to 'go greener' and provided incentives to the trade to encourage them to switch to ultra-low emission vehicles. This included suggestions such as free parking with charging points and subsidising the purchase of Electric Vehicles (EVs). This report was in response to a Motion submitted to Council by Councillor Adrian Abbs which sought to introduce a fee based incentive scheme to help all forms of vehicles licensed by West Berkshire for public transport to go green.

The Chairman emphasised that West Berkshire Council should not become a money lender.

Councillor David Marsh questioned whether there was a fully electric cab within West Berkshire and Moira Fraser confirmed there was at least one.

Councillor Marsh believed there should be a fee based incentive, which included a full discount for EVs and a 50% reduction for hybrid vehicles. Councillor Marsh did not support the capping of EV charge points, as it was too complex and he emphasised the Committee should aim for simplicity. Councillor Marsh thought offering free parking was a valid option, but only during overnight hours and he favoured cash grants over loaning, as providing loans could be complicated and would slow down how quickly the Council could implement the policy. Councillor Marsh also noted that the Council needed to consider that the Government already provided a £1500 grant for the purchase of EVs, and Oxford City Council provided a £5000 grant for the same. Councillor Marsh surmised that moving in a more eco-friendly direction would benefit the Taxi Trade, as customers would favour using the greener option, however the Trade would need help to offer this service.

Councillor Pask explained that it would not be right to provide large grants, especially as market forces were working in favour of consumers that had switched to EVs, because of the rise in fuel prices. Councillor Marsh added that loaning and grants were two separate processes, as grants were easier to distribute and would encourage people to buy EVs.

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Councillor Bridgman fully agreed that a grant could be used to encourage the purchase of EVs, especially due to the expensive nature of these vehicles.

Councillor Bridgman noted that there were two issues with EVs brought up by the Taxi Trade; firstly, the expense of the vehicles and secondly, the distance that could be covered by EVs. Councillor Bridgman wanted to see the potential figures for the fee system, so the implications of the system on the Council budget could be reviewed. He did not agree with the capping of the costs of EV charging points and agreed with Councillor Marsh on the issue of overnight parking. Councillor Bridgman finalised that grants should not take on a lender model and that £5000 would be too much money to give as a grant.

Councillor Ardagh-Walter averred that he would be in favour of a reasonable grant, with an annual review and with a view to taper away. The Chairman asked for clarification over a potential time limited response for the grants of which, Councillor Ardagh-Walter responded that this would depend on a review of market trends and the uptake of the grant.

Councillor Vickers then stressed that the EV parking spaces had to be dedicated, so they were not used as free parking spaces, which could prevent other EV drivers from charging their vehicles.

Moira Fraser then asked Members to go through each of the recommendations.

The Chairman started with the first recommendation on whether a fee based incentive, such as that set out in paragraph 5.3, should be introduced to the 2023-24 budget, if so; should it be introduced for hybrid and EVs, what the level of subsidy should be and how long the subsidy should be in place for.

Moira Fraser stated that there seemed to be a general agreement in the room over the fee based incentive, however she needed to know several items from the Committee:

- Whether the grant would be for hybrid and EVs or just EVs and the suggestion in the room, at the time, was that there would be a 100% reduction for EVs and 50% for hybrid vehicles.
- Whether the incentive would be for three years or one year.
- A form of criteria for hybrid vehicles.

Moira Fraser quoted a possible criteria which had been provided by Jenny Graham based on other local authority policies “zero emission capable, which included plug-in hybrid vehicles, must be able to drive without any exhaust emissions, as well as a maximum GCO₂ per kilometre, in terms of the minimum distance”, of which Jenny Graham recommended “50 grams per kilometre and would be able to travel at least 70 miles or 112 kilometres without the production of any emissions at all”.

Councillor Pask raised concerns that only the more expensive models could reach up to 70 miles without emissions, with most models only achieving 30-40 miles without any emissions and that most cars did not achieve the range advertised. The Chairman asked whether the Committee should base this on manufacturer’s claims and Councillor Pask advised that this would have to be the case, due to the driver being a factor that could affect the mileage.

Councillor Bridgman expressed that the proposal fleshed out within paragraph 5.10 was for the first ten adopters each year to have the reduction and that this was in contrast to the 100% for EVs and 50% for hybrids. It was also asked for Officers to give guidance on when the fees would be paid. The Chairman queried whether it was necessary to restrict the number to ten, of which Councillor Bridgman replied that he was thinking of the

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potential cost if the entire fleet wanted to apply. Mr Murphy stated the Council would not want to implement the removal of fees, if or when, the entire fleet would be using EVs.

Moira Fraser added that there were in total, 138 Private Hire and 123 Hackney Carriages with licences as of the 01 April 2022 and if this was multiplied by the fee of £250 that would be the cost of the scheme if everyone was to apply. Councillor Ardagh-Walter explained that there was a bigger risk being taken by Adult Social Care and that the Committee did not know how many would take up the scheme, therefore the Committee should not cap the fees and that Officers should take that on board when setting the budget. This was met with a general consensus.

Councillor Ardagh-Walter would have liked to see a criteria set out for the eligibility of vehicles due to recent green washing.

It was agreed that the Committee would recommend to the Executive that a 100% subsidy should be applied to full electric vehicles and a 50% reduction for hybrid vehicles. The number should not be limited, but this should be revisited annually. Officers were asked to revisit the criteria in light of the discussion on the range of hybrid vehicles.

The Chairman moved onto the next recommendation in regard to the capping of the cost of EV charges for taxi licences, which Moira Fraser stated, that what she heard from the room, was that Members were not in favour of that proposal. The Committee was in agreement.

The Chairman moved onto recommendation three over free parking for EV charging and Moira Fraser pointed out that there seemed to be an agreement over this, with the caveat of it being restricted to overnight parking. Councillor Hooker wanted to know how overnight would be defined. Moira Fraser responded that the parking team would need to be consulted about timings and locations where this could be achieved. Councillor Linden highlighted the issues around the closing times of some of the car parks and how this would restrict taxi drivers, which the Chairman responded, that this would be applicable to some, but not others and that the Committee was looking at the issue in principle.

The Chairman then asked for councillors views on distributing cash grants for the purchase of EVs (recommendation four).

Councillor Bridgman emphasised that it would depend on the budget, as the more money that would be offered, the more attractive buying an EV would become. The Chairman added that it would be better to ask Officers to come back with a costed proposal. Councillor Pask stated that the Council had to be fiscally responsible with tax payer's money.

The Chairman then moved on to whether Members would support a budget bid to purchase EVs (recommendation five), which would then be loaned to the trade and stated that, from the previous conversation, this was not felt to be an option. The Committee was in agreement.

The Chairman felt that the same could be said of West Berkshire Council setting up a fund, so the Council could act as a lender to the trade to purchase EVs (recommendation six). The Chairman then highlighted that he would have been interested, if this fund was set up in conjunction with a private lender and Councillor Beck highlighted that there were some companies in West Berkshire that leased vehicles to businesses. Councillor Ardagh-Walter stated there were already companies that would lease to private individuals and that due to the time restrictions on Officers, this was not an option the Council should follow. Councillor Beck responded by stating that perhaps the Council could signpost the trade to the options available to them.

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Moira Fraser focused on paragraph 5.48 in the report and stated the Committee had covered the majority of the points, but she needed clarification over the installation of EV charging points.

The Chairman stated that he believed the Committee would be in favour of the installation of EV charging points. Moira Fraser added that feasibility studies would be conducted towards the end of the year and Councillor Pask was in favour of these studies, but did not want to pick random figures for the charging points until there had been a professional study.

Councillor Linden asked whether the charge points were to be installed in car parks, or on the streets and Councillor Bridgman clarified this was in regard to taxi bays.

The Chairman concluded by asking that the PPP continue with the study and then return to the Committee when further information was available.

Mr Murphy added that the team would go back and look at grants available to the trade.

The Committee **RESOLVED** that:

- (1) In response to the Motion they would recommend to the Executive that a 100% subsidy be afforded for fully electric vehicles and 50% subsidy for hybrid vehicles and that the number of subsidies should not be capped but that this should be revisited on an annual basis.
- (2) Capping the cost of EV rapid charges for taxis licensed on the West Berkshire network was not supported.
- (3) Free parking for the trade needing to charge their business vehicles should be provided overnight in eligible car parks following discussions about suitable locations and timeframes with the Parking Team.
- (4) In regards to cash grants the Committee agreed that Officers come back with a range of costed options for the Committee to consider.
- (5) Loaning and leasing of EVs were not seen as viable options for West Berkshire Council at the current time albeit that they could signpost the trade to options available.

7. **Statutory Consultation on Hackney Carriage Tariffs 2022**

The Committee considered a report (Agenda Item 6), which set out options to increase the taxi tariffs as a result of the recent increase in fuel prices. Members were asked to consider whether or not they would recommend a variation to the Executive and if so if they would support an increase of five percent, eight percent or ten percent.

The Taxi Trade had been consulted informally over the potential tariff changes, of which those that had responded; three opted for no increase, 23 were in favour of the five percent increase and 22 in favour of a ten percent increase, as a result Officers recommended an increase of eight percent. Both proposed fee increases included an increased flag charge and the potential addition of a fouling charge for the first time.

Councillor Bridgman asked what the new flag distance would be and Moira Fraser confirmed that it was 1489.235 yards or every 11 out of 13 units in a mile.

Councillor Bridgman then suggested that the Committee go for the eight percent given the split amongst the trade. Councillor Barnett and Councillor Pask agreed.

The Chairman moved onto the fouling charge, of which Councillor Bridgman stated that in London the charge was at £60 for fouling, which would reflect the cost of cleaning, as

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well as the amount of time the cabs were off the road. It was suggested that interior damage would be £75 and exterior £15.

The Chairman queried how much a car wash costed and Councillor Linden replied in Reading it would cost around £15, however the interior would be a huge problem, but £75 would be more than generous. Moira Fraser added that it was £50 interior, £10 exterior for Bracknell Forest Council taxis.

Moira Fraser asked about the length of the consultation period and gave the Committee the choice of either, 14 days (statutory minimum) or 28 days.

Councillor Bridgman argued that due to the urgency of the matter, because of the rise in fuel prices and the fact that a table of tariffs had already been created, the Committee should vote for the 14 day consultation period.

The Committee **RESOLVED** that that:

- (1) An eight percent increase in taxi tariffs would be recommended to the Executive.
- (2) A fouling charge of £75 pounds for interior damage and £25 for exterior damage be recommended to the Executive.
- (3) There should be a period of 14 days for consultation on the tariffs running from the 14 to the 28 July 2022.

8. West Berkshire Council Licensing Annual Report 2021/22

The Committee considered the Annual Report for 2021 to 2022 (Agenda Item 7)

There were no questions or comments from Members.

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

9. Licensing Committee Forward Plan

The Committee considered the Forward Plan for July 2022 to July 2023 (Agenda Item 8).

The Chairman mentioned that he would like the 'green' policies to be revisited in 12 months' time.

(The meeting commenced at 4:30pm and closed at 19:15pm)

CHAIRMAN

Date of Signature

Licensing Committee – 7 November 2022

Item 3 – Declarations of Interest

Verbal Item

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Licensing Fees and Charges 2023/24 Report

Committee considering report:	Licensing Committee
Date of Committee:	07 November 2022
Portfolio Member:	Councillor Tom Marino
Date Head of Service agreed report:	16 October 2022
Date Portfolio Member agreed report:	Emailed 20 October 2022
Report Author:	Moira Fraser
Forward Plan Ref:	JPPC4133

1 Purpose of the Report

- 1.1 This report sets out the Public Protection Partnership's Fees and Charges which have been proposed by the Joint Public Protection Committee at its meeting on the 05 October 2022.
- 1.2 Each partner Council is required to review the fees and charges on an annual basis. Appendix A details the fees and charges for 2023/24 proposed for the Public Protection Service.
- 1.3 To consider the proposals for the statutory consultation associated with the fees and charges for private hire operator, and hackney carriage and private hire vehicle licence fees.

2 Recommendations

The Licensing Committee:

- 2.1 **AGREES** that save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the fees set out at Appendix A go forward for consideration as part of the Council fee setting process.
- 2.2 **AGREES** that the proposed charges for operators and vehicle licence fees are subject to a twenty eight day statutory consultation period from 17 November 2022 to 15 December 2022.
- 2.3 **AGREES** that a public notice pertaining to the Taxi and Private Hire Vehicles and Private Hire Operators fees be placed in the Newbury Weekly News and Reading Chronicle.

- 2.4 **AGREES** that a consultation letter is posted to all Taxi and Private Hire Drivers and Private Hire Operators in the District and that a copy of the consultation is posted on the Public Protection Partnership website, on the West Berkshire Council Consultation Hub and in the reception area at the Market Street Offices.
- 2.5 **AGREES** if no objections are received, the charges for operators and vehicle licence fees are included in February 2023 Executive and March Council papers for approval; or if objections are received they be considered by the Licensing Committee at the meeting on 23 January 2023 and any changes be recommended to full Council for approval.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>The costs of producing this report and running the consultation exercise will be met from within the existing Public Protection Partnership budgets.</p> <p>Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit.</p>
Human Resource:	<p>There are no HR implications associated with the production of this report.</p>
Legal:	<p>Fees for drivers licences</p> <p>s.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 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>s.70 of the Local Government (Miscellaneous Provisions) Act 1976: "...a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them</p>

	<p>from time to time and as may be sufficient in the aggregate to cover in whole or in part:</p> <ul style="list-style-type: none"> (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed; (b) the reasonable cost of providing hackney carriage stands; and (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.” <p>The licensing costs recoverable by a district authority in respect of vehicles and operators is limited to vehicle inspection costs for the specific purpose of determining their suitability to be licensed, reasonable cost of providing hackney carriage stands, reasonable administration costs for processing the licence application and finally reasonable costs associated with “...control and supervision of hackney carriages and private hire vehicles.”</p>
<p>Risk Management:</p>	<p>The fees are potentially subject to legal challenge. It is therefore important the fees and methodology are subject to ongoing review.</p>
<p>Property:</p>	<p>None</p>
<p>Policy:</p>	<p>The Joint Public Protection Committee is required every autumn to propose a budget to partner authorities. This includes proposals in relation to discretionary fees and charges.</p> <p>It is not the role of the Licensing Committee to set the fees for 2023/24. The Committee is being asked to consider the fees prior to them being considered by Executive and Council. The Committee may amend the proposals and put forward alternative fees for consideration. The fees, with the exception of the private hire operator, and hackney carriage and private hire vehicle licence fees would be subject to the Council’s budget consultation process. The private hire operator, and hackney carriage and private hire vehicle licence fees have a</p>

	separate statutory consultation process that must be adhered to.			
	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?		X		There are no implications arising from the recommendation in this report.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		There are no implications arising from the recommendation in this report.
Environmental Impact:	X			<p>If the taxi trade are incentivised to make changes to the vehicle fleet this might have a positive impact on the environment.</p> <p>The service plays a significant role in the protection of the environment including air quality, land contamination, planning considerations and enforcement of green energy claims. The setting of fees on a cost recovery basis will help to maintain capacity in this area.</p>

Health Impact:	X			A significant number of the Partnership’s Service Priorities relate to protecting and improving health. These included food safety and standards, health and safety, talking fraud, air quality and private sector housing. The setting of fees on a cost recovery basis should continue to have a positive impact on the health of residents and visitors to West Berkshire.
ICT Impact:		X		There are no implications arising from the recommendation in this report.
Digital Services Impact:		X		The consultations (budget and statutory) will be published on the Council’s website. The statutory consultation will go onto the PPP website.
Council Strategy Priorities:		X		This work is business as usual within the service.
Core Business:		X		This work is business as usual within the service.
Data Impact:		X		Not applicable.
Consultation and Engagement:	The fees for Taxis and Private Hire Vehicles and Private Hire Operators will be subject to statutory consultation.			

4 Supporting Information

- 4.1 The Joint Public Protection Committee (JPPC) is required by the Inter-Authority Agreement (IAA) that set up the Public Protection Partnership (PPP) shared service to recommend a draft set of fees and charges to each of the member Councils.
- 4.2 It is noted that a significant number of fees within the licensing field are set by Government Regulation and cannot therefore be changed by the Council. These are identified in gold on the fee schedule at Appendix A.
- 4.3 At the meeting of the JPPC in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle that all fees and charges should be set on the basis of full cost recovery. In 2018/19 a generic hourly rate for the service was set at £55 p/h as the basis of cost recovery. This was increased in 2019/20 to £57 per hour and was held at this level for

2020/21. For 2021/22 the full cost of the service, including internal support service re-charges (as per Council budget build processes) and the current establishment lists were updated which resulted in a new rate of £59 p/h and these rates were retained for 2022/23.

- 4.4 In light of the current inflation rate it is proposed to increase the hourly rate to £64p/h for 2023/24 (increase of 8.47%), the first time the hourly rate has been increased in three years. In calculating this rate a range of factors have been considered including the wide variety of council overheads each of the partners must contribute to, the levels of staffing, their costs, contracts and the necessary training to maintain a competent workforce.
- 4.5 It is worth noting that due to the impact of Covid and fee alignment the Service has seen a significant fall off in fee income. At the time of writing the Service is expecting licensing income overall to be some 15% lower in real terms than 2019/20.
- 4.6 The implementation of the new single IT system for premises and licences was unfortunately delayed. It is now anticipated that the system will be in operation in autumn of 2022 and will improve efficiency in the licensing administration process by allowing on-line applications and automated reminders at key times. It will also allow for on-line payments at the time of application which will significantly reduce the amount of invoicing.
- 4.7 All discretionary fees are calculated based on the length of time taken to process the activity multiplied by the hourly rate. Once the new system is embedded officers will review the length of time taken to process applications and the fees will be adjusted accordingly for the next financial year (2024/25).
- 4.8 The Council is required to undertake a statutory consultation in respect of the hackney carriage and private hire vehicles and private hire operator's fees and the proposed mechanism and timescales are set out in recommendations 2.2 to 2.6 for Members to consider and approve.
- 4.9 The proposed fees were discussed at the Joint Public Protection Committee meeting on the 05 October 2022. Members raised a number of queries about specific fees:

Knowledge Test

- 4.10 Drivers are required to pass a knowledge test prior to a licence being issued which includes some map work and is relatively time consuming for officers to administer. Members noted that this test comprised two elements: the first part related to the laws relating to the licence that they have applied for and the conditions attached to that licence and the second part tested their geographical knowledge of locations in the area. The cost of a knowledge test is proposed to increase from £74 to £80.
- 4.11 Members of the JPPC queried if the second part of the test (i.e. the geographical knowledge) was still needed given the prevalence of satellite navigation systems available to drivers. They asked that consideration be given to removing this element of the test, thereby reducing the time needed for the test which would in turn mean that the cost could be reduced.

4.12 Officer Response: The fee for the first knowledge test is included in the application fee and therefore the knowledge test fee is only payable if they have to retake the test. On re-take the full fee is payable even if they only have to re-take one element of the test. Going forward it would be possible to remove the geographical element should Members be minded to agree this. It is proposed to bring forward options on the knowledge test and associated fees ahead of the next fee setting cycle.

Disclosure and Barring Service Check (DBS)

4.13 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 a number of matters which includes an enhanced criminal record check (DBS) and evidence that they are not on a child and/or vulnerable adult barring list. The proposal that went to the JPPC meeting was that the cost of a DBS check is proposed to increase from £79 to £81.

4.14 While it is possible to apply for a basic DBS check online (<https://www.gov.uk/request-copy-criminal-record>) at a cost of £18 the enhanced DBS checks have to be undertaken through the Council. The setting of this fee is based on a cost recovery model. The proposed cost of the DBS comprises the fee charged by West Berkshire Council (£49) plus a half hour charge for the PPP to administer the check (£32). It should be noted that drivers can also sign up to the DBS Update Service where they can register at a cost of £13 per annum (<https://www.gov.uk/dbs-update-service>). The service will continue to advise drivers to sign up for the update service to save money.

4.15 Members of the JPPC noted the Gov.UK website states that as of the 06 April 2022 an enhanced with Barred Lists DBS check would cost £38 and they therefore asked that the proposed fee be revisited.

4.16 Officers have confirmed that they are charged £49 by HR for the checks which includes their processing costs. It has been agreed that only one administration element of the fee will be charged and that the fee would therefore be revised to £70. This is lower than the 2022/23 fee of £79.

Change of Address

4.17 The proposal is to increase the fee for changing an address from £10.50 (2022/23 fee) to £16.00. This is based on the calculation that it takes around 15 minutes to process this work. The fee for 2021/22 was set at £14.

4.18 The process involves receiving an email/letter with details which needs to be scanned, the contact details are then amended on the system and the change scanned and then the amended licence needs to be sent back to the licence holder. This process takes approximately 15 minutes to complete. While the introduction of the new system may expedite some of this process we will not be able to quantify any time savings until the system is in place and fully operational. There will still be some element of input required from officers as the amended licence will still need to be produced and sent to the driver. It is proposed that this fee be amended in line with the inflationary uplift and that it be set at £11.50.

Electric and Hybrid Vehicles

- 4.19 It should be noted that it was agreed at the 22 September 2022 Executive meeting that a fee based remittance scheme, subsidised by the Council, should be introduced from 01 April 2023 for both electric and hybrid taxi vehicle licences. The Executive agreed that a 100% remittance be applied to all electric vehicles. They also agreed that a 50% remittance would be applied to hybrid vehicles that are zero emission capable (ZEC). This term includes plug-in hybrid vehicles but sets a minimum distance or range that the vehicle must be able to be driven without any exhaust emissions of 30 miles (in accordance with the manufacturers specifications), as well as a maximum g/CO₂/km of less than 50g/km .
- 4.20 It was decided that the number of vehicles that could apply for a subsidy should not be limited albeit that the scheme, which would be run for three years, would be subjected to an annual review. The funding required to support the project would be set aside from the Council's budget and drawn down as required.
- 4.21 The fees and charges were discussed at the Taxi Trade Liaison Group meeting on the 24 October 2022. The trade did not make any comments on the proposed fees and charges. It was noted that in respect of the change of address fee that in most cases the change of address administration could take less than fifteen minutes to complete which was why this fee had been adjusted,

5 Proposals

- 5.1 The Licensing Committee is asked to comment on the proposed fees and the statutory consultation process.
- 5.2 The Council is required to undertake a statutory consultation in respect of the Hackney Carriage and Private Hire Vehicles and Private Hire Operator's fees and the proposed mechanism and timescales are set out in recommendations 2.2 to 2.6 for Members to consider and approve.

6 Other options considered

- 6.1 None. It is a requirement of the Inter Authority Agreement for the JPPC to consider the fees and charges and make a recommendation to the individual authorities. There is a requirement to set fees and charges annually and there is a statutory requirement to undertake consultation on the proposed charges for operators and vehicle licence fees.

7 Conclusion

- 7.1 Members of the Licensing Committee are asked to consider the proposed fees and charges and the consultation proposals and agree a way forward.

8 Appendices

- 8.1 Appendix A – Proposed Fees and Charges for 2023/24

Background Papers:

Joint Public Protection Committee Report (05 October 2022) can be found here:
<https://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=449&MId=7177&Ver=4>

Subject to Call-In:

Yes: No:

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

Wards affected: All

Officer details:

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

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PUBLIC PROTECTION PARTNERSHIP FEES AND CHARGES 2023/2024

The Public Protection Partnership (PPP) provides chargeable services on behalf of two authorities, Bracknell Forest Council and West Berkshire Council.

Fees effective from 1 April 2023

Please Note:

- All Statutory Fees and those linked to national schemes are based on fees published on **08 September 2022** and may be subject to change by Central Government or the management of the schemes.
- The Hourly rate is **£64 ph** for 2023/24, if there is a minimum number of hours or it is capped it is indicated in the text below.
- Class A Statutory Fees are marked with **Pale Gold** and Class B Discretionary Fees are headed **Blue**
- There are some additional fees which will be due when making an application, these are listed separately (if known) and with a note if varied amounts
- If you have any questions regarding our fees and charges please contact PPP Partnership Support Customer Care team using our [Make an enquiry form](#).

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LICENCES, REGISTRATIONS AND CONSENTS

Pre Application Advice

We provide chargeable pre-application advice for the following licenses and consents:

License/Consents	2022/23 Fee	2023/24 Fee
Gambling Act	£59ph	£64ph
Licensed Premises Notifications	£59ph	£64ph
Licensing Act 2003	£59ph	£64ph
Scrap Metal	£59ph	£64ph
Sex Establishments	£59ph	£64ph
Skin Piercing & Dermal Treatments	£59ph	£64ph
Street Trading Consents	£59ph	£64ph

Animal Licences

Animal Licences – (Class A – Fee Discretionary)			
*The granting fee includes initial inspection and mid-term inspection totalling 4 hours (unless stated differently). Inspections required beyond this due to additional visits and aborted visits will be charged at an additional fee **Additional vets fee payable		2022/23 Fee	2023/24 Fee
NEW - Animal Boarding Establishment - combined (dogs and cats)	Application Fee	£177	£192
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£413 minimum	£448 minimum
RENEWAL - Animal Boarding Establishment - combined (dogs and cats)	Application Fee	£148	£160
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£384 minimum	£416 minimum
NEW - Animal Boarding Establishment - single species (dogs or cats))	Application Fee	£118	£128
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£354 minimum	£384 minimum
RENEWAL - Animal Boarding Establishment - single species (dogs or cats))	Application Fee	£89	£96
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£325 minimum	£352 minimum
NEW - Home boarder (midterm inspections to be charged in addition to revisits and aborted visit charges)	Application Fee	£118	£128
	Granting Fee	Minimum 2 hours at £118*	Minimum 2 hours at £128*
	Total Fee (minimum)	£236 minimum	£256 minimum
RENEWAL - Home boarder (midterm inspections to be charged in addition to revisits and aborted visit charges)	Application Fee	£89	£96
	Granting Fee	Minimum 2 hours at £118*	Minimum 2 hours at £128*
	Total Fee (minimum)	£207 minimum	£224 minimum
	Application Fee	£118	£128

Appendix A

NEW - Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	Granting Fee	Per inspection at hourly rate	Per inspection at hourly rate
	Total Fee (minimum)	£118 + host inspection fee	£128 + host inspection fee
RENEWAL - Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	Application Fee	£89	£96
	Granting Fee	Per inspection at hourly rate	Per inspection at hourly rate
	Total Fee (minimum)	£89 + host inspection fee	£96 + host inspection fee
Assessment of hobby host as part of a franchisee licence	Host inspection fee	£118	£128
NEW - Dog Day Care	Application Fee	£177	£192
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£413 minimum	£448 minimum
RENEWAL - Dog Day Care	Application Fee	£148	£160
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£384 minimum	£416 minimum
NEW - Dog Breeding Establishment (**excluding vet fee)	Application Fee	£177	£192
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£413 minimum	£448 minimum
RENEWAL - Dog Breeding Establishment	Application Fee	£148	£160
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£384 minimum	£416 minimum
NEW - Dog Breeding Establishment (in domestic dwelling)(**excluding vet fee)	Application Fee	£118	£128
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£354 minimum**	£384 minimum**
RENEWAL - Dog Breeding Establishment (in domestic dwelling)	Application Fee	£89	£96
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£325 minimum	£352 minimum
NEW - Pet Vending / Sale of pets	Application Fee	£118	£128
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£354 minimum	£384 minimum
RENEWAL - Pet Vending / Sale of pets	Application Fee	£89	£96
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£325 minimum	£352 minimum
NEW - Animal for Exhibition	Application Fee	£177	£192
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£413 minimum	£448 minimum
RENEWAL - Animal for Exhibition	Application Fee	£148	£160

Appendix A

	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
		£384 minimum	£416 minimum
Riding Establishment - Inspections are carried out annually, regardless of the star rating or length of licence, by a qualified Veterinarian Officer. **Vets fees will be recharged separately.			
NEW - Main inspection fee, plus fee per horse (**excluding vets fee)	Application Fee	£118	£128
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£354 minimum**	£416 minimum**
RENEWAL - Main inspection fee, plus fee per horse (**excluding vets fee)	Application Fee	£89	£96
	Granting Fee	Minimum 4 hours at £236*	Minimum 4 hours at £256*
	Total Fee (minimum)	£325 minimum**	£352 minimum**
Fee per horse, for the first 10 horses		£15	£16
Fee per horse, for next 11-50 horses		£10	£11
Fee per horse, for every horse 51 & over		£8	£9
Other Fees			
Additional mid licence visit		£118	£128
Variation to the licence fee (inclusive of one visit)		£177	£192
Replacement licence fee (lost or stolen paperwork, change of name, etc.)		£30	£32
Re-evaluation of star rating (inclusive of one visit)		£118	£128
Transfer due to death of licensee	Admin cost	£30	£32

Wild Animals and Zoos

Wild Animals & Zoos	Duration	Bracknell Forest 2022/23 Fee	Bracknell Forest 2023/24	West Berkshire 2022/23 Fee	West Berkshire 2023/24
Dangerous Wild Animal Consent - New (** excluding vets fee)	2 years	£472	£512	£472	£512
Dangerous Wild Animal Consent – Renewal (** excluding vets fee)	2 years	£295	£320	£295	£320
Zoo Licences (new & renewals) Periodical inspections (** excluding Vets Fees)	Up to 6 years	£2065	£2240	£2,066.00	£2240

Explosives Licences – Statutory

Description	Duration	All Council Areas
New licence for explosives below 250kg Net Explosive Content (NEC)	1 year	£111.00
	2 years	£144.00
	3 years	£177.00
	4 years	£211.00
	5 years	£243.00
Renewal of licence for explosives below 250kg Net Explosive Content (NEC)	1 year	£55.00
	2 years	£88.00
	3 years	£123.00
	4 years	£155.00
	5 years	£189.00
New licence for explosives above 250kg Net Explosive Content (NEC)	1 year	£189.00
	2 years	£248.00
	3 years	£311.00
	4 years	£382.00
	5 years	£432.00
Renewal of licence for explosives above 250kg Net Explosive Content (NEC)	1 year	£88.00
	2 years	£150.00
	3 years	£211.00
	4 years	£272.00
	5 years	£333.00
Varying the name of licensee or address of site		£37.00
Any other kind of variation		Cost Recovery
Transfer of licence		£37.00
Replacement Licence		£37.00
Full year registration for sale of fireworks (capped fee)		£500.00

Gambling Act 2005 – Statutory

Description	Type	All Council Areas
Casinos (regional)	New Application	£15,000
	Provisional Statement	£15,000
	Application with Provisional Statement	£8,000
	Variation	£7,500
	Transfer/Reinstatement	£6,500
	Annual Fee	£15,000
Casinos (large)	New Application	£10,000
	Provisional Statement	£10,000
	Application with Provisional Statement	£5,000
	Variation	£5,000
	Transfer/Reinstatement	£2,150
	Annual Fee	£10,000
Casinos (small)	New Application	£8,000
	Provisional Statement	£8,000
	Application with Provisional Statement	£3,000
	Variation	£4,000
	Transfer/Reinstatement	£1,800
	Annual Fee	£5,000

Appendix A

Bingo Clubs	New Application	£3,500
	Provisional Statement	£3,500
	Application with Provisional Statement	£1,200
	Variation	£1,750
	Transfer/Reinstatement	£1,200
	Annual Fee	£1,000
Betting Premises	New Application	£3,000
	Provisional Statement	£3,000
	Application with Provisional Statement	£1,200
	Variation	£1,500
	Transfer/Reinstatement	£1,200
	Annual Fee	£600
Tracks	New Application	£2,500
	Provisional Statement	£2,500
	Application with Provisional Statement	£950
	Variation	£1,250
	Transfer/Reinstatement	£950
	Annual Fee	£1,000
Family Entertainment Centres	New Application	£2,000
	Provisional Statement	£2,000
	Application with Provisional Statement	£950
	Variation	£1,000
	Transfer/Reinstatement	£950
	Annual Fee	£750
Adult Gaming Centres	New Application	£2,000
	Provisional Statement	£2,000
	Application with Provisional Statement	£1,200
	Variation	£1,000
	Transfer/Reinstatement	£1,200
	Annual Fee	£1,000
Lotteries & Amusements	New Application	£40
	Annual Fee	£20
All licences	Notification of change	£50
	Copy of licence	£25
Club gaming or machine permit	New Application	£200
	Existing holder	£100
	Renewal	£200
	Annual Fee	£50
	Variation	£100
	Copy of licence	£15
Club Gaming or Machine Permit (holds a club Premises Certificate under Licensing Act 2003)	New Application	£100
	Renewal	£100
Licensed Premises Notifications		All Council Areas
To make available up to 2 gaming machines on premises which hold on-premises alcohol licence	Notification of intention	£50
	Application (existing holder)	£100

Appendix A

Gaming Machine Permit (more than 2 machines) on-premises which hold on premises alcohol licence	New Application	£150
	Annual Fee	£50
	First Annual Fee (payable within 30 days of date permit takes effect)	£50
	Variation	£100
	Transfer	£25
	Change of name	£25
	Copy of permit	£15

Hackney Carriage and Private Hire Licences

Vehicle Licences		Bracknell Forest 2022/23 Fee	West Berkshire 2022/23 Fee	All Council Areas (where applicable) 2023/24 Fee
Hackney Carriage Vehicle – New		£266	£266	£288*
Hackney Carriage Vehicle – Renewal		£236	£236	£256*
Private Hire Vehicle – New		£266	£266	£288
Private Hire Vehicle – Renewal		£236	£236	£256
Home to school – New and renewal		£148	N/a	£160
Private Hire Vehicle with Dispensation - New		£266	£266	£288
Private Hire Vehicle with Dispensation - Renewal		£236	£236	£256
Temporary Vehicle Licence	Up to 3 months	£236	£236	£256
Driver Licences				
Driver – New	3 year Includes initial tests, safeguarding and disability trainings	£301	£301	£328
Driver – Renewal		£272	£272	£296
Home to school – New & Renewal	3 year Includes initial tests, safeguarding and disability trainings	£207	N/A	£225
Conversion of driver licence to another type	1.5hrs (inc retaking tests)	£89	£89	£96

* It was agreed at the Executive meeting on the 22 September 2022 that West Berkshire Council would offer a fee based remittance scheme, subsidised by the Council and that it be introduced from 01 April 2023 for both electric (100%) and hybrid (50%) vehicles that met the agreed criteria.

Private Hire Operators (PHO)

Private Hire Operator	Number of Vehicles	2022/23 Fee	2023/24 Fee
NEW Per vehicle calculation of 3.5 hours (at £64.00 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a maximum of 20 vehicles	1	£443.00	£480
	2	£516.00	£560
	3	£590.00	£640
	4	£664.00	£720
	5	£738.00	£800
	6	£811.00	£880
	7	£885.00	£960
	8	£959.00	£1040
	9	£1,033.00	£1120
	10	£1,106.00	£1200
	11	£1,180.00	£1286
	12	£1,254.00	£1360
	13	£1,328.00	£1440
	14	£1,401.00	£1520
	15	£1,475.00	£1600
	16	£1,549.00	£1680
	17	£1,623.00	£1760
	18	£1,696.00	£1840
	19	£1,770.00	£1920
	20	£1,844.00	£2000
20+	£1,844.00	£2000	
Private Hire Operator	Number of Vehicles	2022/23 Fee	2023/24 Fee
RENEWAL Per vehicle calculation of 1.5 hours (at £64 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a maximum of 20 vehicles	1	£325.00	£352
	2	£398.00	£432
	3	£472.00	£512
	4	£546.00	£592
	5	£620.00	£672
	6	£693.00	£752
	7	£767.00	£832
	8	£841.00	£912
	9	£915.00	£992
	10	£988.00	£1072
	11	£1,062.00	£1152
	12	£1,136.00	£1232
	13	£1,210.00	£1312
	14	£1,283.00	£1392
	15	£1,357.00	£1472
	16	£1,431.00	£1552
	17	£1,505.00	£1632
	18	£1,578.00	£1712
	19	£1,652.00	£1792
	20	£1,726.00	£1872
20+	£1,726.00	£1872	

Other Private Hire & Hackney Carriage Charges

Other charges		2022/23 Fee	2023/24 Fee All Council Areas (where applicable)
Variation to PHO licence	To include reissue of licence with additional vehicle registration added plus extra fees for these for length of licence	£59	£64
Transfer of vehicle to new owner		£59	£64
Change of vehicle		£74	£80
Replacement Licence		£30	£32
Replacement Badge		£30 + Badge Costs	£32 + Badge Costs (£5)
Replacement Vehicle Licence Plate		£30 + Plate Costs (£26)	£32 + Plate Costs (£26)
Knowledge Test		£74	£80
Missed Appointment		£30	£32
Disclosure and Barring Service Check (DBS)		£79	£70
Advertising on a Hackney carriage - New	Bracknell Only	£59	£64
Advertising on a Hackney Carriage - Renewal	Bracknell Only	£30	£32
Change of address (PH & HC)		£10.50	£11.50
Backing Plate		£26 at cost	£26 at cost
Medical Exemption		£30	£32
Refund Processing Fee		£30	£32
Change of vehicle registration	Including	£30 + sticker and licence costs	£32 + sticker and licence costs (£31)
Age of vehicle Inspection – initial & renewal	Bracknell Only	£59	£64
Pre-application advice, hourly rate	Min 1 hour	£59	£64
Disability Awareness Training		Included in driver application fee	Included in driver application fee
Safeguarding Training		Included in driver application fee	Included in driver application fee
First aid Training	Bracknell Only		Will be removed if revisions to policy adopted

Hairdresser Registration (Bracknell Forest Only)

Description	2022/23 Fee	2023/24 Fee All Council Areas (where applicable)
Hairdresser/barber registration	£30	£32

Licensing Act 2003 - Statutory

Premises Licence – “one off” fees set by statute based upon rateable value (RV) of premises (Class B – Statutory Fee)	PPP Areas
Band A – RV up to 4,300	£100
Band B – RV 4,300 to 33,000	£190
Band C – RV 33,001 to 87,000	£315
Band D – RV 87,001 to 125,000	£450
Band E – RV 125,001 and above	£635
Pre-application advice, hourly rate	£64
Premises Licence – Annual Fee (Class B – Statutory Fee)	
Band A	£70
Band B	£180
Band C	£295
Band D	£320
Band E	£350
Personal Licence - (Class B – Statutory Fee)	£37
Temporary Event Notices (TENS) - (Class B – Statutory Fee)	£21
Application for copy licence	£10.50
Application to vary DPS/transfer licence/interim notice	£23
Application for making a provisional statement	£315
Minor variation	£89
Application to disapply mandatory DPS condition	£23
Pre-application work, hourly rate	£64

Petroleum Licences – Statutory

Petroleum Licences	All Council Areas
Not exceeding 2,500 litres	£45
Not exceeding 50,000 litres	£61
Exceeding 50,000 litres	£128

Scrap Metal

Description		2022/23 Fee	2023/24 Fee
Scrap Metal site –New	3 Years	£472	£512
Scrap Metal site - Renewal	3 Years	£443	£480
Scrap Metal mobile collector - new	3 Years	£236	£256
Scrap Metal mobile collector - renewal	3 Years	£207	£224
Scrap Metal - Variation of Licence		£236	£256
Scrap Metal - change of site manager		£59	£64
Scrap Metal - copy of licence		£11	£16
Scrap Metal - Change of Name		£30	£32

Sex Establishments – Statutory

Description	Type	All Council Areas
Sex Establishments - (Class A – Fee Discretionary)	Cinema	min £3,100 to max £5,150
	Shop	min £3,100 to max £5,150
	Entertainment Venue	min £3,100 to max £5,150

Skin Piercing & Dermal Treatments

Description	Type	2022/23 Fee	2023/24 Fee
Skin piercing Registrations (one off registration) - (Class A – Fee Discretionary)	Individual (4hrs)	£236	£256
	Premises (5hrs)	£295	£320
	Joint application (7hrs)	£413	£448
Pre-application work, hourly rate	Min. 1 hour	£59	£64

Street Trading Consents

Description	Type	Bracknell Forest 2022/23 Fee	Bracknell Forest 2023/24	West Berkshire 2022/23 Fee	West Berkshire 2023/24
	Daily	N/a	£64	N/a	£64
Street Trading Consents - (Class A – Fee Discretionary)	1 Week	£144	£156	£144	£156
	Monthly Rate	£241	£262	£241	£262
	3 months	£642	£699	£642	£699
	6 months	£803	£875	£803	£875
	Annual Fee	£1365	£1487	£1365	£1487
	6 months max. 2 trading days a week incl. Fri, Sat & Sun	£642	£699	N/A	N/A
	6 months max. 2 trading days a week Mon-Thurs only	£482	£525	N/A	N/A

Appendix A

	Ice cream van (per van) 6 month	£717	£781	As for 6 months above	As for 6 months above
	Ice cream van (per van) 1 month	£186	£202	As for 1 months above	As for 1 months above
Variation fee		£89	£96	£89	£96
Refund for Street Traders	In the event that following consultation the application is refused or deemed withdrawn by officers, a sum of 50% of the application fee is payable as a refund. If the application is refused by a Panel, no refund of the application fee is payable.				
Pre-application work, hourly rate	Min. 1 hour	£59	£64	£59	£64

ENVIRONMENTAL PROTECTION

Abandoned vehicles – Statutory

Description		Bracknell Forrest Only
Removal (prescribed fee)	Less than 3.5 tonnes	£150
Daily Storage (prescribed fee)	Less than 3.5 tonnes	£20
Enforcement Disposal costs (prescribed fee)	Less than 3.5 tonnes	£75
Fixed Penalty Notice	Reduced to £120.00 if paid within 7 days	£200
Enforcement invoice costs		£77

Anti-Social Behaviour Act

Description		2022/32 Fee	2023/24 Fee
Anti-Social Behaviour Act	High Hedges Fee (Class A – Fee Discretionary)	£1,206	£1310

Dog Warden Services

Description	2022/23 Fee	2023/24 Fee
Stray Dogs – not taken to kennel	£73	£80
Stray Dogs – taken to kennel	£73 plus Cost recovery and Vets fees separate.	£80 plus Cost recovery and Vets fees separate.
Kennels cost	Recharge based on cost	Recharge based on cost
Dog fouling fixed penalty charge	£75	£75
Miscellaneous stray dog activities e.g. taxi, relocating, microchipping	Cost recovery charged at £59	Cost recovery charged at £64ph

Environmental Permitting Regulations 2016 – Statutory

Scheduled Processes – (Class B – statutory Fee)		All Council Areas
Standard Process		£1,650

Appendix A

Additional fee for operating without a permit		£1,188
Service Stations (PVR 1 & PVR II combined)		£257
Service Station (PVR 1)		£155
Dry Cleaners		£155
Vehicle Refinishers		£362
Mobile Screening & Crushing Plant		£1,650
Mobile Screening & Crushing Plant for the 3 rd to 7 th applications		£985
Mobile Screening & Crushing Plant for the 8 th and subsequent applications		£498
Substantial changes		
Standard Process		£1,050
Standard process where substantial change results in a new PPC activity		£1,650
Reduced Activities		£102
Annual Subsistence Charge (Statutory)		
Standard Process	Low	£772
	Medium	£1,161
	High	£1,747
Service stations PVR II	Low	£113
	Medium	£226
	High	£341
VR and other reduced fees	Low	£228
	Medium	£365
	High	£548
Dry cleaners/PVR1	Low	£79
	Medium	£158
	High	£237
Mobile Screening & Crushing Plant	Low	£626
	Medium	£1,034
	High	£1,506
Mobile Screening & Crushing Plant for 2 nd permit	Low	£646
	Medium	£1,034
	High	£1,506
Mobile Screening & Crushing Plant for 3 rd to 7 th permit	Low	£385
	Medium	£617
	High	£924
Mobile Screening & Crushing Plant for the 8 th and subsequent permits	Low	£198
	Medium	£316
	High	£473
Late payment charge	If invoice issued & not paid within 8 weeks	£52
Transfer and Surrender		
Transfer		£169
Partial Transfer		£497
Surrender		£0
Transfer Reduced fees		£0
Partial Transfer Reduced Fees		£47

Private Sector Housing

Description	2022/23 Fee	2023/24 Fee
Inspection of Housing Premises for Immigration purposes (Class A – Fee Discretionary)	£404	£435
Enforcement Notices served under Housing Act 2004	£118	Hrly Rate
HMO Licence NEW - assisted application	£1180	£1280
HMO Licence RENEWAL	£797	£865
Caravan Site Licences		
Site licence new (plus additional fee per pitch)	£443	£480
New licence additional fee per pitch	£16	£17
Transfer of licence	£187	£192
Alteration of conditions	Hrly Rate	Hrly Rate
Annual inspection fee – per pitch	£14	£15
Enforcement action -per hour	£59	£64
Deposit, vary or deleting site rules	£118	£128
Mobile Homes Regulations 2020		
Application Fee – Fit and Proper Test (any application taking more than two hours to process will be charged at an additional hourly rate of £64/ph or part thereof)	£118	£128
Annual Check Fee – Fit and Proper Test	Hrly Rate	Hrly Rate
Where the authority has to assist with appointing a site manager the costs will be specified in the agreement between the parties		

Private Water Supplies (Statutory Cap)

Description		2022/23 Fee	2023/24 Fee
Risk assessment	Every 5 years. Min. charge 1 hour, simple risk assessment and report typically 5 hours	£59 hourly rate	£64 hourly rate
Sampling	Charge for a visit, taking a sample and delivery to the laboratory. Typically 2.5 hours	£59 hourly rate	£64 hourly rate
Private water and pool samples	Includes cost of testing	£59	£64
Investigation	Carried out in the event of a test failure, can be substituted by the risk assessment - this does not include any required analysis costs.	£118	£128
Analysis – Regulation 10	Where a supply provides <10m ³ /day or serves <50 people and is used for domestic purposes	£28	£32
Analysis of Group A Parameters		Hourly Rate + Laboratory Costs	Hourly Rate + Laboratory Costs
Analysis of Group B Parameters		Hourly Rate + Laboratory Costs	Hourly Rate + Laboratory Costs
Hourly charge			£64

Other Fees

	Hourly rate applies minimum of 2 hours	2022/23 Fee	2023/24 Fee
Environmental Information Request - Individual, Non-Commercial	Hourly rate applies minimum of 2 hours	£118 minimum	£128 minimum
Environmental Information Request - Commercial and Government	Hourly rate applies minimum of 2 hours	£118 minimum	£128 minimum
Civil Actions (Class A – Fee Discretionary)		£118 minimum	£128 minimum
Safety Certification and administration	Hourly rate applies minimum of 2 hours	£118 minimum	£128 minimum
Pre-Application Advice, hourly charge		£59	£64

TRADING STANDARDS

Buy with confidence

Description	Employee numbers	2022/23 Fee	2023/24 Fee
Application Fee (set nationally by Buy with Confidence scheme)	1-5 employees	£125	£136
	6-20 employees	£167	£182
	21-49 employees	£208	£226
	50+ employees	POA	POA
Annual fee (set nationally by Buy with Confidence scheme)	1-5 employees	£250	£272
	6-20 employees	£375	£408
	21-49 employees	£500	£545
	50+ employees	POA	POA
Members before 2017/18 Annual Fee (Bracknell Forest legacy members only)	1-5 employees	£125	£136
	6-20 employees	£189	£206
	21-49 employees	£252	£274

* West Berkshire & Wokingham schemes administered by Hampshire County Council

Primary Authority

Description	2022/23 Fee	2023/24 Fee
Primary Authority Work hourly chargeable rate	£59 Hrly Rate	£64 Hourly Rate
Annual charge - previous year usage 10 hours or less	£531	£576
Annual charge - previous year usage 20 hours	£1062	£1,158
Anything likely to be in excess of 20 hours	Individually assessed	Individually assessed

Support with Confidence

Description	Employee numbers	2022/23 Fee	2023/24 Fee
Application fee	1-5 employees	£59	£64
	6-20 employees	£120	£130
	21+ employees	£300	£327

Weights and Measures

Description		2022/23 Fee	2023/24 Fee
Weights and Measures Fees	Includes the cost of maintaining calibration of equipment annually (Based on ACTSO guidance)	£64	£64

Other Fees

Description		2022/23 Fee	2023/24 Fee
Food export certificates	Full cost recovery based on hourly rate	£59 minimum	£64 minimum
Food Hygiene Rating Scheme rescore	2 hours	£118	£128
General Business Advice (Non-Primary Authority)	Hourly rate (first 30 minutes free)	£59	£64
Resident Request for Advice	Hourly rate	£59	£64

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Hackney Carriage Tariffs

Committee considering report:	Licensing Committee
Date of Committee:	07 November 2022
Portfolio Member:	Councillor Tom Marino
Date Head of Service agreed report:	16 October 2022
Report Author:	Moira Fraser
Forward Plan Ref:	EX4244

1 Purpose of the Report

- 1.1 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.
- 1.2 To outline the process that will be followed in 2023 if any changes are required to the table of fares.

2 Recommendation

The Licensing Committee is asked to:

- 2.1 **NOTE** the outcome of the statutory consultation to increase the table of fares by circa 8% undertaken between the 14 July to 28 July 2022
- 2.2 **NOTE** that as the objections to the varied table of fares received were subsequently withdrawn the revised table of fares came into effect on the 29 July 2022.
- 2.3 **NOTE** the process that will be followed, as set out in paragraph 5.13, should any modifications to the fares be required in 2023.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>There are no financial implications associated with this report.</p> <p>The cost of any consultation on tariffs undertaken are met from within existing resources should a consultation be needed.</p>

<p>Human Resource:</p>	<p>There are no HR implications associated with the production of this report.</p> <p>Any actions will be met from within existing resources.</p>			
<p>Legal:</p>	<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/varied table to be made. The remainder of the process is dependent on whether any objections are received (and not withdrawn) or not.</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 (which could be exercised in accordance with the Council's Scheme of Delegation).</p>			
<p>Risk Management:</p>	<p>None – this report is reporting back on activity undertaken.</p>			
<p>Property:</p>	<p>There are no property implications associated with this report.</p>			
<p>Policy:</p>	<p>There are no policy implications associated with this report.</p>			
	<p>Positive</p>	<p>Neutral</p>	<p>Negative</p>	<p>Commentary</p>
<p>Equalities Impact:</p>				

Hackney Carriage Tariffs

<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		x		<p>There are no equality implications associated with this report.</p> <p>It should be noted that during the 2022 consultation a comment was received about the availability of and charges for wheelchair accessible vehicles. Information on the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which took effect in England, Scotland, and Wales on the 28 June 2022 which aimed to ensure that disabled people can use taxi and PHV services with confidence and that they will not be discriminated against was sent to the respondent. The respondent was also directed to the pages on the website which published the list of wheelchair accessible vehicles in the district.</p>
<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		X		<p>The report is to note only.</p>
<p>Environmental Impact:</p>				<p>During the consultation the authority did receive some comments about the trade switching to hybrid or electric vehicles.</p>
<p>Health Impact:</p>				<p>There are no health implications associated with this report.</p>
<p>ICT Impact:</p>				<p>There are no ICT implications associated with this report.</p>
<p>Digital Services Impact:</p>				<p>The outcome of the consultation was published on both the PPP website and the Council's Engagement Hub.</p>

Council Strategy Priorities:				The provision of a viable taxi trade in the district supports 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:				Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership. Keeping Members informed is also part of the Service's core business.
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 Executive Summary

- 4.1 A report proposing changes to the tariff table agreed in November 2021 was discussed at [the Licensing Committee meeting on the 04 July 2022](#) prior to a decision being taken at the [Executive on the 07 July 2022](#) where Members agreed to go out to consult on an increase of around 8%. The Executive agreed that the consultation would take place from the 14th July to the 28 July 2022.
- 4.2 The Executive also agreed that the outcome of the statutory consultation and any subsequent decisions of the Executive would be reported back to the next meeting of the Licensing Committee i.e. this meeting.
- 4.3 The Council received three objections to the proposed modifications to the table of fares. One of the objections was received outside of the consultation period. Officers wrote to the respondent and invited them to resubmit the objection between the 14th and 28th July 2022 but they opted not to do so. The other two objections related to the fouling charges. Both respondents decided to withdraw their objections but asked that their comments be noted. One of these two respondents also commented on the way the charges, where there were five or more passengers, would be reflected on the taxi meters.
- 4.4 A number of general comments on a range of issues including the cost of taxis, public transport more generally, calculations and the tariff card and air quality were received through the consultation portal.

5 Supporting Information

Introduction

- 5.1 As has previously been noted 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.
- 5.2 Local authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. These powers are set out under section 65 of the Local Government (Miscellaneous Provisions) Act. Any changes to tariffs have to be subjected to a statutory consultation process.
- 5.3 The previous set of tariffs were agreed in November 2021. At the time those fares came into operation petrol cost around £1.47 a litre and diesel £1.50 per litre. It was previously agreed that the tariffs would be reviewed on an annual basis. The changes would be discussed with the trade in January, proposals could be brought to the July Licensing Committee meeting if any modifications were proposed with a view to consulting in the autumn and introducing the revised fares toward the end of the calendar year. In order to facilitate this a report will be taken to the September Executive meeting and if any objections are received these will be reported back to the November Executive meeting for a decision.

Background

- 5.4 At the January 2022 meeting the trade proposed an increase of around 5% to be implemented later in the year probably in November. By June 2022 petrol costs had increased to around £1.86 a litre and diesel around £1.92 per litre. Given the inflation and fuel price increases, officers wrote to the trade in June to establish if they would be still be supportive of an increase and if so if they would prefer to see an increase of around 5% or one of 10%.
- 5.5 Of the 48 responses received in respect of the informal consultation 94% indicated that they would like to see an increase. Those that supported an increase were pretty evenly split around the level of uplift with 23 respondents wanting a 5% increase and 22 respondents a 10% increase. This Committee therefore recommended consulting on an 8% increase when the matter was discussed at the 04 July meeting. The proposal was supported by the Executive when they met three days later.
- 5.6 The statutory consultation took place from the 14th July to the 28 July 2022. A notice was placed in the Newbury Weekly News and the Reading Chronicle on the 14 July 2022 and on the Public Protection Partnership's website on the same day. It was also posted on the Council's consultation hub on the 18 July 2022. A copy of the notice was also placed in the Market Place Reception on the 14 July 2022 and information was emailed individually to all licensed Hackney Carriage Proprietors for their comments. In addition a notification was also sent out the 1231 people on the Community Panel.
- 5.7 The Council received three objections to the proposals. One of the objections was received outside of the consultation period. Officers wrote to the respondent and invited them to resubmit the objection between the 14th and 28th July 2022 but they opted not

Hackney Carriage Tariffs

to do so. The other two objections related to the fouling charges. Both respondents decided to withdraw their objections but asked that their comments be noted. One of these two respondents also commented on the way the charges, where there were five or more passengers, would be reflected on the taxi meters.

5.8 A number of general comments on a range of issues including the cost of taxis, public transport more generally, calculations and the tariff card and air quality were received through the consultation portal. The full set of general responses are set out in Appendix A to this report.

5.9 As objections to the varied table of fares were received but were subsequently withdrawn the revised table of fares came into effect on the 29 July 2022. There was also no requirement for a further discussion at the September 2022 Executive meeting.

5.10 After the varied table of fares was published the Council received a request from Ave cabs to present the document in a different format. The request stated that:

“After going over the new tariff card and having a conversation with many of the drivers in our multi seater vehicles what has become clear very quickly the latest West Berkshire tariff is that neither the customers nor drivers like the fact that the price displayed on the meter is necessarily the price they will pay. Asking drivers to work out a 50% uplift in the vehicle at the end of a journey we see as very problematic especially at a weekend with people also being intoxicated.”

5.11 Legal advice was sought and it was agreed that the revised format could be agreed and [a delegated officer decision was signed off on the 23 September 2022](#) agreeing the format attached at Appendix B.

Proposals

5.12 Members are asked to note the outcome of the 2022 consultation on the table of fares.

5.13 Members are asked to note that the fares will be discussed with the trade at the January 2023 Taxi Trade Liaison Committee meeting. The outcome of that discussion will be reported to the Licensing Committee in July in the report about those meetings. If there is a request to modify the fees (either increasing or decreasing them) a report will be taken to the Executive, most likely the September meeting, for them to make a decision on the modification and the statutory consultation process. If any objections are received the Executive will be asked to make a determination at a subsequent meeting (most likely November). The outcome of that consultation will be reported back to this Committee.

6 Other options considered

6.1 None. The Executive determined that the outcome of the statutory consultation and any subsequent decisions of the Executive would be reported back to the next meeting of the Licensing Committee i.e. this meeting

7 Appendices

7.1 Appendix A – General Comments received during the consultation

7.2 Appendix B – Revised Presentation of the Table of Fares

Background Papers:

Delegated Officer Decision Taken on the 23 September 2021

Report and Minutes of the Licensing Committee on the 04 July 2022

Report and Minutes of the Executive on the 07 July 2022.

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 Officer
Tel No: 01635 519045
E-mail: moira.fraser@westberks.gov.uk

Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

Change History

Version	Date	Description	Change ID
1			
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General Comments	Officer Response
Cost	
(Community Panel Member) Thank you, the cost of a taxi to Ashampstead is a bit frightening , so I don't.	Noted
(Community Panel Member) I support the need to increase taxi fares (and worry about those without cars on lower incomes or disabilities... hopefully there's some alternative support/ funding for this which will be adjusted)	Noted
(unknown) Can you not consider people in wheelchairs when jiggling about with these charges, Tarriff1 only amounts to a difference of approximately £1.53 on a 15min jny. What is more important is the taxi firms who are ripping of the disabled. My friends mum has a hospital appt next Wednesday at the RBH she phoned up RBH to see if they could recommend a wheelchair friendly taxi firm..... No they couldn't disclose who they use because of GDPR. So my friend rang around and finally got hold of a taxi firm who could do the job Park Lane Tilehurst to RBH guess hope much £35.00 one way !!!! another instance:- I went to the hospital just before lock down , I know its a long time go , but I took someone which was a drop off and wait, whilst I was waiting I had a coffee and noticed a man in a wheel chair approach numerous taxi's for an HOUR. In the end I went out to see what was going on. The chappie came in early to see his elderly wife who was not very well he came in by taxi and was trying to get back home , I asked him where he lived..... Dee Road at the back of the Fire Station I was going back to Pangbourne so I said I would give him a lift, I have a wheelchair adapted Peugeot . On the way home we chatted and I was discussed to find out the taxi firm in the morning charged him £100 ONE HUNDRED POUNDS !!! That is what needs addressing.	Officers wrote to the respondent and provided them with information relating to the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which took effect in England, Scotland, and Wales on the 28 June 2022. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against. Officers also explained that as a result there is a requirement for all authorities to publish a list of licenced taxis and PHVs they designate as being wheelchair accessible. You can find the West Berkshire list here .

General Comments	Officer Response
<p>People must be stopped in ripping off the elderly, the disabled and the venerable.</p>	
<p>(Community Panel Member) I am very much in favour of the taxi drivers getting an increased rate from hirers during this time of increased stress due to fuel price hikes.</p>	Noted
<p>(Community Panel Member) One area for discussion is the difference between petrol/diesel powered vehicles and electric vehicles. For short journeys electric vehicles may well be able to offer an improved cost. There are several criteria to be considered.</p> <ul style="list-style-type: none"> a) Time of journey (reflecting charge per hour of driver's time) b) Fuel/electricity cost per mile c) Vehicle service costs per mile, (based on service mileage according to vehicle manufacturer) d) Waiting time. This could be divided in two - based on charge per hour of driver's time and lost revenue while stationary. e) Extra costs for unsociable hours, nominally 11.30 PM to 6.00 AM f) Public holidays and week-end travel should be at standard rates because taxis run 24/7 365 days a year. g) Extra costs such as road tolls, bridge tolls, in-town pollution charges, car park charges, etc h) An agreed cost of hire for a journey which may not follow a standard charge sheet <p>No doubt all these factors are already included in discussions.</p>	<p>Officers have explained to the respondent that the fares comprise three components:</p> <ul style="list-style-type: none"> • Distance • Time and • Flag Charge <p>The Council is not able to set fares based on the type of fuel used by the vehicle. We are however working separately with the trade to assist them to go greener. Officers referred the respondent to the helping West Berkshire Taxi Trade Go Greener report discussed at the 04 July 2022 Licensing Committee meeting.</p> <p>Officers explained that the unsociable hours worked are addressed by the three different tariffs that are applied on the meters. See the table set out in the What we Proposed section that sets out the hours/days associated with each tariff.</p> <p>The issue of increasing general costs for the trade were considered in the 2021 review of the fares which were agreed at the 18 November 2021 Executive meeting.</p> <p>In terms of the extra charges that can be applied no amendments were proposed as part of the 2022</p>

General Comments	Officer Response
	consultation and therefore the existing extra charges of "Congestion Charge, ULEZ, or any tolls will be applied for any journey where such charges or tolls are incurred remain on the tariff card.
<p>(Unknown)</p> <p>Having seen the increase's on fares I believe you are holding the public to ransom.</p> <p>Buses no longer run late in an evening so there becomes no alternative other than driving yourself.</p> <p>There should be a move to allow Uber activity or subsidise buses to run after 10pm to local towns in the surrounding area. Eg Thatcham.</p> <p>The concern is that you will drive the town centre trade even further down for late evening trade</p>	<p>Officers informed the respondent about the consultation process, explained that these are the maximum fares that can be charged, and directed them to the Council's bus service consultation which is open until the 31 July 2022.</p> <p>Officers asked the respondent if they wished these comments to be recorded as a formal objection. The respondent did not elect to do so.</p>
Public Transport	
<p>(Community Panel Member)</p> <p>So nice of you to include me in the problems of travel in Berkshire. We live in Lambourn Near Hungerford and have problems if we are unable to drive our vehicle.</p> <p>We will both be in our 80s after May 23 so have to rely on the poor Transport system in the small villages. So anything done to give us ease of travel problems would be great.</p>	<p>Respondent has been invited to respond to the Council's bus service consultation which is open until the 31 July 2022</p>
<p>(Community Panel Member)</p> <p>I have read through the links and I do not have any specific comments to make. I am pleased that the rates are being reviewed now in the light of the huge increases in fuel costs.</p> <p>Generally I find we have an excellent taxi service in Newbury, which is a tribute to WBC as regulator and the drivers themselves. Cabs are now an essential part of public transport system.</p>	<p>Noted</p>

General Comments	Officer Response
Calculations and Explanation of Tariff Cards	
<p>(Community Panel Member)</p> <p>I would suggest that specifying distances to three decimal places is unnecessary and misleading. 0.005 yards is 4.5mm - clearly no taxi is measuring distance to this accuracy. Presumably this use of decimal places is due to a conversion from metric to imperial somewhere along the line, but I'm struggling to work out where! Perhaps to the nearest meter would be more appropriate.</p> <p>My second comment is that most people are more familiar with metric these days, so perhaps putting the measurement in meters first would help people understand the changes.</p>	<p>Officers have explained to the responded that the 3 decimal places are not as a result of a metric conversion but relate to the formulas associated with calculating tariffs involving distance, time and flag charges and the requirements for the taxi meters.</p> <p>Officers have explained that miles are the standard measure of distance in the UK but that we can include metre conversions for information on future consultations</p>
<p>(Community Panel Member)</p> <p>My comment regarding the proposal is that as this is being done earlier because of the steep rise in fuel costs I wonder why the pence per mile is not increased (appreciate first x yards is increased and the waiting time is). Surely the actual cost is travelling and presumably all journeys go belting the first x yards) not sitting and waiting?</p> <p>I would support an increase in pence per mile.</p>	<p>Officers have explained that the current cost for the first mile is £5 and the proposed tariff has a cost of £5.40 for the first mile which is an increase of 40p.</p> <p>The cost of each subsequent mile is an increase from £2.40 to £2.60 which is an increase of 20p per mile.</p>
<p>(Member of Trade)</p> <p>I have a disagreement with the new fare chart and the extra charges. We have been told for many years that we cannot charge more than is stated on the taxi meter. You are now telling us to charge an extra 50% for a multi seater. This will cause no end of grief. Try asking 6 burley blokes to pay 50% more than the meter price. It is not going to happen. I would propose that when carrying more than 4 passengers that you</p>	<p>We have been informed that the fourth tariff (Tariff 3 with a 50% uplift) can be accommodated on most of the meters. When reviewing the 2023 tariffs Officers will ask Members to consider proposing either four tariffs as above or six tariffs, one for each of the three current tariffs bands with a multi seater option for each. Officers will</p>

General Comments	Officer Response
<p>go up a tariff. So from 1 to 2 and 2 to 3. Or have a separate tariff altogether for multi seater vehicles like many councils do.</p>	<p>discuss options with the meter agents to establish the best solution ahead of next year's fee setting process.</p>
Fouling Charges	
<p>(Member of the Trade) The soiling charge is not high enough. It needs to be a minimum of £150. A full valet is at least £100 nowadays and what about the earnings lost as you will have to stop working. Many thanks for your time.</p>	<p>Comments to be fed into discussions on the 2023 tariff discussion.</p>
<p>(West Berkshire Taxi Driver) I appreciate you, WBC, thinking of us drivers and proposing an increase of our rates in this difficult times, after a pandemic, and the soaring of the cost of life due to the period of inflation we are currently experiencing, but I couldn't fail to notice that for the first time you have set a fouling charge at a maximum of £75. After having worked as a taxi driver for 3 years, and having worked most of these weekends I believe I have gained substantial experience to deem my opinion worthy of your time. I appreciate the fact that you have set a cost for customers fouling in the vehicles, but at the same time believe this is of no help to the people in the trade, weekends are by far our busiest times of the week. Please find below some of the reasons as to why I think this charge is not on our favour. - A basic clean inside and outside of the bus I drive costs me a total of £20. A full valet you would be looking at a minimum of £45.</p>	<p>Comments to be fed into discussions on the 2023 tariff discussion.</p>

General Comments	Officer Response
<p>- If a customer was to foul after 5pm we wouldn't be able to get our cars properly valeted until the next day, which means our shift would be cut short. Yes we could go home and try to clean it, but from experience I can tell you the smell would remain lodged in the vehicle, sometimes even after a full valet.</p> <p>- If I start work at 7 and fouling was committed at 7:30. I would have to leave and wait for the following day to pay for a full valet at a min cost of £45, leaving me with a total of £30 pounds takings for a forced 30min shift, and not a 8 hour shift I would usually work. So my loss of income would be substantial.</p> <p>Please also take into account that there are daily cost to running a taxi regardless of it being used or not, such as insurance, road tax, mot, etc. this would be even higher if the driver was to be renting a taxi.</p> <p>So after paying for a valet we would be left at a loss for the day.</p> <p>After having raised this points of debate regarding the proposed fouling charge, would you please take time to consider them and get back to me and the rest of drivers with a realistic charge.</p>	
<p>Air Quality</p>	
<p>(Unknown)</p> <p>The only reason that the taxi drivers want an increase in fares is because they are so profligate in their fuel use.</p> <p>How often do you see a cab with no passengers or likely passengers parked up with the engine running?</p> <p>How many old, inefficient diesel vehicles, causing poor air quality do we see in Newbury? Some are over ten years old.</p>	<p>Officers have informed the respondent about the consultation process, highlighted the Draft Hackney Carriage and Private Hire Licensing Policy consultation that is currently taking place and the work that we are doing through the Licensing Committee and Environment Advisory Group to support the taxi trade to 'go greener'.</p>

General Comments	Officer Response
<p>When did you last see either an electric or a hybrid taxi in Newbury.</p> <p>Newbury, home to Vodafone, is a hi tech town with a noachian taxi service.</p> <p>Tell them to put their own house in order before allowing any increase in fares.</p> <p>As far as I understand, the portfolio member has very limited powers over these people who seem to behave with impunity.</p> <p>Our Council spent £1.7m on a new road scheme to improve air quality and yet they allow taxis to idle on the rank as their standard procedure. Why did they bother?</p> <p>The taxi drivers seem to have no understanding of the issues of either air quality or climate change and care even less.</p> <p>It's about time someone brought them into the c21st and that's your job!</p>	<p>Officers have also explained to the respondent that the Council has received a grant from DEFRA to undertake a behavioural change project around air quality. A contractor had been appointed and they have started collecting a range of baseline data. A lot of work will focus around an anti-idling campaign. Specific areas including taxi ranks will be targeted.</p>

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Hackney Carriages Table of Fares

MAXIMUM fare for any hiring when the journey commences:

A lesser fare can be agreed prior to commencement of the journey.

<p>Taxi Plate Number</p> <p>???</p> <p>Licensed to Carry ? Passengers</p> <p>Any comments regarding this vehicle or driver should be made to:</p> <p>West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire, RG14 2AF</p> <p>Or via email to licencing@westberks.gov.uk Quoting the above Taxi Plate number or drivers badge number</p>	<p>Tariff 1 (Standard Time Saloon) Indicated by a “T1” on the taxi meter</p> <p>Any journey with 1-4 passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24th, 25th, 26th, 31st December and 1st January)</p>	<p>Tariff 2 (Time and 1/2 Saloon) Indicated by a “T2” on the taxi meter</p> <p>Any journey with 1-4 passengers</p> <p>1. 00:00 and 06:00 Monday to Sunday. 2. 22:00 and 23:59 Monday to Sunday. 3. 06:00 and 21:59 Sundays, Bank Holidays, Public Holidays, 24th, 26th, 31st December & 1st January.</p>	<p>Tariff 3 (Double Time Saloon) Indicated by a “T3” on the taxi meter</p> <p>Any journey with 1-4 passengers.</p> <p>1. 00:00 and 23:59 on 25th December 2. 00:00 and 05:59 on 26th December. 3. 00:00 and 05:59 on 1st January.</p>
	<p>Tariff 1 Multi (Standard Time Multi) Indicated by a “T1 b” on the taxi meter</p> <p>Any journey with 5 or more passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24th, 25th, 26th, 31st December and 1st January)</p>	<p>Tariff 2 Multi (Time and a ½ Multi) Indicated by a “T2 b” on the taxi meter</p> <p>Any journey with 5 or more passengers</p> <p>1. 00:00 and 06:00 Monday to Sunday. 2. 22:00 and 23:59 Monday to Sunday. 3. 06:00 and 21:59 Sundays, Bank Holidays, Public Holidays, 24th, 26th, 31st December & 1st January.</p>	<p>Tariff 3 Multi (Double Time Multi) Indicated by a “T3 b” on the taxi meter</p> <p>Any journey with 5 or more passengers</p> <p>1. 00:00 and 23:59 on 25th December 2. 00:00 and 05:59 on 26th December. 3. 00:00 and 05:59 on 1st January</p>
<p>Initial Flag The first 1489.235 yards (1361.756 meters) (11/13 mile)</p>	<p>T1 £5.00 / T1b £7.50 (First mile =£5.40) / (First mile =£8.10)</p>	<p>T2 £7.50 / T2b £11.25 (First mile =£8.10) / (First mile =£12.15)</p>	<p>T3 £10.00 / T3b £15.00 (First mile =£10.80) / (First mile =£16.20)</p>
<p>For each subsequent 135.385 yards (123.796 meters) (1/13 of a mile) completed or part thereof</p>	<p>T1 20p / T1b 30p (£2.60 running mile) / (£3.90 running mile)</p>	<p>T2 30p / T2b 45p (£3.90 running mile) / (£5.85 running mile)</p>	<p>T3 40p / T3b 60p (£5.20 running mile) / (£7.80 running mile)</p>
<p>Waiting time: for every period of 24 seconds or part thereof (Below 11.54 mph is charged as waiting time)</p>	<p>T1 20p / T1b 30p T1 (£5.00 per 10 mins, £30.00 per hour) T1b (£7.50 per 10 mins, £45.00 per hour)</p>	<p>T2 30p / T1b 45p T2 (£7.50 per 10 mins, £45.00 per hour) T2b (£11.25 per 10 mins, £67.50 per hour)</p>	<p>T3 40p / T3b 60p T3 (£10.00 per 10 mins, £60.00 per hour) T3b (£15.00 per 10 mins, £90.00 per hour)</p>

Where the taxi is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey. (Local Government (Miscellaneous Provisions) Act 1976 sec. 67)

If a Hackney Carriage is booked by telephone, facsimile, e mail, or other electronic means a booking fee may be charged by prior arrangement only.

Congestion Zone Charges, Tolls or similar will be applied for any journey where such charges or tolls are incurred.

Fouling will be charged at a maximum of (£75 interior) (£25 Exterior)

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Hackney Carriages Table of Fares

MAXIMUM fare for any hiring when the journey commences:

A lesser fare can be agreed prior to commencement of the journey.

<p>Taxi Plate Number</p> <p>???</p> <p>Licenced to Carry ? Passengers</p> <p>Any comments regarding this vehicle or driver should be made to:</p> <p>West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire, RG14 2AF</p> <p>Or via email to licencing@westberks.gov.uk Quoting the above Taxi Plate number or drivers badge number</p>	<p>Tariff 1</p> <p>(Standard Time Saloon) Indicated by a “T1” on the taxi meter</p> <p>Any journey with 1-4 passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24th, 25th, 26th, 31st December and 1st January)</p>	<p>Tariff 2</p> <p>(Time and 1/2 Saloon) Indicated by a “T2” on the taxi meter</p> <p>Any journey with 1-4 passengers</p> <p>1. 00:00 and 06.00 Monday to Sunday.</p> <p>2. 22:00 and 23:59 Monday to Sunday.</p> <p>3. 06.00 and 21.59 Sundays, Bank Holidays, Public Holidays, 24th, 26th, 31st December & 1st January.</p>	<p>Tariff 3</p> <p>(Double Time Saloon) Indicated by a “T3” on the taxi meter</p> <p>Any journey with 1-4 passengers</p> <p>1. 00.00 and 23.59 on 25th December</p> <p>2. 00.00 and 05:59 on 26th December.</p> <p>3. 00.00 and 05:59 on 1st January.</p>
<p>Initial Flag The first 1489.235 yards (1361.756 meters) (11/13 mile)</p>	<p>£5.00 First mile =£5.40</p>	<p>£7.50 First mile =£8.10</p>	<p>£10.00 First mile =£10.80</p>
<p>For each subsequent 135.385 yards (123.796 meters) (1/13 of a mile) completed or part thereof</p>	<p>20p £2.60 running mile</p>	<p>30p £3.90 running mile</p>	<p>40p £5.20 running mile</p>
<p>Waiting time: for every period of 24 seconds or part thereof (Below 11.54 mph is charged as waiting time)</p>	<p>20p £5.00 per 10 mins, £30.00 per hour</p>	<p>30p £7.50 per 10 mins, £45.00 per hour</p>	<p>40p £10.00 per 10 mins, £60.00 per hour</p>

Where the taxi is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey. (Local Government (Miscellaneous Provisions) Act 1976 sec. 67)

If a Hackney Carriage is booked by telephone, facsimile, e mail, or other electronic means a booking fee may be charged by prior arrangement only.

Congestion Zone Charges, Tolls or similar will be applied for any journey where such charges or tolls are incurred.

Fouling will be charged at a maximum of (£75 interior) (£25 Exterior)

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Draft Hackney Carriage and Private Hire Licensing Consultation Update Report

Committee considering report:	Licensing Committee
Date of Committee:	07 November 2022
Portfolio Member:	Councillor Tom Marino
Report Author:	Julia O'Brien
Forward Plan Ref:	C4273

1 Purpose of the Report

- 1.1 To provide the Licensing Committee with an update on the outcome of the public consultation on the policy and provide an update on the progress that is being made with reviewing the policy with the trade.

2 Recommendations

The Licensing Committee:

- 2.1 To **NOTE** the responses received to the public consultation.
- 2.2 To **NOTE** that once the meetings with the trade have been concluded, the matter will come back to the Licensing Committee and a decision will be taken as to the next steps.

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.
Human Resource:	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.
Legal:	<p>The legal consultation will be followed up following collation of all consultation responses. 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.
Risk Management:	<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>
Property:	There are no property implications associated with the drafting of the policy or the consultation that will be undertaken.
Policy:	<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. The legal implications of all comments pertaining to equality will be discussed with legal colleagues.</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 is to note some of the consultation responses received so far. Any comments pertaining to 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>

Health Impact:	X			There are no specific health impacts associated with the policy or the consultation.
ICT Impact:				The consultation was published on the PPP website and the West Berkshire consultation portal.
Digital Services Impact:				The consultation was 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 was undertaken with those in Appendix A and is continuing with the Taxi Trade. We also undertook a public consultation using the PPP website and the West Berkshire Council consultation portal. The consultation exercise was supported via a media campaign and targeted advertising of the consultation.</p> <p>Consultation meetings have been held with the Taxi Trade, Members and officers which are continuing.</p>
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4 Supporting Information

- 4.1 In July 2020 the Department for Transport (DfT) 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. This has led to a new draft policy being proposed for the West Berkshire Hackney Carriage and Private Hire Trade.
- 4.2 The draft policy incorporates new guidance and legislative changes along with 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.
- 4.3 The draft policy for consultation was agreed by Members of the Committee at the 4th July 2022 meeting. Members agreed that the consultation should run from 13 July to 4 October 2022. Members agreed that in addition to the public consultation the documents should be shared with members of the trade and other interested parties identified in the report to the Committee. The consultation was published on the Council’s Consultation and Engagement Hub and on the Public Protection Partnership website. A notification was also sent out to the 1231 people on the Council’s Community Panel.
- 4.4 The purpose of this report is to update the Committee with the outcome of the consultation on the draft policy previously agreed for consultation by this Committee. This is produced at Appendix A. Members of the Committee will be asked to consider all the responses received and suggest any changes to the policy that they would like to take forward. In addition to responses received via the Hub and website several meetings with the Trade, Members and officers have taken place to go through the policy in detail. These meetings are still ongoing and it is intended we complete these so there is a complete set of responses received by the trade to the draft policy. Members are also asked to raise any additional specific queries they would like to have clarified.
- 4.5 Legal advice will then be sought on these recommendations and the matters raised by the respondents during the consultation.
- 4.6 Responses to the consultation and queries and an amended draft policy will be brought back to the January 2023 Committee meeting for Members to decide if they wish to

make any further amendments to it and also if there is a wish to go out for further consultation with responses being bought back to a further Committee.

5 Proposals

The Licensing Committee

- 5.1 **NOTE** the responses received to the public consultation received to date and make comments as appropriate.
- 5.2 Further Trade meetings will be held to complete the consultation responses and following this legal advice will be obtained with options to come back to the Licensing Committee for a decision to be taken as to the next steps.

6 Other options considered

- 6.1 None

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 the consultation comments received thus far and more to follow on completion of the Trade meetings after which legal advice will be sought.

8 Appendices

- 8.1 Appendix A – Outcome of the Public Consultation
- 8.2 Appendix B – Draft Consultation Document

Background Papers:

Draft Hackney Carriage and Private Hire Licensing Policy

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: Julia O' Brien
Job Title: Principal Officer-Licensing
Tel No: 01635 519849
E-mail: julia.obrien@westberks.gov.uk

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Outcome of the Consultation on the Draft Hackney Carriage and Private Hire Licensing Policy 2022 - 2027

The consultation was published on the Council's Consultation and Engagement Hub and on the Public Protection Partnership website.

A notification was also sent out to 1231 people on the Community Panel.

We wrote to:

- (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.

The consultation ran from the 13 July 2022 to the 04 October 2022.

We received 29 responses on the form published on the Consultation Hub. Of those respondents:

- 4 respondents identified themselves as WBC Licensed Hackney Carriage/Private Hire Drivers;
- 2 respondents identified themselves as WBC Town/Parish/District Council or Councillors;
- 1 respondent identified themselves as WBC Council Officer/Team (Transport Services);
- 1 respondent identified themselves as Public Sector Authority (not identified);
- 19 respondents identified themselves as West Berkshire Residents;
- 2 respondents identified themselves as 'other'. (member of the public and private citizen)

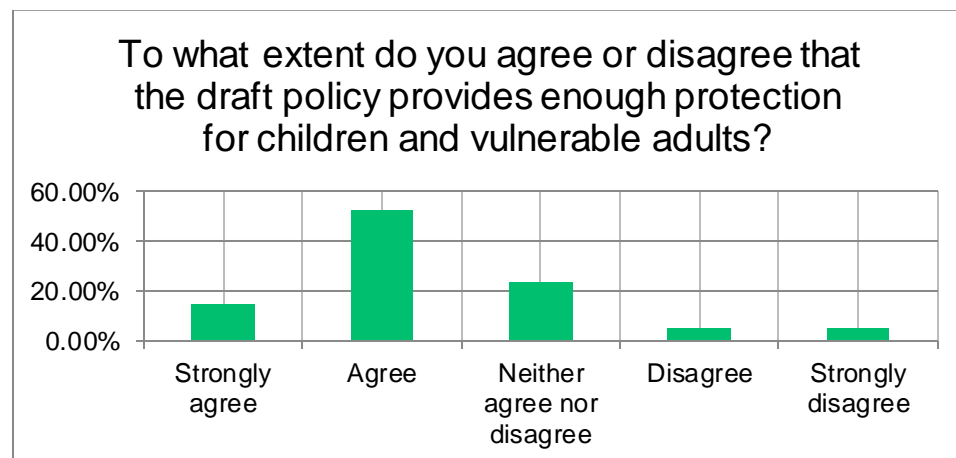
We received four responses sent directly to the Partnerships Consultation Mailbox. These responses were submitted by the West Berkshire Council’s Transport and Parking Services Manager, Newbury Town Council’s Highways and Planning Committee, a detailed response from a taxi driver which is referred to in the table but due to its length is set out in [Annex A](#) to this report and a further response from a member of the trade. These comments are set out in [Table 1](#) below.

In addition a series of Taxi Trade Liaison Group meetings have been held to go through the comments received from the trade in relation to the draft policy. These meetings are still ongoing. A detailed set of the comments raised by the trade and which are being discussed at these meetings are set out in [Annex B](#) to this document.

What you Told Us

A summary of the responses to the consultation hub questions are set out below:

Question 2:



- Of the 21 people that responded 66.67 agreed or strongly agreed that policy provided protection for children and vulnerable adults, 9.52% disagreed and 23.81% were neutral.

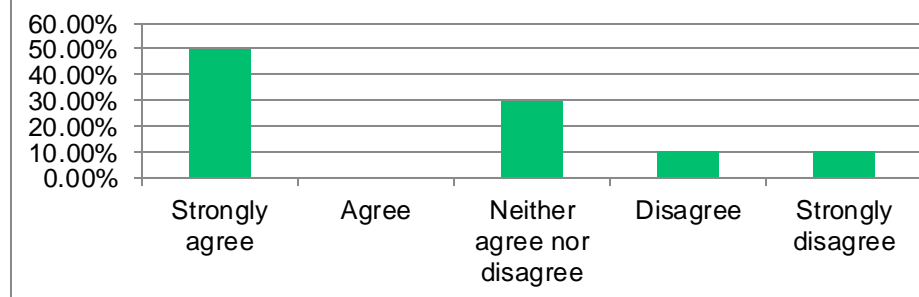
Question 3:

What changes do you think we should make to the draft policy to ensure the protection of children and vulnerable adults is sufficiently covered?

Taxi drivers should be DBS checked – This response has been redacted as it contains personal information.
More spot checks on illegal/ sub-contracted taxi trips and make sure you prosecute and prevent this re-occurring by banning the culprits from receiving taxi licences.
Unless you take the proper steps to ensure the policy is adhered to it will fail.

Question 4:

To what extent do you agree or disagree with the proposals concerning vehicle emissions, i.e. all vehicles must meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence? (Section 24 - page 18)



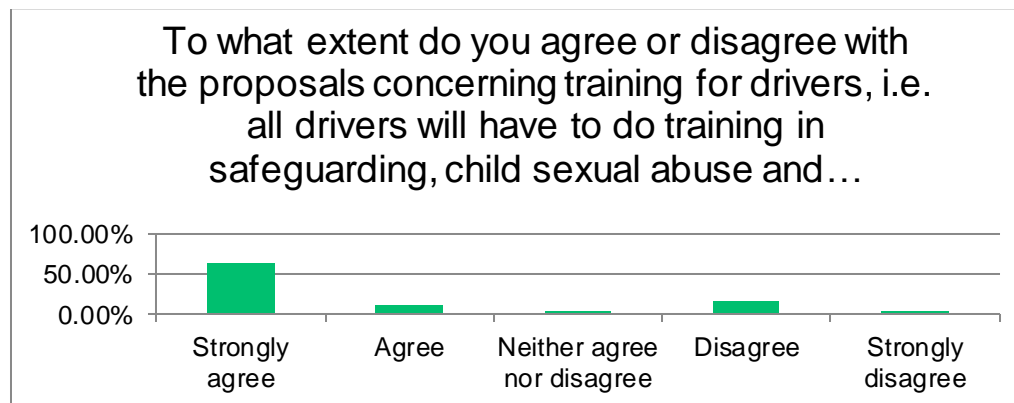
- Of the 20 people that responded 50% strongly agreed with the statement that all vehicles should meet the Euro 5 or Euro 6 emission standards, 30% were neutral and 20% disagreed with the requirement.

Question 5:

What changes do you think we should consider making to the required standards for vehicle emissions outlined in the draft policy?

Euro 6 should be a minimum and electric cars.
The most expensive aspect of a taxi business is the vehicle, a forced change to a current vehicle could see some operators, for financial reasons, leave the business would reduce the Newbury Taxi fleet and users of the service would suffer. Why not let the current vehicles run to the end of working lives and then require new vehicles to meet the new targets, taking into consideration the total environmental impact of scrapping a vehicle and producing a new one, letting existing cars see out their lives could well have a less environmental impact.
Its unnecessary

Question 6



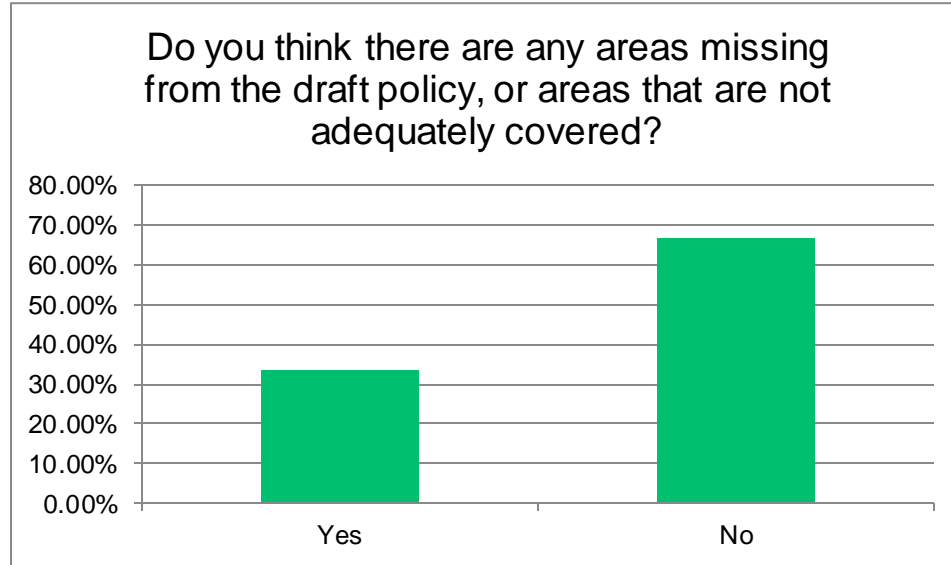
- Of the 19 people that responded 73.69% agreed or strongly agreed that drivers should have to undertake safeguarding and disability awareness training every three years, 21.05% disagreed at 5.26% were neutral.

Question 7

What changes do you think we should consider making to the requirements for driver training outlined in the draft policy?

Expecting drivers to do child protection courses seems excessive - teachers, are workers etc all do this anyway - so why should a driver need to do this given the very limited / adhoc interactions they would have.
Introduce awareness training for drivers to make sure they are not exploited by operators in a self-employment scam ending up working below minimum wage.

Question 8



- Of the 18 respondents to this question a third felt that the draft policy adequately covered all that was needed while two thirds believed that it did not. Only five respondents suggested areas that should be included and this information is set out in question 9 below.

Question 9

What other areas do you think we should consider including, or cover in more detail?

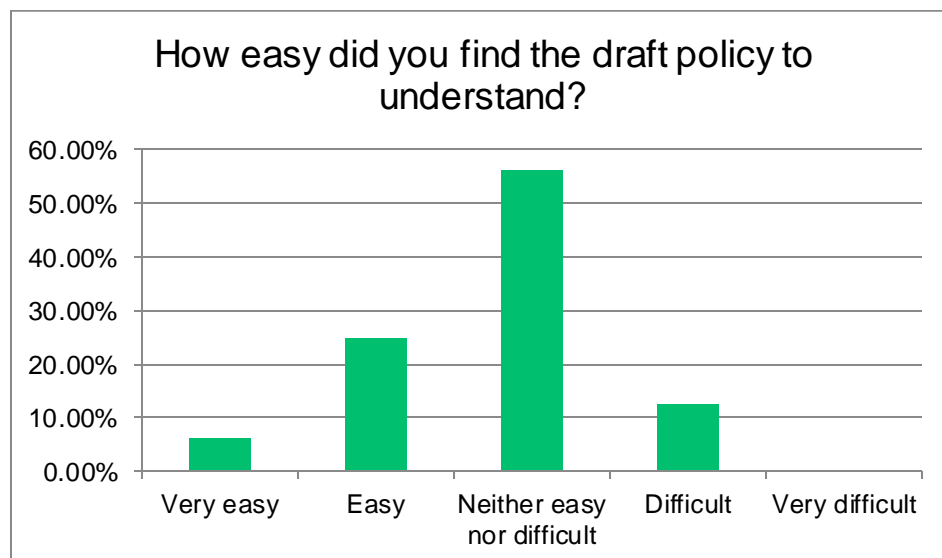
If you are training people with regard to vulnerable adults, how can you possibly ensure that they do not use this information to then carry out evil acts. Taxis will never be entirely safe until each one has a MANDATORY on-board CCTV camera showing the INTERIOR of the vehicle at all times. <i>This response has been redacted as it includes personal information.</i>
School transport arrangements using minibuses and people carriers should be clearer.
wheel chair accessible Taxis are impossible to get in West Berkshire
Aim to cover more about wheelchair access and wheelchair needs when driving a taxi - e.g. braking suddenly and driving without due care and attention - I say this as a passenger who regularly accompanies my Mother in a wheelchair taxi - drivers are too distracted by their phones still - its not good enough
social responsibility

Question 10

Do you think there are any specific impacts the draft policy could have on particular groups? If so, please provide details, including any alternatives you think should be considered?

some drivers may have trouble affording a newer vehicle to meet emission requirements. Could cheap loans be made available?
Taxis without interior cameras will never be entirely safe. <i>This response has been redacted as it contains personal information</i>
Cost on drivers whilst doing training.
Reduced pollution will benefit all members of the public.
The policy will undoubtedly effect both early morning starts and ;late evening finishes for care workers where bus services a re not adequate

Question 11



- Of the 16 respondents 31.25% found it easy or very easy to understand, 12.5% found it difficult to understand and 56.25% provided a neutral response. Specific comments received: Could a header/footer be inserted into pages 30 onwards to show which appendix (A, B, C etc) you are looking at? There is quite a lot of repetition which makes the document very long.

Question 12

Do you have any further comments you wish to share?

<p>33.1 page 24: For West Berkshire Council-contracted client transport, we do not accept 'school-only' licences. (see section 13.2 in our contract conditions: https://www.westberks.gov.uk/media/52383/Client-Passenger-Transport-Conditions-of-Contract/pdf/626501_-_DPS_Appendix_3a_-_Contract_-_Conditions_of_Contract_and_Schedules_1_Price_and_2_Defaults.pdf?m=637855331437530000).</p>
<p>Is this what you are offering here in 33.1 (or is this something different)? If it is the same, although I appreciate drivers may be undertaking school contracts for another body, it feels a little contradictory that West Berkshire potentially offer them through Licensing but not then to use on our contracted school transport. I note that you indicate that the only difference would be requirements on the need to display plates, signage and wearing their badge. I had always been advised that the reason we would not accept 'school-only' licences was that there were reduced vehicle maintenance requirements. So I am unclear as to whether this is the same thing and would appreciate some discussion so we can have consistency. Either way, we would insist on the need to wear identity badges for school transport, so the exemption being offered here for drivers not to wear their badge seems to contradict this.</p>
<p>If West Berkshire council really does want to help vulnerable people to travel safely in this area a camera in every vehicle is the only way to achieve this. <i>This response has been redacted as it contains personal information.</i></p>
<p>CCTV should be fitted in all cabs to safe guard both passengers and drivers.</p>
<p>Like most things, unless WBC monitor and enforce the policy it will be abused.</p>

Table 1

<p>West Berkshire Transport Team</p>	<p>I assume you are aware that some of the cross referencing is incorrect (e.g. reference to paragraph 1.8 on page 7 should probably be 9.1; and Appendix One on page 10 should be Appendix A).</p> <p>19. General (page 16) – I am unhappy with the sixth paragraph which commences “A licensee can transfer the licence to another person...” It seems remiss that there is no automatic check on the suitability of the licensee until renewal – which could mean that an unsuitable person is the licensee for several years before being vetted as ‘fit and proper’.</p> <p>20. Vehicle Type and Design (page 17) – paragraph four states “Any vehicle which resembles a hackney carriage...” Do you define what ‘resembles’ means anywhere – otherwise I can foresee the potential for legal challenge.</p> <p>21. Vehicle Standards (page 17) Paragraph one, point ii states that the vehicle needs to have provision for every passenger to wear a seat belt. Would this also include those conveyed in wheelchairs in vehicles adapted to seat no more than 8 passengers, where the wheelchairs can be fixed in different positions? It needs to, as these passengers should be treated the same as other passengers. (I think this may be covered in 30.1 Vehicle Standards (i).)</p> <p>Paragraph two – how can there be three types of licence is one is WAV and a second is not WAV. Surely stretched limousines must fall within one of these two categories.</p> <p>24. Age (page 18) – paragraph two – why are you allowing Euro 5 emissions? The Council are committed to carbon neutral by 2030, so surely we should be phasing out the older engines? Therefore, I do not support the following paragraph’s statement that “This requirement can be waived in respect of specialist vehicles which have been modified or adapted to undertake particular education authority contracts”. We are starting to consider engine emissions in these contracts, so would not be expecting anything earlier than Euro 5 in any case – and are likely to remove the Euro 5 ability within the next year or so.</p> <p>33.1 School Contracts – although there may be the occasional contract where we would not particularly want a marked vehicle, this is not the case in the majority of instances, and therefore this exemption should be changed to only apply where the Council’s Transport Team (I’m not sure if the term education authority is still used in</p>
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	<p>legal circumstances?) have consented to it. Bear in mind though that we would have no knowledge of the use of such a vehicle outside of the school transport requirements.</p> <p>In addition, the last paragraph under 33.2 suggests that the exemption will last until the licence expires, but a school contract could easily cease before this time.</p> <p>In Appendix A, there does not appear to be any mention of the DfT's <u>Statutory Taxi & Private Hire Vehicle Standards</u> even though you've copied the text from it. Surely it would be better to reference the source material as that could change within the timescale of the Policy.</p>
<p>Newbury Town Council</p>	<p>At the last Newbury Town Council (NTC) Planning & Highways Committee meeting, it was agreed to send the following comments to WBC in response to the Draft Hackney Carriage and Private Hire Licensing Policy 2022-2027.</p> <p>“The Committee noted the consultation and agreed to send the following comments to West Berkshire Council in response:</p> <p>In view of the fact that both West Berkshire Council and Newbury Town Council have declared a climate emergency:</p> <ol style="list-style-type: none"> 1) There is no policy about electric vehicles, converting to electric vehicles, or environmental issues. 2) The Euro 5 & 6 standards and not forward thinking enough for a policy that stretches several years (to 2027) – the target is carbon neutral by 2030. 3) The Council would like to see encouragement for electric vehicle uptake, potentially lower fees or some incentive should be provided to encourage this converting to electric vehicles. 4) A question was raised as to who would enforce these standards outlined in the policy and it was agreed that this information should be included.
<p>WBC Licensed Hackney Carriage/Private Hire Driver</p>	<p>See Annex A</p>

<p>WBC Licensed Hackney Carriage/Private Hire Driver</p>	<p>I have been asking all my customers and random fares if they would require a dress code for taxi drivers and not one of them said they would as long as the driver is clean and pick them up at time requested then that is all they require, they have also added if they were not happy with the driver or vehicle then just would not call that taxi again and would use someone else , the public are not stupid and can make up their own minds! can it be noted that we have been running our businesses for many years and our dress code is our business and not the councils can they be reminded that we work for ourselves and really rent a licence from the council in order to trade we do not work for the council !!</p> <p>Ref point system</p> <p>I feel that if they cannot sort out illegal taxis that are out there already , of which they have been informed about and do nothing , I refer to a Buckingham plated taxi touting for business in the Thatcham and Newbury area , they are putting the public at risk as soon as they pick a passenger up as a paying fare as they are not insured for one so as public protection they are failing the public , also go green drivers waiting at thatcham station and when no legal taxi drivers are there they are being approached and taking fares again public are at risk as not insured .. so they would rather award petty points because our skirt is not of required length , or not one uniform colour , or we have a chip on our cars from the diabolical west Berkshire roads or scratches from driving past unkempt bushes , or because we don't have the room to carry 6 bloody years of service records for our car , it seems to me that they are trying to get every legal taxi off the road to which point the council will be left with all the drivers that are illegal because they cant be bothered to do the job that they are in place to do !! ie public protection !</p> <p>Policy has not got one thing that protects the drivers this document is entirely written to make a criminal of law abiding taxi and private hire drivers , also ref all the things we are required to carry , I for one will not be putting myself or any of my passengers in danger trying to put out a fire , I will be getting as far from veh as possible also with first aid I will never put myself in the position of possible opportunity to be sued by administering first aid in case a person is allergic to any treatment I may provide !!!!</p> <p>I just feel they should be looking after the public not trying to hound us off the roads !!! and as a business owner of 20years , I have never advertised and have been recommended , so my business model works and I don't need advice and guidance as repeat business tells its own story .</p>
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Annex A

Response to Hackney Carriage and Private Hire Licensing Policy 2022 –2027

Introduction

I will be addressing the various points of concern to me later on, but first in general:

It's understandable that West Berkshire Council feel the need to update their licensing policy for the industry in light of the DoT's Statutory taxi and private hire vehicle standards document of July 2020. You fail to mention this document at all in your document. Which is odd. Though you do give a Wikipedia style rundown of West Berkshire which is again odd.

However it is interesting that in places WBC's proposed new policy goes far beyond what is recommended in the DoT's document and yet ignores other parts entirely.

Both documents many times mention keeping passengers safe from drivers. No mention is ever given, as far as I can tell, about keeping drivers safe from the passengers. It's only anecdotal, and as a driver I may be biased, but in my time doing this I've heard of far more instances of WBC licensed drivers being attacked by the passengers than vice versa. Including stabbings and severe beatings all reported in the local press.

Also there are several places in the document where a regulation is given and then followed up by a reference to a specific section of a piece of legislation. But upon reading the actual legislation it says no such thing. Or at least it's a case of WBC reinterpreting decades old legislation with an extremely broad brush.

At a time when the drivers in the industry are earning comparatively less than ever (between 2013 and today compounded inflation has increased by 25%. Yet we have only seen fare increases of around 13.4%, and only very recently) yet more charges are being added to renewal of licenses in the form of almost wholly unnecessary tests.

Many of the new regulations, while probably well intended, are both ill-thought-out, badly written and frankly unmanageable.

My points. Not necessarily in order of your document but I'll label each.

9.10. Knowledge of Area - Page 12

I think it's fair to say that TFL's London knowledge test is regarded as the 'mother of all knowledge tests' London Hackney drivers have to pass it once and once only.

Why all of a sudden do WBC deem it necessary to repeat this every six years ?

How is it possible for a West Berkshire drivers knowledge to have decreased in the intervening 6 years?

The excluding of drivers on school runs from this requirement must be legally dubious at best ?

It's arguable that such knowledge tests are unnecessary altogether in the current age of ubiquitous sat nav but certainly the knowledge test should never need repeating on renewal of a license.

13. Licences and Badges – Page 14, and Taxi Drivers' Code of Conduct 2.1 - Page 48

WBC quote the Local Government (Miscellaneous Provisions) Act 1976 s54 as though this states drivers must wear a badge on their left arm. It states no such thing.

Only:

“A driver shall at all times when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.”

So for 46 years this seems to have been interpreted that the wearing of a badge around the neck is sufficient to comply. It's been the common practice.

WBC have decided to reinterpret this section of the legislation, I guess you've deemed it not visible enough, and have come up with an unworkable solution which does not even fully address the issue of visibility. If indeed there is an issue ?

If I wear a badge on my left arm, no matter it's positioning, a customer sat directly behind me cannot see it.

Also on driver safety the only other people customers on a weekend evening are likely to have encountered with 'Left arm badges' are pub and club door-persons. It will not help driver safety making the drivers look similar to the person who just ejected them from an establishment.

Especially during extremely hot weather, such as we've experienced this year, the idea of having something strapped tightly to my arm for hours on end is untenable.

An answer to provide increased visibility of the drivers identity to the passengers is simple and superior to WBC's proposed solution.

You provide a see-through sleeve for the holding of a drivers plate number and badge on the inside of the front windscreen. Rather lazily WBC have always just provided an identical badge for this holder as the one around my neck.

Though the space is there for a badge twice as wide.

Produce a badge that fills the space. With a much larger photo, ideally filling the badge, And print it on both sides. Then every body in the taxi can see it easily and also when approaching the taxi.

Simple and better.

9.8. Practical Assessments for Licensed Drivers and Applicants – Page 11

So we have to do a new driving test every 6 years. More onerous costs.

And I'm understanding this as even drivers without a WAV will have to do the wheelchair assessment. What purpose does that serve ?

Also I think WBC would like drivers to continue to make investments in their vehicles yet at any point two minor road traffic convictions, within twelve calendar months, could result in the suspension of the drivers license. Until the practical test is passed again. What if no such tests are available for an extended period of time ? Driver out of work, still has to repay car finance. Liable to go bankrupt.

9.9. Spoken and Written English – Page 11

9.9.1. Speaking and Listening Assessment – Page 12

It's not clearly stated as far as I can tell but is this for first time applicants only or also renewals?

It beggars belief that you are going to ask British passport holders, born in this country, to pay for the privilege of proving we can speak English.

As for the written test I know of two drivers who struggle with writing. Yet they've been doing the job a long time. Are they not allowed to continue ? Probably both cases of undiagnosed Dyslexia

I can only hope this is for first time applicants only but even with that said the idea of asking English natives to prove they can speak English is very bizarre to me. And might gain traction in the press ?

14. Lost Property Page - 55**14.2**

You should amend this to say "valuable lost property" Failing that add the council offices as a valid place to deposit any found items.

If you turn up at the police station with an umbrella, jumper, book etc they are really not very happy.

One time I found a notebook on the back seat. I looked through it hoping to find a useful address or phone number to no avail. But it did have many notes and musings and doodles and I believed it would be of importance to the owner. So I took it to the police station. To say the officer on the desk was unimpressed is an understatement. But I considered it a valuable item, even if not monetarily. They did sign it in but did not want to.

Test this for yourselves. Turn up at the police station with an umbrella, or a tin of beans and report it as lost property. See what happens. They won't take it and will be very annoyed.

So if you expect all lost property to be handed in give us another avenue. I'll bring it in to Market street.

After all you can issue points for this even though the police WILL NOT accept most non valuable items. Yet you are requiring us to hand it all in. and threatening points.

16. Plying For Hire When Driving A Private Hire Vehicle [Does Not Apply When Driving A Hackney Carriage] – Page 55**16.3.**

You must not park or wait on or near any hackney carriage rank, or drop passengers off on a hackney carriage rank.

Does not effect me (Dual) but define near ? What if a private hire driver is wanting to use the toilets on the wharf ?

What if a private hire driver is asked to pick up from the museum ?

The Moon is near to the Earth in comparison to Pluto.

Near means exactly nothing without context.

From my own observations there are zero issues with private hire drivers plying for hire near ranks in West Berkshire.

The regulation should simply state they cannot wait or drop off on ranks.

24. Age – Page 18

Currently:

One MOT per year up to five years vehicle age.

Two MOT's per year from six to eight years.

Three MOT's per year over eight years.

The new regulation seems to say that even brand new vehicles need an MOT test every six months. And once the vehicle has travelled 25,000 miles the requirement will be a test every four months.

A busy taxi can easily cover 25,000 miles in two years.

That's a huge change.

So we potentially go from a regime where a brand new vehicle has eight years before needing thrice yearly MOT tests to a regime where those thrice yearly MOT test may be needed within eighteen months to two years.

This will likely result in more older taxi's on the road as why invest in a brand new vehicle if within two years you'll be having to take the same amount of MOT tests as an eight year old vehicle.

WBC state "*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 servicing schedule.*"

I can only speak for myself but I can't produce what doesn't exist. I bought my vehicle brand new. Once the warranty period had expired I have done some of the servicing myself, as I'm quire capable of changing oil and filters etc. I didn't always keep a record of this as it's my car, I have no intention of selling, I know the work has been done, and there was no requirement from WBC to keep a servicing record previously.

The regulation also precludes a driver buying a vehicle without a full service history even if they afterwards get the car properly serviced and thoroughly checked.

It's a poorly worded unworkable regulation if applied retrospectively.

25. Exterior of vehicle page – Page 19

This whole section is a joke. Our taxis are working vehicles. You look hard enough and you'll find that taxis have "*i.v. have eight or more stone chips of any size;*" on every taxi in West Berkshire over six months old.

v. have any scratches, cracks or abrasions where the top layer of paint has been removed.

Define top layer of paint. Define scratch. My car is very presentable IMHO but you look behind each door handle and you'll see many minor scratches, caused by customers rings, nails, keys, clothing etc.

By the wording of this part, of this section, almost all taxis will fail if strictly followed.

Any scratches? Just one? Ridiculous.

Quite often the customers cause the damage to the rest of the exterior with their trolleys, walkers, walking sticks etc. And when a lovely old dear scratches your door with her walking stick on a £7 job are we supposed to sue her for the damage and get the car professionally resprayed yet again. I'd never be out of the body-shop.

The chips and scratches parts of this regulation are poorly thought out and unworkable in the real world.

It sounds like WBC expect our cars to stay in showroom condition ?

Maybe that's a reasonable expectation for an 'executive car' service ?

But for customers just trying to get their shopping home it's very over the top.

The cars just need to look presentable. That is all.

30.1 - Vehicle Standards - Page 21

iv. Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.

My Peugeot Partner does not have such handles. I can look at having them fitted but if that's not possible do I have to buy a new car?

This should only be requirement for newly licensed vehicles. Not renewals. WBC have 'moved the goalposts'. If I buy a new vehicle to comply you may just move the goalpost again and leave me in the same position.

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);

If I understand this correctly then all the Peugeot Partner taxis in West Berkshire do not comply (there's a lot of them). Peugeot Partners do not come with a step. Nor is in an option I've ever seen.

WBC forces Hackney Carriage drivers to have WAV's due to WBC's interpretation of the law. They are by necessity much higher from the ground than saloons and estates.

To this day many local authorities interpret the law quite differently and have no such requirement for WAV's as taxis.

I brought up the fact many years ago at a taxi liaison meeting with WBC that more passengers were inconvenienced by the height of our WAV's than the number of wheelchair user trips we do.

But at the time all that mattered was the wheelchair users. Or so it seemed.

So many of us bought Peugeot Partners and now apparently they don't comply?

Though I'm not sure, as what does "*(measured at the centre of the tread width);*" even mean ?

10.8. Trousers, shorts or skirts must be tailored..... Page 53

What ? So Matalan is out? Must I go to Jermyn Street ?

10.10. (f) No baseball caps

Why the hate on baseball style caps ? While I don't wear them myself some drivers might like to keep the sun out of their eyes. In the winter I do often wear a flat cap. Is that allowed ?

Much of the dress section sounds like it's been written for the sake of it.

Hackney Carriage Vehicle Licence Conditions – Page 63

3. Maintenance of Vehicle

3.1.(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've never heard of these 'bulb kits'. If existent I imagine they are expensive ?

In the back of my taxi is a full complement of spare bulbs from Euro Parts. Generally more than one spare of each type. Why is that not sufficient ? If I must I can write my plate number on the tiny boxes.

Penalty points

Loads of these are poorly written and or vague.

Failure to provide an annual LPG safety compliance Certificate V7 4 points
? My cars not LPG

Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent V9 4 points
Consent from whom ?

Wilfully or neglectfully causing letters or figures in the statement to be obscured V29 2 points
Statement of what ?

Failure to deposit copy of statement of fares which differ from the approved fares V30 2 points
Deposit where and with whom ?

Failure to keep copy of insurance/cover note in the vehicle V36 2 points
I fail to see that requirement in the regulations yet there's points for it ?

Failure to provide assistance to an authorised officer V50 4 points
Assistance in what regard ?

Failure to provide information requested by an authorised officer V49 4 points
Seems overly broad. What if the information is not known?
Authorised officer: "What's going to win the 14:30 at Kempton?"
Me: "No clue".
Authorised officer: "Enjoy your 4 points"
Yes that's absurd but so is your wording. Again and again!

Failure to have or maintain illuminated markings at entrances and exits V1 4 points
Absolutely no idea what that means? But pretty sure I don't have them?

Failure to have three CCTV signs V55 2 points
Not everyone has CCTV so why the signs ?

Right I give up on many of these as they are so poorly worded and vague. Just the important ones, to me, follow.

Driver smoking/vaping/similar whilst in the vehicle – D5 4 points

What is the problem with vaping ? I vape. There is no law against vaping in a work vehicle.

My taxi is also my private car. Are you telling me on my days off I can't vape in my car even though there is no law against it ? There's no lasting smell or residue.

I do not vape when customers are in the taxi. Seems like common courtesy. However on occasion, generally on longer trips, customers have asked if it's OK to vape to which I reply "That's fine so long as it's not one of those that will fill the car with vapour so I can't see. And then I'll join them".

I checked with WBC licensing long ago and was told vaping in the taxi was legal and allowed. The law has not changed unless I missed the change? But I repeat I would not do it with customers in the car except at their request.

Failure to notify Licensing Authority in writing within 7 days of serious injury or illness D44

Biggie 12 points. Define serious ? You must! 12 points and no clue what I should or shouldn't report ? Gout, broken leg, bad back, sprained ankle. covid, flu, migraine ?

Failure to notify lost property to the Police within 48 hours of discovery B15 - 2 points

As stated earlier if we did this for everything the police would go spare. Add WBC offices as a receiving location.

Footnote:

I could go on but I've had enough. If you proceed with these new regulations, in this form, I predict you will improve public safety in regard to WBC licensed taxi and private hire drivers because a lot of drivers will just quit at renewal time and they'll be a lot less of them to harm the public. Or they will just go private hire with local authorities that have less onerous charges and regulations. The last time I checked that was an option.

Annex B

Comments from the Trade on the Draft Hackney Carriage and Private Hire Licensing Policy Document

General comments, Typos and Formatting

Comments
<p>Firstly, having been connected to the trade for 30 years, never in all that time has the Licensing team successfully policed its own rules? I fail to see how they think that is going to change</p> <p>Now for the document itself. Obviously this document was never proof read before issue. Whoever compiled this document can only be described as an idiot. Furthermore, whoever paid them should be seeking a complete refund as this document is unusable and is not fit for purpose.</p>
<p>you cannot use a document that doesn't stick to one form of numbering. le it jumps from .1 to A to Roman Numerals and then back to .1.</p>
<p>Section 3 has subheadings. Section 4 uses level 2 number indexing (4.1, 4.2). Section 7 uses level 2 letter indexing (7a, 7b). Section 9 uses; level 2 numbering, and level 3 lettering (9.1a), AND level 3 numbering (9.9.1). Section 19 uses bullet points. Section 21 uses level 2 roman numerals (21i). Section 30 uses level 2 numbering and level 3 roman numerals (30.1i) and level 4 lettering (30.1iiic).</p> <p>I have intentionally jumped in and out of the oxford comma above as the current document does – Section 5 is a good example of that</p>
<p>Ensure consistency of references to appendices either numerical or alphabetical see para 9.5</p>
<p>Section 9.7 uses spot check, the OED and Websters has it as spot-check but legally, it is a random check which makes the entire sentence structure inaccurate</p>
<p>9.11 'Applicants' shouldn't be capitalised – This is a recurring problem, capitalisation on non proper-nouns.</p>

<p>Section 15: If you are going to term a legal act, keep it the same:</p> <ul style="list-style-type: none"> • Is it 'Local Government Miscellaneous Provisions Act 1976' Or 'Local Government (Miscellaneous Provisions) Act 1976'?
<p>Section 28: there is a space before a comma.</p>
<p>Section 29: Most insurers offer a PSV licensed vehicle – see section 17 comment.</p>
<p>Section 37.4 refers to 'Appendix One' which does not exist. – I assume it means Appendix A</p>
<p>Section 40.1ii (the second occurrence of this reference) refers to 'Appendix Two' which does not exist. – I assume it means Appendix B</p>
<p>A new title should start on a new page. Would be better to put the different sections on a different page. The amount of repeats - it would be easier to read, if each section kept to the same number/title. Policy in relation to Hackney Carriage and Private Hire Licencing Policy – does not include Dual Licence, but Dual Licence is written about throughout policy</p>
<p>To many different ways of referencing sub titles. Example 33.1 and 33.2 are not in content, but then read bullet points, roman numerals, i. ii.iii. Please select one way throughout the policy.</p>
<p>Appendix C - Section 18: Some clauses get punctuation, some do not.</p> <ul style="list-style-type: none"> • This is the same throughout the document
<p>Appendix D page 64 Section 4 pertaining to Doors needs renumbering</p>
<p>Page 71 there are two section 3.1</p>
<p>Page 75 Safety Equipment already stated from Page 41. Already commented on. The numbering system for Hackney Carriage and Private Hire if altered, would read better side to side. As so much of this policy is repeated, surely it would be better reading if the numbering system with title stayed the same for Hackney Carriage and Private Hire, any extra conditions could be at the end.</p>

Currently numbering system is different but many titles read the same, but in different places, i.e. radio is under safety (see Page 67) in one category but not in other, so titles are not following through, although the conditions are the same

These comments should be read alongside the Hackney Carriage and Private Hire Licensing Policy 2022-2027.

No examples of application forms that need filling in.

No mention of cost of fees.

This policy is written in a way, it is very negative about the trade.

No mention how a driver could legally protect themselves, should there be a situation that is uncomfortable/dangerous, especially as police as rarely seen.

Would be useful if pages had headers, to remind reader what section is being read.

So many pages have repeated errors.

Many times, vehicle proprietor is mentioned as being responsible, but some vehicles are owned by lease/hire/insurance companies, this fact isn't always written in.

Why isn't there a list of Breaches to Hackney Carriage or Private Hire Licence Code of Conduct list of points for wrong doing? Only Dual Driver Licence.

West Berkshire Council need to be careful when writing about keeping records for six months. HMRC/VAT regulations require records to be kept for many years. Drivers would face criminal offences because they are doing as Council required, which is not the legal requirements of the law.

There are so many repeats, that have the same errors, I give up on informing you of the pages with errors.

The Council have been told about driver/vehicle not showing licences whilst driving around passengers (some children), nothing gets done. Please explain why anybody should abide by these rules, as proven by those under the radar, lets hope there isn't another bad situation, where the council know but ignored information provided.

When reading a paper copy, the links appear in different typeset. Council should insert page number for the article (if referred to in the documentation) or put full title of how article can be found when using internet.

Please could the Legal Department check over.

Could an experienced English Grammar person check wording?

Could an experienced typist please check and correct the many page breaks needed and other typing/placement errors?

Specific Comments

Ref	Comments
Page 1 Title	Title should include Dual Licence, West Berkshire Council School and Community Service Contracts. Licensing what? Insert Drivers and Vehicles in title
Page 4 1. The District of West Berkshire	Section 1 is descriptive of WB as opposed to prescriptive of the document. What is the value of this. If it is important to this document to know that 101,111 people live along the kennet valley, what study and year is this data from else this document is inaccurate as soon as it is released. Section 1 should really cover the scope of what this document is.
Page 4 1. The District of West Berkshire	The percentage of people in West Berkshire is wrong at 102% '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.'
Page 4 2. Introduction	refers to things the council wants to do; is that the purpose of this document? I thought this was a legal response to the July 2020 DfT new issued guidelines, although this document fails to mention that so there is no traceability from central to local policy. Is so, I would interpret this document as a legal reference document, not a wish list.
Page 4 3. Introduction	A licence to work is that, so how will council stop private hire licensees who undertake school or community service contracts from working as a private hire driver outside these contracts? See Page 5, second paragraph

Ref	Comments
	<p>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.</p>
<p>Page 5 4. This Policy Applies to the Following</p>	<p>This policy applied to the following: Private Hire Operators, should read driver/s (second from last line). 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 <u>drivers</u> that they use and the condition of the vehicles that they use</p>
<p>Page 5 5. Legislation, Byelaws, Guidance and Policy</p>	<p>please insert page numbers (39) where needed. 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.</p>
<p>Page 6 6. General</p>	<p>does not mention Dual Licence. This is a constant error throughout</p> <p>First para: 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.</p> <p>Fourth Para: 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.</p>
<p>Page 7</p>	<p>you refer to paragraph 1.8 without any indication as to where it actually is.</p>

Ref	Comments
<p>7. Pre-requisites to Making an Application First paragraph</p>	<p>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.</p>
<p>Page 7 7. Pre-requisites to Making an Application</p>	<p>Pre-requisites to Making an Application (e) DVLA Group 2 standard current medical fitness – no information of where this medical fitness can be issued from.</p> <p>(Page 10 9.6 Medical Examination says from GP within drivers’ practice). Please make both read the same.</p> <p>Although many GP’s do not offer service you require.</p>
<p>Page 7 7. Pre-requisites to Making an Application</p>	<p>Section 7f is not a metric so how can the licensing authority prove unbiased parity on this? ‘That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency.’</p>
<p>Page 7 7. Pre-requisites to Making an Application</p>	<p>In section 7C (page 7) the document refers to '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)' but does this stretch to cover an understanding of IR35 and should this also be included for operators and vehicle owners?</p>
<p>Page 8 8. Application for the Renewal of a Licence Second paragraph</p>	<p>Renewals must be made not less than 20 days prior to renewal. However, i have just renewed a licence that renewals had still not been received 11 days prior to renewal</p>
<p>Page 8 8. Application for the Renewal of a Licence</p>	<p>would read better if second paragraph was first?</p> <p>Third paragraph should remove “In all cases”, (found end of paragraph), as paragraph is saying licence may not be renewed, so which is it “In all cases”?</p>
<p>Page 9 9.1 Identity</p>	<p>Concern over the use of word only</p>

Ref	Comments								
	<p>For applicants with a limited time to remain in the UK, the licence will <u>only</u> be granted for the period of permission to remain, and may <u>only</u> be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.</p> <p>If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may <u>only</u> be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.</p>								
Page 9 9.1 Identity	<p>This paragraph needs clarifying</p> <p>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.</p>								
Page 10 9.6 Medical Examination First para	<p>Group 2 medicals must be carried out by own <i>GP</i> or GP's practice. I have checked with my Surgery who have <i>confirmed that they will not carry out these medicals</i>. Obviously something that the licencing team overlooked.</p> <p>'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.'</p>								
Page 10 9.6 Medical Examination	<ul style="list-style-type: none"> • Not all GP surgeries will issue medicals (group 1 or 2). • Lines 1 and 2 of the table contradict each other. <ul style="list-style-type: none"> ○ If a 30yr old is issued his first medical, when is his second medical due; at 45 years in accordance with line 1 of the document or at 36 in accordance with line 2 of the document. <ul style="list-style-type: none"> ▪ Current policy would be at 45 years. <table border="1" data-bbox="638 1236 1995 1385"> <thead> <tr> <th data-bbox="638 1236 1518 1273">Age</th> <th data-bbox="1518 1236 1995 1273">Frequency</th> </tr> </thead> <tbody> <tr> <td data-bbox="638 1273 1518 1313">On First application for a drivers licence</td> <td data-bbox="1518 1273 1995 1313">And thereafter from age 45</td> </tr> <tr> <td data-bbox="638 1313 1518 1353">Up to and including the age of 45 years</td> <td data-bbox="1518 1313 1995 1353">Every 6 years</td> </tr> <tr> <td data-bbox="638 1353 1518 1385">Over 45 years and up to and including the age of 69 years</td> <td data-bbox="1518 1353 1995 1385">Every 3 years</td> </tr> </tbody> </table>	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 69 years	Every 3 years
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 69 years	Every 3 years								

Ref	Comments
	70 years + Annually
Page 10 9.6 Medical Examination	not all GP's offer such Medical. Page 7 does not state that certificate has to come from GP at drivers' practice.
Page 11 9.8. Practical Assessments for Licensed Drivers and Applicants	Wheelchair assessment – do you mean go on a course? Assessments to be passed every six year, but before a second three-year licence, do not understand, is it six years or three years.
Pages 11 and 12 9.9 Spoken and Written English	What will define the requirement to take this? If English is the applicant's native tongue, is this still applicable; a B1 is an interpolated equivalency of a level 3 certification (AS level). <ul style="list-style-type: none"> • This is not a requirement for council employment who instead ask for ability to communicate or communication skills with ne defined metric: <ul style="list-style-type: none"> ○ Assistant Team Manager: V4595. ○ Information Analyst: V4850. ○ Transport Services Driver: V4842. • This just seems to be copied from the TfL (Apply for a private hire driver licence - Transport for London (tfl.gov.uk)) without any thought put into the process.
Pages 11 and 12 9.9 Spoken and Written English	Why is Level B1 satisfactory to understand this policy
Page 12 9.9.1 Speaking and Listening Assessment	There is no definition as to what this course will be, I assume it is 'LanguageCert International ESOL for TfL' but then this should be clarified. I am unsure as to why this should take place at WBC offices as this is designed as remote training
Page 12 9.9.2 Reading and Writing Assessment	The SERU assessment is not a measure of reading or writing. This would be akin to basing someone's suitability to drive on how well they can explain the internal combustion engine. <ul style="list-style-type: none"> • Did whoever draft this document present a B1 certificate in CEFR or equivalent? • If whoever drafted this document is going to use source material, reference it or at least process what it says before copying and pasting it.

Ref	Comments
Page 12 9.9.1 Speaking and Listening Assessment and 9.9.2 Reading and Writing Assessment	Whilst drivers should have good knowledge of English speaking and writing. Drivers will have to understand this policy, therefore drivers will not be able to get a licence, as this policy is not easy to understand.
Page 12 9.10 Knowledge of Area First para	<p>why on earth would you need an additional knowledge test if you are already doing the job. Also if last's 6 years why would you need it prior to 2nd renewal</p> <p>'This test must be passed again every six years i.e. before a second three-year driving licence will be issued.'</p>
Page 12 9.10 Knowledge of Area	Neither the 'Statutory Taxi & Private Hire Vehicle Standards (2020)' nor the "Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England (2022)" advice repeating the Topographical Knowledge test. Clause 6.23 of the 2022 paper states 'Licensing authorities should therefore require prospective taxi drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence.'
Page 12 9.10 Knowledge of Area	<p>Why is it necessary to resit exams? 272 square miles of West Berkshire is not necessarily the whole area drivers want to drive. Still do not understand is exam every sixth year or three year?</p> <p>Vehicle technology can provide maps. Council could lose drivers. Drivers/operators then have to notify passengers they can not fulfil the request for transport. Operator could be in breach of contract (page 78), if unable to find enough drivers for pre-booked journeys, as drivers all failed the exams.</p>
Page 12 9.10 Knowledge of Area Test	<p>If This requirement does not apply in relation to applicants for private hire drivers' licences to undertake school or community contracts, are the council now issuing another licence type in addition to those defined in section 3?</p> <p>Section 3 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</p>

Ref	Comments
	<p>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.</p> <p>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.</p> <p>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.</p> <p>Hackney Carriage and Private Hire Drivers: Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.</p>
<p>Page 12 9.11 Highway Code and Relevant Legislation</p>	<p>This is a statement that makes no grammatical or contextual sense.</p> <ul style="list-style-type: none"> • Grammatically it fails to define an object – ‘This test’ is not a defined object. • Contextually it serves no benefit: <ul style="list-style-type: none"> ○ It is a requirement of every driver licensed in the UK to maintain their knowledge to the lates edition of the highway code but there is no requirement to re-take the theory test. ○ Why are drivers being asked to understand and re-assess laws that have not been updated in over 30yrs? ○ Local Government (Miscellaneous Provisions) Act 1976 – Textual Amendments: <ul style="list-style-type: none"> ▪ Change F120 in 2016. ▪ Change F150 in 1982. ○ Town Police Clauses Act 1847 – Textual Amendments: <ul style="list-style-type: none"> ▪ Change F56 in 1985. ▪ Change F58 in 1982. ▪ Change F59 in 1982. ▪ Change F60 in 1980.

Ref	Comments
	<ul style="list-style-type: none"> ▪ Change F61 in 1982. ▪ Change F62 in 1982. ▪ Change F63 in 1982. ▪ Change F64 in 1982. ▪ Change F65 in 1982. ▪ Change F66 in 1982. ▪ Change F67 in 1982. ▪ I can't justify spending more time highlighting that this document is not changing regularly so why should there be a required re-assessment on it.
<p>Page 12 9.11 Highway Code and Relevant Legislation</p>	<p>Highway Code and Relevant Legislation - Again why is it necessary to resit exam. Will West Berkshire Council go around and remove all the old street furniture? Remove all the weeds around street furniture. We do not always know every road sign, yet to be tested on signs we never see in rural areas. DVLA do not require drivers to resit Highway Code again. Drivers can sign the Highway Book if they wish.</p>
<p>Page 13 9.13 Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training</p>	<p>having done these courses, i can only say what an absolute waste of time and money. These courses are currently aimed at Hackney licence holders.</p>
<p>Page 14 13. Licences and Badges</p>	<p>I would love to know which local authorities currently make there licenced drivers look like doormen. As a Company we have a number of high profile clients who will most definitely agree with this ridiculous idea.</p> <p>'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.'</p>
<p>Page 14 13. Licences and Badges</p>	<p>If a badge must be displayed in a vehicle, then the display on the arm is redundant. Also, moving it every time the driver changes from shirt to jacket to coat is pointless.</p>

Ref	Comments
Page 14 13. Licences and Badges	<p>Licences and Badges. The wearing of armband – page 48 2.1 the armband is described as coloured, what colour will it be?</p> <p>I feel wearing of an armband opens up the lose of privacy, strangers could be stood next to driver and use personal information is a bad way, wearing a Lanyard does offer personal protection. Should a necessary people wish to look at badge, driver can put badge towards person to read.</p> <p>The wearing of armband, could lead to a necessary person getting elbowed in the face, as we have to turn to the side to show armband.</p> <p>People/children/child minders looking for driver at somewhere like an airport, would not easily recognise driver as the lanyard is missing.</p> <p>What type of material is to be used? How can the armband be big enough to go around a winter coat, yet be small enough to go around a small upper arm, whilst not having material hanging around the body – which will be dangerous if caught in something whilst passing, or someone may think it is funny to pull material.</p> <p>The long wearing of tight armband to stay on driver, could cause skin rash, blood pressure problems, driver could get points because clothes are damaged/not smart enough from the use of armband.</p>
Page 14 12. The National Register of Taxi Licence Revocations and Refusals	<p>Council will not share information out of the United Kingdom, but wish for said information to be obtained from an overseas person who wishes to join trade. Rather unfair</p>
Page 15 17. Single Licences	<p>In the event of an accident my insurers provide me with a replacement vehicle within 24 hours. These vehicles are provided by a specialist company set up to provide vehicles nationwide to the trade. These vehicles are all licenced pco registered vehicles. I have no control over that. Therefore, if this rule is brought in to force I would be in a situation where I would be taking this council to Court for loss of earnings as they would effectively be refusing to licence a suitable vehicle.</p>

Ref	Comments
	'Applications will not be accepted if the vehicle is already licensed by any other licensing authority (council or Transport for London).'
Page 15 17. Single Licences	17 is contradicted by Appendix F_7.1: <ul style="list-style-type: none"> • Section 17: Applications will not be accepted if the vehicle is already licensed by any other licensing authority (council or Transport for London). • Section 7.1: Public service vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer.
Page 15 18. Test of Fitness and Propriety First para	As DBS's are currently renewed every 3 years, why would you want them redone annually. Yet another additional cost to the trade? '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 drivers licence issued by West Berkshire Council.'
Pages 15 and 16 19. General	as I believe that most of the trade have there MOT's and Council Test's done in time for renewal. for this to happen under the new regime the MOT's would have to be carried out prior to the 30 days that are currently allowed.
Page 16 19. General First bullet point final section	The document is not a V5 but a V5C.
Pages 17 and 18 21. Vehicle Standards	Windows are generally factory fitted and are not supplied with certificate's. they are definitely not issued with used cars. '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.'

Ref	Comments
	No aftermarket tinted film can be attached to the windows of any licensed vehicle.'
Page 17 21. Vehicle Standards	This refers to paragraph 1.28 but this is not in the document. Do they mean clause 33?
Pages 18 and 19 24. Age	This should include an 'or later' caveat else you will invalidate any Euro7 cars when they arrive in 2025.
Page 19 25. Exterior of a Vehicle	This was obviously added as a joke. You cannot drive around the roads of West Berkshire without picking up stone chips (suggest you talk to highways about conditions of roads) Who decides on conditions on wheels. Engine compartment cannot be viewed due to covers. there is no way that an unqualified person is examining under my bonnet.
Page 19 25. Exterior of a Vehicle	<p>This is so poorly written and unmanageable; I don't know where to start on this:</p> <ul style="list-style-type: none"> • 5 stone chips is a slow month. • Does this include the underside of the vehicle such as the sump guards? • Who is authorized to confirm this? <p>Will laser micrometer be calibrated before assessment</p>
Page 19 25. Exterior of a Vehicle	West Berkshire Council do not repair roads, but want to put points on licence if vehicle is found to have chips, scratches or abrasions on vehicle, which have appeared because of the poor quantity of the roads.
Page 20 28. Advertising	Can we advertise inside the vehicle?
Pages 20 and 21 29. Temporary Replacement Vehicle	As already stated most Insurance supplied vehicles are PCO registered.
Page 22 30.1 Vehicle Standards	This reads that all rear loading vehicles are no longer acceptable
Page 22 30.2 Vehicle Type approval	all modifications are adaptations – How does this fit in with Page 65 (c) – must be of manufacturers design and construction. Which is it, adapted or manufacturers construction?

Ref	Comments
<p>Page 24 32 Rood Racks</p>	<p>Roof Racks – Trailers cannot be used with any licensed hackney carriage or private hire vehicle. Please</p> <p>see Page 41 points about trailers, which is it Trailers can be used, or not?</p> <p>Trailers should be a new heading, so easily seen</p>
<p>Page 24 and 25 33.2 Executive Hire</p>	<p>Having been involved with this trade for 30 years I can confirm that apart from School Contracts all other work is operated on a Preferred supplier basis. For exempted vehicle's you don't clarify how long we are meant to keep record's for.</p>
<p>Page 27 37.2 DBS</p>	<p>See my earlier comments. I am not going to keep repeating myself</p>
<p>Page 30 Title</p>	<p>Title should include Dual Licence</p>
<p>Page 30 4. Consideration of Disclosed Criminal History</p>	<p>Section 4.2 : Must have Enhanced DBS</p> <p>Section 4.3: Will except Basic DBS (I'm confused, which is it)</p> <p>4.4: As above.</p> <p>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.</p> <p>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.</p> <p>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.</p>

Ref	Comments
<p>Page 31 4. Consideration of Disclosed Criminal History Para 4.7</p>	<p>Dual License has not been included</p> <p>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).</p>
<p>4. Consideration of Disclosed Criminal History Para 4.13</p>	<p>Outside of work, unless it is a legal issue it is none of the Council's concern. (BIG BROTHER STRIKES AGAIN)</p> <p>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.</p>
<p>Page 31 4. Consideration of Disclosed Criminal History</p>	<p>Is there no statutory criteria for vehicles licences?</p> <p>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</p>
<p>Page 33 5. Drivers</p>	<p>Remove reference to taxi as a dual licence is not the same as a taxi licence</p> <p>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 <u>taxi driver's licence</u>) 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.</p> <p>5.2 A <u>taxi driver</u> 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.</p>

Ref	Comments
Page 34 9. Possession of a Weapon	<p>7-year ban, think the years of not being granted a licence should be revisited. Drugs are a ten-year ban!</p> <p>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.</p>
Page 35 14. Motoring Convictions	<p>Dual Drivers not included</p> <p>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.</p>
Page 35 14. Motoring Convictions Paragraph 14.1	<p>There is nobody within the Licencing team who can pass judgement on my Professionalism. The only people who have that right are my clients</p> <p>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 <u>and</u> 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.</p>
Page 35 14. Motoring Convictions Paragraph 14.2	<p>Again professionalism, Remove it. The Council now considers itself above the law when that law says you are able to drive with up to 12 points but this council want's to take away someone's livelihood at 6 points, However, If you have a D1 licence you can drive a vehicle with 17 children in it legally. But you don't want them driving a car. Please confirm how many council's in England currently have this rule.</p> <p>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.</p>

Ref	Comments
Page 35 15. Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving	<p>I understand that it is permissible to make use of a hand held microphone for a two way radio whilst driving (appreciate it's not permissible for a hand held mobile phone) please clarify in the policy.</p> <p>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.</p>
Page 35 16. Other Motoring Offences	<p>Again the law say's 12 points. since when is the Council above the law. Again Council taking away peoples livelihood due to misdemeanors. We all know that the current system of 20 MPH speed limit is a purely money making scheme.</p> <p>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 <u>seven or more</u> 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.</p>
Pages 31, 33, 35, 36, 37 and 38	<p>What is the difference between safe and suitable and fit and proper or do they mean the same thing?</p> <p>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.</p> <p>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.</p> <p>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.</p>

Ref	Comments
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>Page 36 17. Hackney Carriage and Private Hire Offences</p>	<p>Again, Dual is missing</p> <p>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.</p>
<p>Page 37 20 Vehicle Proprietors</p>	<p>as stated above do you mean 14. Motoring on Page 35, please identify where above</p>

Ref	Comments
	<p>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.</p> <p>As outlined above – where – please state where</p> <p>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.</p>
<p>Page 37 21. Licences Issued by Other Licensing Authorities</p>	<p>Should the words this Council be replaced with West Berkshire Council?</p> <p>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</p>
<p>General</p>	<p>How many Councils have a PPS?</p>
	<p>V2 - Failure to have or maintain illuminated markings at entrances and exits</p> <p>On some vehicles the rear door is considered an exit but would not be suitable for this purpose.</p>
<p>Page 39 to 42 Table 2 - List of Offences/Breach of Vehicle Licence Conditions/Byelaws</p>	<p>V3 - Failure to have/maintain grab handles</p> <p>Not all cars are built with grab handles at every access point so how will this be assessed</p> <p>V5 - Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority</p> <p>Should include 'only if a WAV'</p> <p>V6 - Failure to keep a wheelchair access vehicle available without modification at all times</p> <p>Should include 'only if a WAV'</p> <p>V7 - Failure to provide an annual LPG safety compliance Certificate</p> <p>Should be 'if applicable'.</p> <p>Please remind reader where to find LPG safety compliance regulations.</p>

Ref	Comments
	<p>V10 - Failure to display approved roof sign</p> <p>V11 - Failure to maintain standard roof sign in good working order</p> <p>V12 - 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.</p> <p>V13 - Failure to display front door signs.</p> <p>V14 - Displaying incorrect signs i.e. wrong wording or magnetic</p> <p>V15 - Displaying other sign on front door</p> <p>Should state applicable to HC Only as not applicable to PH</p>
	<p>V-18 Display web site address <i>large</i> lettering than permitted</p> <p>Should say <i>larger</i></p>
	<p>V19 - Failure to display three or more “no smoking” signs in the vehicle</p> <p>No Smoking signs. Currently requirement is one per area. As smoking is illegal anyway, why is this required. Should be optional.</p>
	<p>V20 - Private hire displaying the word taxi</p> <p>Cabco P/H vehicles say Cabco. Why allowed so far this is not a new rule?</p>
	<p>V21 – Incorrectly displaying vehicle licence plate</p>
	<p>V22 - Failure to return plate on expiry of licence if requested to do so by Licensing Staff</p> <p>Return plates, Dept. never asks for them.</p>
	<p>V26 - Failure to submit taximeter for testing when requested to do so by Licensing Authority.</p> <p>Taximeter testing H/C Blanket cover Should be where applicable.</p>

Ref	Comments
	<p>V 28 – Failure to display a statement of fares inside the HC</p> <p>When using an acronym, ensure it is defined somewhere; unless the fares are to be displayed inside High Court</p>
	<p>V32 - Failure to supply steering geometry and alignment reports following an accident if required</p> <p>Steering geometry reports. Would anybody within the team know how to read it so why?</p>
	<p>V 33- Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks</p> <p>Sentence is missing an object – leaving the vehicle on what?</p>
	<p>V36 Failure to keep copy of insurance/cover note in the vehicle</p> <p>this is not a legal requirement.</p>
	<p>V38 - Failure to produce details to the Licensing Authority of drivers permitted to drive</p> <p>V39 - Failure to notify change of drivers</p> <p>This is not referenced yet. Appendix B should not Reference Appendix F; or any other appendix. Appendices are design to be pulled by the covering document, not other appendices</p> <ul style="list-style-type: none"> • Appendix F section 4.5 for clarity
	<p>V41 - Failure to carry a suitably marked approved fire extinguisher within the vehicle</p> <p>Drivers are not trained how to use extinguishers. Should there be a fire, the best action is to think first of personal safety. Using a fire extinguisher could cause more damage. Maybe the trade has to visit a Fire Station and be trained as fire fighters, so we can be qualified to use Fire Extinguisher.</p> <p>Fire Extinguisher needs replacing as “out of date”, so why have them, we can’t use them. Page 67 – passengers need to see a sign of where the Fire Extinguisher is, but I would say passengers are not legally allowed to use such, as they may not be Fire Fighter trained, also insurance problems.</p>

Ref	Comments
	<p>V42 - Failure to carry marked first aid equipment as specified in conditions</p> <p>Drivers are not trained in medical procedures. Driver can only offer First Aid Box, also Covid or any other spreadable disease, is a concern in touching people. Drivers could be in legal trouble, as driver could apply a plaster/bandage to a person who has medical issues with such products. Maybe the trade needs to visit a hospital and become medically trained, so we can assess people before using First Aid Box. So why have a First Aid Box, which gets binned because it is "out of date".</p> <p>First aid kit. Have it, won't offer it unless self administered 1st aid</p>
	<p>V43 - Failure to obtain written permission to use trailers on Licensed vehicles</p> <p>V44 - Failure to present vehicle and trailer for inspection</p> <p>V45 - Failure to present vehicle and trailer for inspection</p> <p>Page 24 says NO trailers allowed. So, which is it?</p> <p>Section 32 - Trailers cannot be used with any licensed hackney carriage or private hire vehicle.</p> <p>Why can a PH or HC driver tow a trailer, but not a Dual Driver, explain.</p>
	<p>V45 - Using a dual driver without the appropriate DVLA category code to tow a trailer</p> <p>Not in line with current law as it poses a security risk.</p>
	<p>V46 - Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers</p> <p>Radio equipment, Again blanket cover</p>
	<p>V47 - Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence</p> <p>Number of passengers conveyed, Owner/ operator not present so driver's responsibility.</p>

Ref	Comments
	<p>V54 - Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act</p> <p>V55 - Failure to have three CCTV signs</p> <p>V56 - Failure to check CCTV weekly</p> <p>V57 - Disconnecting CCTV system</p> <p>V58 - Obstructing CCTV Camera</p> <p>CCTV is still currently optional</p> <p>V59 - Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation</p> <p>How is this being enforced in licenced vehicles used as wedding cars?</p>
<p>Pages 42 to 44</p> <p>Table 3 - Breaches of Dual Driver Licence Code of Conduct</p>	<p>D1 - Driver not clean and respectable in their dress</p> <p>D2 - Driver not complying with the Dual Drivers Dress Code</p> <p>This is not defined at current in this document – Appendix B should not reference Appendix C. See comment on V38.</p> <p>What is a Dual Drivers Dress Code? Why is the dress different from another driver’s dress</p> <p>D6 - PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking</p> <p>D7 - Driver of PH vehicle plying for hire</p> <p>Why is PH (Private Hire) listed in the Dual Driver Licence Code of Conduct?</p>

Ref	Comments
	<p>D10 - Not displaying second badge in the vehicle which is visible to passengers being conveyed in the vehicle</p> <p>Inferred contradiction of section 13.</p> <p>13 Licences and Badges</p> <p>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</p>
	<p>D12 – Failure to supply annual self-declaration and fee (1st Occasion)</p> <p>D13 - Failure to supply annual self-declaration and fee (2nd occasion)</p> <p>No guidance as to what the self-declaration is.</p> <p>Please explain what is an annual self-declaration?</p> <p>What is the Fee?</p> <p>Why isn't there the same list for Private Hire drivers</p>
	<p>D14 - Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty</p> <p>See V45 - Using a dual driver without the appropriate DVLA category code to tow a trailer</p>
	<p>D19 - Failing to carry or ensure safety of passenger luggage</p> <p>Personal safety first, if luggage is too large/heavy, then it would be dangerous to carry luggage. Reasonable assistance, where possible</p>
	<p>D20 - Failing to offer reasonable assistance with luggage</p>

Ref	Comments
	<p>Surely D19 and D20 could be combined?</p> <p>D50 - Failure to keep vehicle reasonably clean</p> <p>Define 'reasonably'.</p> <p>Difficult in bad weather. When will West Berkshire Council put the roads and lanes in good order, so vehicles do not get muddy and dirty? So, keeping a vehicle reasonably clean could be possible.</p>
<p>Pages 45 and 46 Table 4 - Breaches of Operator Licence Conditions – Private Hire</p>	<p>O6 - Failure to provide evidence of public liability insurance for premises</p> <p>P/L for premises where applicable. again blanket cover.</p> <p>O10 - Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence</p> <p>Number of passenger's is Driver's responsibility.</p> <p>O19 – Failure to keep proper records for a period of not less than six months</p> <p>O20 - Failure to keep proper records</p> <p>No definition of 'Proper'</p> <p>O24 - Displaying the word Taxi or Cab on a private hire vehicle</p> <p>Is it private hire of Private Hire?</p> <p>Taxi or Cab on vehicle. Nothing new so act on it.</p> <p>O29 - Using unlicensed drivers to drive a Licensing Authority licensed vehicle</p> <p>WBC do not want to take action, when such is reported to them</p> <p>O35 - Failure to make appropriate checks of any operator for which work is outsourced</p> <p>Define appropriate checks or does this mean 'due diligence'</p>

Ref	Comments
	<p>O36 - Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority</p> <p>I cannot see the purpose on this.</p> <p>O37 - Failure to require notification of convictions as part of the contract of employment</p> <p>How does the council define 'contract of employment' in conjunction with the IR35 framework definition and clause 55b of Local Government (Miscellaneous Provisions) Act 1976 (Chapter 57).</p>
<p>Page 47 Table 5 - Breaches of Council Byelaws Relating To Hackney Carriages</p>	<p>B11 - Driver or proprietor allowing more persons to be conveyed than the licence allows</p> <p>Covers driver or proprietor, in conjunction with O10, D16 and V47, is this not repetitive</p> <p>O10 - Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence</p> <p>D16 Driver carrying greater number of persons than the number specified on the licence</p> <p>V47 - Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence</p> <p>B12 - Failure by driver to carry the badge provided by the Licensing Authority when plying for hire.</p> <p>We are being told to wear an armband on our left upper arm. So, which is it, carry or wear? Which badge are you talking about? Vehicle or driver?</p> <p>B13 - Failure to provide when requested reasonable assistance with luggage</p> <p>If the driver fails to offer reasonable assistance with luggage, is this a 2 point offence (B13), 4 point offence (D20 & B13)?</p> <p>D20 - Failing to offer reasonable assistance with luggage</p>

Ref	Comments
<p>Page 48 2. Your Taxi Drivers Licence And Badge</p>	<p>Armbands, since when have we become doormen. to the best of my knowledge this is not required anywhere else.</p> <p>What colour is the armband? (text says coloured armband)</p> <p>Taxi Drivers Code of Conduct. These pages could be identified content listing properly, so person reading, knows where Code of Conduct can be found to read, - Page 48 not Page 13.</p> <p>2.2 Return your licence, badge and armband if you change home address – why?</p> <p>Page 82 9. Operators who changes address inform Council within seven days of changing home address. Why the difference?</p> <p>Why would you need to return Badges for a change of address. It's not on them.</p> <p>(a) Why should a driver not be able to carry on working, just because driver moved home address. Driver needs licence, badge and armband to work.</p> <p>2.3 Loss of licence, badge or armband report to Licensing Team – Page 70 2.1 plate stolen report to police, then council. So stolen items such as licence, badge or armband, i.e. stolen identity, not to be reported to police.</p>
<p>Page 49 3. Deposit Of Taxi Driver Licence When Working For Others</p>	<p>3.1 Any Hackney Carriage which you will be using – do not think this paragraph is written correctly. Only Dual/Hackney Carriage Licence holder can drive a Hackney Carriage Vehicle. Please explain if different.</p> <p>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.</p>
<p>Page 49 7. Declaration Of Conviction / Caution / Penalty</p>	<p>As you are not required to notify Insurance companies of speed awareness courses. why does the Council think it should now. If not told you have no way of checking.</p>

Ref	Comments
	<p>Speed awareness courses are quite honestly none of your business.</p> <p>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.</p> <p>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.</p>
<p>Page 50 7.Driving</p>	<p>7.6 Sometimes there is nowhere to park vehicle, so vehicle could block driveways or park on pavements (i.e.heavy built up housing developments). If WBC could please widen pavements, driveways, rural lanes, then maybe this could be avoided.</p> <p>Page 59 18.35 says drivers have to carry luggage to and from building – this at times could not be possible, as vehicle would need to be parked on a pavement/driveway/on a Red Route, outside an airport, not enough room in many areas. When will West Berkshire Council repair roads/lanes/local highway/pavement to ensure there is enough room for all?</p>
<p>Page 51 9. Conduct And Behaviour</p>	<p>9.14 many times a telephone call is requested or made to the passenger, to inform them transport has arrived, how is operator/driver supposed to know the caller is under the age of 18. Re write please. The driver needs the telephone number of under 18's, to inform passenger where they are standing in Airports!!</p> <p>You must not obtain the telephone numbers of, or engage in any form of social media contact with anybody under the age of 18.</p>

Ref	Comments
<p>Page 52 9. Conduct And Behaviour</p>	<p>9.16 Please explain your idea of “reasonable request”, there will be passengers that could see a different request as reasonable. Please find a way of rewriting this, to show a good understanding of reasonable that a female driver would accept.</p> <p>You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.</p>
<p>Page 52 9. Conduct And Behaviour</p>	<p>9.18. You must always assist your passengers with their luggage. As previously commented, personal safety first, it is not always possible to assist with passenger heavy luggage, reasonable assist – I agree – if possible. Page 59 18.35 states taking luggage to a building – 9.18 says sitting it down, which is it?</p> <p>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.</p> <p>Page 59 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).</p>
<p>Page 53 Section 10.8</p>	<p>10.8 users, shorts or skirts must be tailored and made of one colour of material</p> <p>How is this enforceable? Are pinstripe suits not acceptable? Is this in contradiction of religious dress? Why should clothes be tailored and made of one colour of material? Explain. So apparently we now can't wear striped or checked trousers?</p> <p>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.</p> <p>Acceptable standards of dress. The council need to be very careful here, if council believe they have the right to Voyeurism (Act 2019). I as a female, would NOT be comfortable if a District</p>

Ref	Comments
	<p>Councillor from West Berkshire Council Licensing Committee (only one female on this Committee), wished to measure my skirt, or take a picture, as part of their duty as a District Councillor/Committee member, to ensure my skirt is no shorter than 5cm above the knee. From what part of the body said person wishes to measure from? Knee in front of me? I think this is disgraceful.</p> <p>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.</p> <p>Many tops are smart in appearance but not cover the shoulders, why should West Berkshire Council think they can say which clothes anyone should wear. In extreme weather/body heat, there is a need to release body heat and not trap it. As there is only one female on Committee, maybe my comments are not understood.</p> <p>10.6 Trousers can be either full length or shorts</p> <p>Why isn't the length of trousers or shorts not at a measured length?</p> <p>10.10. (f) No baseball caps or hoods worn up whilst in the vehicle.</p> <p>Baseball caps/hoods can be worn whilst outside of vehicle!!!! Lovely dress code?</p> <p>Please explain why dresses cannot be worn? Or free flowing clothing to help keep body cool?</p> <p>Should council wish to get into debate about clothing, I will print off pictures of what they are suggesting is correct, against them being incorrect to dictate about clothing.</p> <p>Would like to suggest trousers are worn about the waist, the aid of braces would acceptable.</p> <p>There is so much more that could be mentioned about dress code, such as facial hair, height of hair.</p>
<p>Page 53 11. Use Of The Vehicle</p>	<p>No smoking. You have just stated that it is a criminal offence, which everybody knows, so why do we need sticker's</p>

Ref	Comments
	<p>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.</p>
<p>Page 53 11. Use Of The Vehicle</p>	<p>Not eating in vehicle. Some passengers may have medical reasons why they need to eat in vehicle, when driving on a smart motorway it is not allowed to pull over for passenger to get out and eat. Eating/drinking could be at the driver's discretion.</p> <p>Some pupils young of age, get hungry, with a long journey eating their packed food from school, keeps them occupied, calm and helps time go by. Again, how can young people eat on a long motorway journey?</p> <p>Break times for drivers, will have to stand out in bad weather and try to eat and drink, as not allowed to do so in vehicle.</p> <p>Passengers eating or drinking in cars should be at drivers discretion.</p> <p>11.2 You must not eat in the vehicle at any time, or allow passengers to eat in the vehicle at any time.</p>
<p>Page 54 11. Use of the Vehicle</p>	<p>Carry a reasonable amount of luggage, - this may not be possible if all luggage is large, personal safety first.</p> <p>11.5 You must carry a reasonable amount of luggage and assist passengers in loading it and unloading it from the vehicle.</p>
<p>Page 54 13 Vehicle Checks</p>	<p>ID Plates displayed where applicable (Exempted Vehicles)</p> <p>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</p>

Ref	Comments
	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.
Page 55 14. Lost Property	To charge £10.00, this has to been on the Tariff Card 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.
Page 58 Conduct	Must not leave Hackney Carriage unattended (at a hackney Carriage stand), but Page 59 18.35 states passengers to/from any building!!! Drivers cannot leave vehicles unattended on Red Routes, Airports etc. Rather misleading as a prosecution could be issued. 18.17 You must not leave a hackney carriage unattended at a hackney carriage stand (section 62 Town Police Clauses Act 1847) 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).
Page 59 Conduct	18.35 Must carry a reasonable quantity of luggage, as already written, personal safety first, luggage could be too big/heavy. To take luggage to/from building, again, personal safety, some drivers would not be able to do this. Some buildings drivers arrive at, have entrance doors too far away – driver should not leave a Vehicle unattended. Country lanes do not allow for vehicles to be parked up, whilst drivers try to move luggage to a gate/door for entrance. This is not always possible although Hackney Carriage Bylaw 14

Ref	Comments
<p>Page 59 19. Legal Requirements (Contained In National Legislation) When Driving A Private Hire Vehicle</p>	<p>This should include a preface of dual licence; the document jumps between terminology throughout.</p>
<p>Page 59 Your taxi Driver Licence and Badge</p>	<p>Why armbands. not suitable for Executive Work.</p> <p>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).</p>
<p>Page 60 Disability Discrimination</p>	<p>Duties are: - To carry the passenger while in the wheelchair. Really!!! Could you rewrite this</p> <p>19.4 The duties are:</p> <ul style="list-style-type: none"> (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

Ref	Comments
Page 62 1. General	How will the Council enforce the vehicle from working? 1.2 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.
Page 63 2. Identification Plates and Cards	What is the additional signage? 2.4 All vehicles must display the additional signage correctly at all times.
Page 63 2. Identification Plates and Cards	Hackney Carriage Vehicle 2.5 – Check do HCV have a licence card in the rear windscreen? 2.5 All vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.
Page 63 3.1 Vehicle Maintenance	Why are bulb kit requirements kept here? As most modern cars are now fitted with a certain amount if not all sealed light unit's this is both impracticable and pointless. 3.1(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.
Page 63 3.1 Vehicle Maintenance	As most vehicles are owner driven, on the grounds of personal safety this is a rather pointless exercise resulting in storing up to 31 pieces of additional paperwork in the vehicle 3.1 (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.

Ref	Comments
Page 64 Vehicle Maintenance	<p>Surely you mean current paperwork, would be a big file to have with all paperwork?</p> <p>3.3 The proprietor of the vehicle must provide a copy of all Hackney Carriage Test certificates to the Council within seven days of receiving them.</p>
Page 65 6. Wheelchair Accessible Vehicles (WAV's)	<p>wheelchair equipment of manufacturers design and construction – how does this fit in with vehicles that have been modified for wheelchair use? See Page 22 30.2 Vehicle Type Approval. Which is it – adapted or not?</p> <p>6.1(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.</p> <p>30.2 Vehicle Type Approval</p> <p>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.</p>
Page 65 8. Tyres	<p>So what you are saying is that an mot is now no longer a valid document as they are obliged to pass a vehicle as long as it has 1.4mm of tread depth.</p> <p>8.1 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.</p>
Page 65 8. Tyres	<p>Not all vehicles have spare wheels. Please rewrite second line, to - person to deal with repair. Would be waiting a long time for vehicle to carry out repair.</p>

Ref	Comments
	<p>8.3 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).</p>
<p>Page 66 10. Seats and Passengers</p>	<p>Under current UK Law it is the responsibility of adults to ensure the wearing of seat belts. it is only the driver's responsibility for minor's. why more sticker's ?</p> <p>10.2 A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided</p>
<p>Page 66 10. Seats and Passengers</p>	<p>Missing 10.4, 10.5 and 10.6. These are found on Page 74 Private Hire Vehicle Conditions, surely these conditions should be for both (eating, alcohol and communication)!!!</p> <p>From page 74</p> <p>10.4 Any drinking vessels provided by the proprietor or driver of the vehicle must be made of either toughened glass or plastic.</p> <p>10.5 If any passenger is under the age of 18 years no alcohol in open vessels can be carried in the vehicle.</p> <p>10.6 The proprietor must ensure that there is sufficient means by which any person in the vehicle may communicate with the driver.</p>
<p>Pages 53-66</p>	<p>10.4 - 11.2 from Page 53, states no eating – but 10.4 passengers can drink!!!</p> <p>Some passengers may for medical reasons need to eat or drink. Re wording required in the different places.</p> <p>Why won't someone wish to drink after eating. Think of environment and other materials, - drinking vessels to be of toughened glass or plastic – really!!!!</p> <p>Driver should have discretion if passenger is to eat and drink, especially on medical grounds, although I do understand the trade have bad situations with drunk people, people eating greasy</p>

Ref	Comments
	<p>food, then get into car and put messy fingers about, the next passenger could be from a wedding and not want a dirty car, but driver cannot see mess in dark hours.</p>
<p>Page 66 11. Advertising</p>	<p>11.2 is missing, see Page 74 for missing article.</p> <p>11.2 Page 74 states</p> <p>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.</p>
<p>Page 68 16.2 Vehicle Damage</p>	<p>Private Hire Vehicle – this section is about Hackney Carriage Vehicle Licence conditions.</p> <p>16.2 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 <u>private hire vehicle</u>, a suspension notice under section 68 Local Government (Miscellaneous Provisions) Act 1976 will be issued.</p>
<p>Page 69 18. Deposit of Licence</p>	<p>18.1 and 18.2 Dual Driver Licence – this section is about Hackney Carriage Licence conditions</p> <p>18.1 The proprietor must not allow the vehicle to be driven by any person who does not hold a current <u>Dual Driver Licence</u> issued by the Council.</p> <p>18.2 If the proprietor permits or employs any person to drive the vehicle, that person must deposit their <u>Dual Driver Licence</u> 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.</p>
<p>Page 70 3. Maintenance of Vehicle</p>	<p>This is so poorly written and unmanageable; I don't know where to start on this:</p> <ul style="list-style-type: none"> • 5 stone chips is a slow month. • Does this include the underside of the vehicle such as the sump guards? • Who is authorized to confirm this? <ul style="list-style-type: none"> ○ Will laser micrometer be calibrated before assessment?

Ref	Comments
	<p>3.1(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.</p>
<p>Page 71 3. Maintenance of Vehicle</p>	<p>Bulb kits are referred to here but would make more sense in section 13</p> <p>As previously mentioned, most modern cars are fitted with sealed LED unit's that prevent the changing of bulb's by other than a garage</p> <p>3.1 (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.</p> <p>Section 13 is the section on safety equipment (fire, first aid and radio equipment)</p>
<p>Page 71 3. Maintenance of Vehicle</p>	<p>Again this will involve storing up to 31 pieces of paper within the vehicle (any suggestion's as to where) the proprietor will then have to store an additional 180 pieces of pointless paper.</p> <p>3.1 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.</p>
<p>Page 72 3.Maintenance of Vehicle</p>	<p>No definition of 'Authorised Officer'</p> <p>3.2 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</p>
<p>Page 73 8.1 Tyres</p>	<p>Poor grammar, the additional requirement should be a subclause of the statement, not part on the actual statement such as the use of ';' or ', additionally the licensed vehicle.....' – I'm not going to do the work for free when the council paid a barrister to do this initially.</p>

Ref	Comments
	<p>This ruling will potentially invalidate an approved MOT. As testing station has to pass as long as 1.4 mm tread depth.</p> <p>8.1 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.</p>
<p>Page 74 9. Alteration of Vehicle</p>	<p>I am assuming that for this regulation the council will have an appropriately calibrated light meter to be able to check compliance as manufacturer's do not supply certificates of conformity.</p> <p>9.3 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.</p>
<p>Page 74 10. Seats and Passengers</p>	<p>This is hardly a new requirement why does it now require an additional notice</p> <p>10.2 A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.</p>
<p>Page 74 11. Advertising</p>	<p>Duplication of Section 28 of the main policy.</p>
<p>Page 74 11. Advertising</p>	<p>What action is the Council taking regarding the current illegal action of Cabco having there name all over there Private Hire vehicles, This should be dealt with as a matter of urgency as it has been going on for years with the licencing team ignoring this deliberate breaking of the law.</p> <p>11.1 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</p>
<p>Page 75 13 Safety Equipment</p>	<p>When referring to a BS standard, the year is also required (BS 8599-2:2014)</p>

Ref	Comments
	<p>13.1 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.</p>
<p>Page 75 15 Taximeter (if fitted)</p>	<p>where is the list of approved Taxi Meters?</p> <p>15.1 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.</p>
<p>Page 75 15 Taximeter (if fitted)</p>	<p>Driver needs to alter the tariff rate for different dates and times on the tariff card!!</p> <p>15.2 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</p>
<p>Page 77 20. Display of Conditions</p>	<p>No determination of what classifies as the 'Conditions'. Is it all 85 pages of just appendix E?</p> <p>20.1 The proprietor must, have a copy of these conditions within the vehicle, for inspection by passengers, at all times.</p>
<p>Page 78</p>	<p>Private Hire Operator conditions. So many repeats from previous pages, with the same errors.</p>
<p>Page 79 2. DBS Checks</p>	<p>This refers to the Council's Previous Convictions Policy but this is not a published document on westberks.gov.uk</p> <p>2.3Where 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</p>

Ref	Comments
	<p>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.</p>
<p>Page 79 3. Vehicle and Driver Licences</p>	<p>This is not possible in accordance with Section 13. The drivers are issued with 2 badges. If 1 is in the armband and 1 is on display in the vehicle, which 1 is given to the Operator. Would a copy held be the operator suffice?</p> <p>3.1 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.</p>
<p>Page 80 4. Records</p>	<p>Sharing section 4.2a may be in breach of data privacy and passenger safety</p> <p>4.2 (a-d) Due to companies requiring NDA's this information will be held by us but will not be provided to the Council as a matter of law</p> <p>4.8 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.</p> <p>Section 4.2(a) the name of the passenger or other identifying features e.g. hotel room number;</p>
<p>Page 80 4. Records</p>	<p>Reference to Contract- Companies do not provide contracts for Taxi/ Private Hire/ Executive Hire. we are classed as preferred suppliers. We currently have to provide details of work carried out to maintain dispensation status.</p> <p>4.2 (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.</p>

Ref	Comments
Page 80 4. Records	<p>Please explain how this is meant to work when using sub contractor's who have there own operator's licence.</p> <p>4.4 The operator must also keep records of all vehicles operated by them. These details shall include:</p> <ul style="list-style-type: none"> (a) details of the proprietor(s)/licensee; (b) registration number; (c) any radio call sign used; (d) maintenance history of the vehicle.
Page 80 4. Records	<p>Does this council actually beleive that we as working operator's have nothing else to do but sit and provide them with paperwork that they are highly unlikely to even look at. the driver's that we use are also operator's in there own right's, therefore making this all the more pointless.</p> <p>4.5 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:</p> <ul style="list-style-type: none"> (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.
Page 81 5. Standards of Service	<p>How is this meant to work with companies such as Go Green who operate in several district's. and call's go to a central point and are then allocated</p> <p>5.2 (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.</p>

Ref	Comments
<p>Page 81 6. Ride Sharing/Car-pooling</p>	<p>Not all customers are suitable for vehicle sharing. This could be an option, not a condition.</p> <p>Does this actually happen in West Berks or is this meant for Bracknell</p> <p>6.1 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.</p> <p>6.2 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.</p>
<p>Page 83 11. Advertising</p>	<p>Refer back to Cabco's illegal advertising</p> <p>11.1 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.</p>
<p>Page 83 14. Working Hours</p>	<p>To remember Page 53 11.2 Driver/passengers are not to eat in vehicle. So, break time in the bad weather and nowhere to go, because next pick up is around the rural lanes, drivers has to stand in the pouring rain to have a break from driving and have something to eat outside of vehicle. Driver can drink in vehicle.</p> <p>Clarify please driving hours, is this time actually hours driving or in vehicle. are you suggesting tachos be installed,. this as already been veteod by the European courts, plkease explain how this is meant to work.</p> <p>14.1 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.</p>

Ref	Comments
<p>Page 84 17. Informative</p>	<p>Adjust, if “The act of God”, vehicle breakdown, how can the operator be responsible for break of contract? Operator could inform passenger of flooding for example, that no vehicle is able to reach address.</p> <p>That all drivers have failed their resit of Highway Code/Driving Test/Knowledge Test.</p> <p>17.1 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.</p>

We'd like to hear your views on our draft policy. In particular, we'd like to understand if you think that it provides for suitable standards of protection for children and vulnerable adults, vehicle emission standards, and requirements for training, and if there is anything we've missed.

The survey should take approximately 5 - 10 minutes to complete, and your feedback will be used to inform the final policy.

If you have any questions, please contact PPPConsultations@westberks.gov.uk

The survey is open until midnight on Tuesday, 4 October 2022.

Any personal information you choose to provide will be kept confidential and used in accordance with our [privacy notice](#).

Draft Hackney Carriage and Private Hire Licensing Policy 2022-27

1. Are you responding as a ...?

- WBC Licensed Hackney Carriage/Private Hire Driver
- WBC Licensed Operator
- WBC Town/Parish/District Council or Councillor
- Meter Agent
- WBC Council Officer/Team - please specify below
- Public Sector Authority - please specify below
- West Berkshire Resident
- Business
- Community Group
- Other - please specify below

Additional information

2. To what extent do you agree or disagree that the draft policy provides enough protection for children and vulnerable adults?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

3. What changes do you think we should make to the draft policy to ensure the protection of children and vulnerable adults is sufficiently covered?

Draft Hackney Carriage and Private Hire Licensing Policy 2022-27

4. To what extent do you agree or disagree with the proposals concerning vehicle emissions, i.e. all vehicles must meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence? (*Section 24 - page 18*)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

5. What changes do you think we should consider making to the required standards for vehicle emissions outlined in the draft policy?

6. To what extent do you agree or disagree with the proposals concerning training for drivers, i.e. all drivers will have to do training in safeguarding, child sexual abuse and exploitation, county lines and disability awareness every 3 years? (*Sections 9.12 and 9.13, pages 12 and 13*)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

7. What changes do you think we should consider making to the requirements for driver training outlined in the draft policy?

Draft Hackney Carriage and Private Hire Licensing Policy 2022-27

8. Do you think there are any areas missing from the draft policy, or areas that are not adequately covered?

Yes

No

9. What other areas do you think we should consider including, or cover in more detail?

10. Do you think there are any specific impacts the draft policy could have on particular groups? If so, please provide details, including any alternatives you think should be considered.

Draft Hackney Carriage and Private Hire Licensing Policy 2022-27

11. How easy did you find the draft policy to understand?

- Very easy
- Easy
- Neither easy nor difficult
- Difficult
- Very difficult

Please tell us the reasons for your response.

12. Do you have any further comments you wish to share?

About You

13. What is your gender?

- Male
- Female
- Other

14. How old are you?

- | | |
|--------------------------------|-----------------------------------|
| <input type="radio"/> Under 18 | <input type="radio"/> 45-54 |
| <input type="radio"/> 18-24 | <input type="radio"/> 55-64 |
| <input type="radio"/> 25-34 | <input type="radio"/> 65-74 |
| <input type="radio"/> 35-44 | <input type="radio"/> 75 and over |

15. Please tell us your postcode, excluding the last 2 letters, e.g. RG14 5

About You

The following 'About You' questions invite you to provide “special category” data in terms of data protection, e.g. your ethnicity and health. As such, we need your explicit consent to collect and process your responses to these questions. They are not mandatory, and you are free to skip any or all of them if you wish. To read more about this, please consult our [privacy notice](#).

16. I consent to the council collecting and processing special category data according to the purposes outlined in its privacy notice.

- Yes
 No

About You

17. What is your ethnic group?

Categories are based on those asked at the Census 2021

- White English, Welsh, Scottish, Northern Irish or British
- White Irish
- White other
- Gypsy, Irish Traveller or Roma
- Mixed or Multiple ethnic groups
- Asian or Asian British
- Black, Black British, Caribbean or African
- Other ethnic group - please specify

Draft Hackney Carriage and Private Hire Licensing Policy 2022-27

18. Do you have a disability, long-term illness, or health condition?

Yes

No

If you've answered yes, and feel the nature of what we're proposing/considering would have an impact on you because of your disability, illness or condition, please clarify what the disability is in the space below.

If you're a resident of West Berkshire, and would like to be invited to participate in any of our future consultation or engagement exercises, you can apply to join our Community Panel. For more information, please visit our [Consultation and Engagement webpage](#), and complete the [application form](#).

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

Committee considering report:	Licensing Committee
Date of Committee:	07 November 2022
Portfolio Member:	Councillor Tom Marino
Report Author:	Moira Fraser
Forward Plan Ref:	N/A

1 Purpose of the Report

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

2 Recommendation

- 2.1 That the Committee notes the report.

3 Implications and Impact Assessment

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

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

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

4 Supporting Information

Background

- 4.1 The Taxi and Private Hire West Berkshire Council Liaison Group (TTLG) has been set up to provide a forum to meet with and consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest.

- 4.2 The meeting is attended by Members of the Licensing Committee, representatives of the hackney carriage and private hire trade and relevant Officers and is chaired by the Licensing Committee Chairman.
- 4.3 It has been agreed that we will hold two scheduled meetings a year. One in January to discuss, amongst other things, the outcome of the annual fees and charges consultation and to hold initial discussions about any changes to the tariff scheme. Tariff scheme proposed variations would then need to be consulted on and if appropriate implemented during that year.
- 4.4 The second meeting, which will usually be held in October would include a discussion on the fees and charges pertaining to the trade for the forthcoming financial year before the formal consultation process is started. This meeting will also receive any feedback on tariff consultations should one be undertaken. Ad hoc meetings can be arranged to discuss any matters of concern or interest during the year.
- 4.5 Since the July 2022 Licensing Committee meeting a number of meetings have been held with the taxi trade to work through the concerns and comments raised in respect of the draft Hackney Carriage and Private Hire Licensing Policy. Those discussions are reflected in a separate report to this Committee.
- 4.6 As described in paragraphs 4.5 above a meeting also took place on the 24 October 2022 to discuss the 2023/24 fees and an update on the 2022 tariff consultation was provided.

2023/24 Fees

- 4.7 Officers presented the fees and charges for 2023/24 that were discussed at the Joint Public Protection Committee on the 05 October 2022 to the trade. The fees and charges are also the subject of a separate paper included on the agenda for this meeting.
- 4.8 The trade made no comments on the fees.
- 4.9 The trade requested that the Licensing Team recirculate information explaining to the trade how they could sign up to the online DBS service which would reduce costs to the trade and the workload of the Licensing Team.

Hackney Carriage Tariffs

- 4.10 The update included as a separate item on this agenda was provided to the trade at the meeting.
- 4.11 The trade noted the outcome of the consultation and the ensuing delegated officer decision to amend the layout of the tariff cards.

Licensing Liaison Officers

- 4.12 The trade were informed that the Licensing Liaison Officer (LLOs) roles had been funded by Covid grant money. This funding had now ceased and as a result it had become necessary to end their contracts. The model had however been successful and officers were looking at ways to restructure the team so that this type of role could be included on the establishment going forward.

4.13 The PPP had also successfully recruited two new apprentices who would be joining the team by mid-November. The apprentices would be working towards the Regulatory Compliance Officer qualifications and as part of their training would be able to undertake some of the lower level inspection work done by the LLOs.

5 Conclusion

5.1 The TTLG meetings appear to be a valued opportunity for dialogue between elected Members and the trade. It is therefore proposed that at least two meetings will continue to be arranged every year. The next meeting would take place on the 09 January 2023.

5.2 The January meeting would afford an opportunity to feedback on any comments received in respect of the proposed fees for 2023/24 following the statutory consultation and would afford the opportunity to discuss the current tariffs and if any modifications should be consulted on later in the year.

6 Appendices

None

Background Papers:

None

Subject to Call-In:

Yes: No:

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

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LC Forward Plan January 2023 to January 2024

No.	Ref No	Item	Purpose	Lead Officer	Comments
LC 23 January 2023					
1.	JPPC4133	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	This report will only be submitted if there are objections to the fees subjected to the statutory consultation
2.	N/a	Taxi Liaison Meeting Update	To provide an update on the discussion at the January Taxi Trade Liaison meeting.	Moira Fraser	If needed
3.	C4253	Adoption of the Revised Licensing Policy under the Licensing Act 2003	To review the existing policy and the methodology for consultation on the draft policy.	Julia O' Brien	
4.	C4273	Hackney Carriage and Private Hire Licensing Policy	To consider proposed revisions to the draft policy and agree a way forward.	Julia O' Brien	
LC July 2023 (Date TBC)					
5.		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	
6.	N/a	Taxi Liaison Meeting Update	To provide an update on the discussion at the January Taxi Trade Liaison meeting.	Moira Fraser	If needed
7.	LC	Sex Establishments Policy	To review and if appropriate amend the policy and agree the consultation methodology.	Julia O' Brien	
8.	C4253	Adoption of the Revised Licensing Policy under the Licensing Act 2003	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	

No.	Ref No	Item	Purpose	Lead Officer	Comments
9.	LC	Update on Helping the Taxi Trade Go Greener	To consider and discuss progress that has been made with assisting the trade to go greener and any new initiatives that can be introduced. To consider the Age of vehicles and emissions element of the Taxi Policy and any adjustments that need to be made to it.	Moira Fraser	
LC November 2023 (Date TBC)					
10.	JPPC4252	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	
11.	N/a	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	
12.	EX	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	
13.	LC	Scrap Metal Licence Policy	To consider the draft policy.	Julia O'Brien	
LC January 2024 (Date TBC)					
14.	JPPC4252	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	This report will only be submitted if there are objections to the fees subjected to the statutory consultation
15.	N/a	Taxi Liaison Meeting Update	To provide an update on the discussion at the January Taxi Trade Liaison meeting.	Moira Fraser	If needed