

# Notice of Meeting

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## Licensing Committee

**Monday, 23 January, 2023 at 4.30 pm**  
Council Chamber, Council Offices, Market Street, Newbury

This meeting will be streamed live here: [Link to Licensing Committee broadcasts.](#)  
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Date of despatch of Agenda: Thursday, 12 January 2023

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  
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Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



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

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# Agenda

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1. <b>Apologies</b> To receive apologies for inability to attend the meeting (if any).	5 - 6
2. <b>Minutes</b> To approve as a correct record the Minutes of the meeting of this Committee held on 7 November 2022.	7 - 12
3. <b>Declarations of Interest</b> 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' <a href="#">Code of Conduct</a> .	13 - 14
4. <b>Update Following Discussions at the Taxi and Private Hire West Berkshire Council Liaison Group</b> <i>Purpose:</i> To provide the Committee with an update and raise any issues emanating from the most recent Liaison Group meeting.	15 - 20
5. <b>Consultation Responses: Fees for Taxi and Private Hire Vehicles, Drivers and Operators</b> <i>Purpose:</i> <ul style="list-style-type: none"><li>To note that, save for the private hire operator and hackney carriage and private hire vehicle licence fees, the Committee has already agreed to recommend the fees and charges proposed at the November meeting to full Council for approval.</li><li>To consider the matters arising from the statutory 28 day consultation period relating to variations to operators and vehicle licence fees.</li></ul>	21 - 30
6. <b>Hackney Carriage Tariffs 2023</b> <i>Purpose:</i> To consider proposals from the trade for modifications to the existing tariffs raised at the January 2023 Taxi Liaison Group and to comment on the proposed methodology and timescales for any ensuing consultation process.	31 - 42

**Agenda - Licensing Committee to be held on Monday, 23 January 2023** *(continued)*

7. **New Section 182 Guidance Under the Licensing Act 2003** 43 - 48  
*Purpose:* This report informs Members of revised Guidance issued by the Secretary of State in December 2022 under Section 182 of the Licensing Act 2003 and highlights the key changes to the April 2018 version.
8. **Forward Plan** 49 - 52  
*Purpose:* To consider and agree the Forward Plan.

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 – 23 January 2023

## **Item 1 – Apologies for absence**

Verbal Item

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# Agenda Item 2.

## 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, 7 NOVEMBER 2022**

**Councillors Present:** James Cole (Chairman), Phil Barnett (Vice-Chairman), Steve Ardagh-Walter, Jeff Beck, Graham Bridgman, Tony Linden, Graham Pask and Martha Vickers

**Councillors Present Remotely:** Adrian Abbs and Clive Hooker

**Also Present:** Julia O'Brien (Principal Licensing Officer), Amanda Ward (Licensing Officer), Lizzie Reeves (Zoom Host), Moira Fraser (Principal Officer - Policy & Governance) and Benjamin Ryan (Clerk)

**Apologies for inability to attend the meeting:** Councillor David Marsh

**Councillor Absent:** Councillor Billy Drummond

## **PART I**

### **10. Minutes**

The Minutes of the meeting held on 4 July 2022 were approved as a true and accurate record subject to the following amendments:

- On Pages 7 and 8 it should refer to criteria (the plural of criterion) and therefore the word 'a' should be removed.
- Item 6, Recommendation 2, should refer to 'chargers' not 'charges'

The Chairman noted that a report went to the September Executive, which recommended a remittance scheme for electric and hybrid taxis. The Executive agreed the recommendations made by this Committee and these were reflected on the fees paper, which would be discussed at the meeting. The Chairman also explained that an annual discussion on helping the taxi trade go greener was included on the Forward Plan and an update on the tariffs was also provided as part of the paperwork for this meeting.

### **11. Declarations of Interest**

There were no declarations of interest received.

### **12. Licensing Fees and Charges 2023/24**

The Committee considered a report (Agenda Item 4), which set out the Public Protection Partnership's (PPP's) Fees and Charges, which had been proposed by the Joint Public Protection Committee (JPPC) at its meeting on the 5 October 2022. This was in line with the Council's requirement to review the fees and charges on an annual basis. The

## LICENSING COMMITTEE - 7 NOVEMBER 2022 - MINUTES

Committee was asked to contemplate the proposals for the statutory consultation associated with the fees and charges for private hire operators, and hackney carriage and private hire vehicle licence fees.

Ms Moira Fraser introduced the item by highlighting that all fees were set on a full cost recovery basis and that for the first time in three years, a proposal had been made at the JPPC to increase the hourly rate from £59 to £64, which equated to a below inflation increase of just under 8.5%.

Councillor Graham Bridgman explained that he was unsure how a cost of £11.50 was set at an hourly rate, in regards to the change of address fee, as it could not be divided easily to correlate with an amount of time worked. The Chairman argued that it could not be justified that the time spent on renewal would be 15 minutes and that the future installation of a new electronic system could even make the process more efficient. Ms Fraser pointed out that the time taken for processing applications depended on the quality of the submissions, therefore an average had to be taken.

Councillor Steve Ardagh-Walter agreed that the geographical element of the Knowledge Test might be unnecessary once a driver had passed the test and that this could be a way fees could be reduced.

Councillor Adrian Abbs could not see how the hourly rate was set at £64 and thought a more reasonable price could be achieved, especially if the system was to be further automated and Ms Fraser explained that the hourly rate included other costs as well, not just officer salaries. The Chairman highlighted that the fees were reviewed every year and the contribution of the new system would need to be considered next year. Ms Fraser explained that the average time taken for tasks was reviewed annually.

Councillor Bridgman reminded the Committee that last year's rate was set at £59 an hour and that the Committee was to only recommend these fees to Council. Councillor Bridgman explained that the calculation of fees were based upon whether they were a statutory requirement or based on cost recovery. As some of the PPP fees were based on cost recovery, it would have to be considered on an hourly rate, which would be a blanket rate for the whole service, as it would be impractical to have it for each individual officer. Then the Council would work out how long a task took, from which the fee would be calculated.

Councillor Jeff Beck explained as there had been no increase in the previous three years to the fee, he felt that the fees should have been increased incrementally, instead of having one large increase. This was because small increases were more likely to be accepted instead of one large increase. Councillor Beck then pointed to paragraph 4.16, in regards to Disclosure and Barring Service (DBS) checks, and asked whether the fee, which was proposed at £70, could be reduced or whether the previous fee of £79 could be kept due to the uncertain financial times. Ms Fraser drew Members' attention to the legal implications set out in the report which confirmed that the fees should be set at a level as to not generate a surplus. The Chairman stated that the previous two years might not have seen a rise in fee costs due to the low inflation rates.

Councillor Graham Pask furthered the point about setting reasonable fees at no profit to the Council and he emphasised that the Committee had become stuck on one particular aspect of the report, of which he believed should be kept as recommended.

Councillor Pask proposed that the Committee approve the Officer recommendations within the report and this was seconded by Councillor Bridgman.

The Committee **RESOLVED** that:



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- Save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the fees set out at Appendix A of the Agenda go forward for consideration as part of the Council fee setting process.
- The proposed charges for operators and vehicle licence fees be subject to a twenty eight day statutory consultation period from 17 November 2022 to 15 December 2022.
- A public notice pertaining to the Taxi and Private Hire Vehicles and Private Hire Operators fees would be placed in the Newbury Weekly News and Reading Chronicle.
- A consultation letter would be posted to all Taxi and Private Hire Drivers and Private Hire Operators in the District and that a copy of the consultation would be posted on the Public Protection Partnership website, on the West Berkshire Council Consultation Hub and in the reception area at the Market Street Offices.

If no objections are received, the charges for operators and vehicle licence fees be included in the 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.

### 13. Hackney Carriage Tariffs

The Committee considered a report (Agenda Item 5), which provided feedback on the statutory consultation in relation to the hackney carriage table of fares and noted any decisions taken by the Executive on the matter. The report also outlined the process that would be followed in 2023 if any changes were required to the table of fares.

Ms Fraser introduced the item by stating that the Licensing Committee had agreed to recommend that the Executive consult on an increase of circa 8% to the fares. The consultation ran from the 14th July to the 28th July 2022. The Council received three objections to the proposed modifications to the table of fares, which were all withdrawn. Ms Fraser explained as there was no need for the report to go back to Executive the tariffs came into effect on 29 July 2022. There was also a request received to clarify the presentation of the tariff cards in respect of vehicles carrying five or more passengers and that the 50% uplift was applied to the end of the journey, so under delegated officer decision, the presentation of these were changed.

The Chairman noted that the consultation brought in a variety of views, however the most prominent issue was over the fouling charges.

Councillor Linden believed that there was a valid point made about the fouling penalties and noted that even though petrol prices had gone down, diesel remained stubbornly high, as well as electricity costs varying due to the specific charge points.

Councillor Abbs explained that his experience was that most drivers seemed to not be aware of the consultation and that this highlighted that there was an issue in communication between the Council and the taxi drivers. The Councillor also noted that during his own discussions with the taxi drivers, their main concern was over the dress code and Ms Fraser asserted that new ways of communicating with the drivers could be explored. However resources were limited within the team and this would need to be factored into any discussion.

Councillor Phil Barnett showed concerns over the enforcement of the fouling charges and stated that this would be something that the Committee could look into.

## LICENSING COMMITTEE - 7 NOVEMBER 2022 - MINUTES

Councillor Bridgman congratulated officers on the tidy fees and pointed out that now the fouling charge had been introduced, this was something that could be amended in the future.

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

### 14. **Draft Hackney Carriage and Private Hire Licensing Consultation Update**

The Committee considered a report (Agenda Item 6), which provided the Licensing Committee with an update on the outcome of the public consultation on the policy and provided an update on the progress that was being made with reviewing the policy with the trade.

Ms Julia O'Brien introduced the item explaining that the consultation was sent out to a variety of businesses, posted on the PPP website, a survey was sent out and trade members were individually emailed, amongst a variety of other strategies. The trade meetings arranged by the PPP had been extensive and highlighted concerns the taxi trade had. Ms O'Brien noted that a report on the outcome of the meetings with the trade was not yet ready for the Committee as this was an ongoing process.

Councillor Bridgman stated that there had been four meetings with the trade, of which they had engaged in detail and this meant the policy could be implemented in a way that helped all parties involved.

Councillor Ardagh-Walter wanted to know whether the respondents could be split up into their respective groups (Resident, Driver, and Local Authority Officer) to examine the data further. Ms Fraser explained that she could look into it, but was unsure whether that could be done.

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

### 15. **Update Following Discussions at the Taxi and Private Hire West Berkshire Council Liaison Group**

The Committee considered a report (Agenda Item 7), which provided the Committee with an update on any issues emanating from the most recent Liaison Group meetings.

Ms Fraser introduced the item by noting that the Council continued to meet with the trade twice a year. Firstly, in January to discuss the tariffs for the forthcoming year and to provide feedback on the statutory consultation on fees and secondly, in October to talk about the fees for the following year. Ms Fraser pointed out that there were no particular issues raised in the most recent October meeting and that the trade were also notified that the COVID-19 grant funding for the Licensing Liaison Officers had come to an end. Finally, Ms Fraser noted that two apprentice Officers would be joining the service and that they were looking for a third.

The Chairman highlighted the difficulty of finding the DBS check on the Council website through the search bar and Ms O'Brien agreed to look into this.

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

### 16. **Forward Plan**

The Committee considered the Forward Plan for January 2023 to January 2024 (Agenda Item 8).

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Councillor Adrian Abbs enquired into whether something could be added on finding ways to better connect with taxi drivers and Ms Fraser explained that it could be added, however there were limited resources.

The Committee **RESOLVED** to note the Forward Plan.

*(The meeting commenced at 4.30 pm and closed at 5.20 pm)*

**CHAIRMAN** .....

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

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Licensing Committee – 23 January 2023

## **Item 3 – Declarations of Interest**

Verbal Item

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

<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	23 January 2023
<b>Portfolio Member:</b>	Councillor Tom Marino
<b>Report Author:</b>	Moira Fraser
<b>Forward Plan Ref:</b>	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 meeting.

### 2 Recommendation

- 2.1 That the Committee notes the report.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	There are no specific financial implications arising from this report. Any follow up actions will be met from within existing resources.
<b>Human Resource:</b>	Attendance at these taxi trade meetings and any follow up actions will be met from within existing resources.
<b>Legal:</b>	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.

<b>Risk Management:</b>	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.			
<b>Property:</b>	None			
<b>Policy:</b>	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, Executive or Council in accordance with the Scheme of Delegation.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> 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>B</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.
<b>Environmental Impact:</b>		✓		The trade meetings are not a decision making forum.



<b>Health Impact:</b>		✓		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.
<b>ICT Impact:</b>		✓		There is no ICT impact albeit that some of the meetings will be conducted via Zoom.
<b>Digital Services Impact:</b>		✓		None
<b>Council Strategy Priorities:</b>	✓			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.
<b>Core Business:</b>		✓		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
<b>Data Impact:</b>		✓		The report does not have a significant impact on the rights of data subjects.
<b>Consultation and Engagement:</b>	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 had originally 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 presented to the Executive, and if agreed consulted on and if appropriate implemented during that year.
- 4.4 It should be noted that following the most recent meeting it is proposed that the discussion on the tariffs would be moved to the October meeting with a view to introducing any modifications for the start of the financial year from 2024 onwards. The January meeting would then be used to report back on the outcome of any informal consultation on tariffs and set out the timetable for taking any proposals through the Executive cycle. While modifications would be reflected on annually this would not necessarily mean that any changes would be made each year.
- 4.5 The second meeting, which will usually be held in October would include a discussion on the fees and charges pertaining to the trade for the forthcoming financial year before the formal consultation process is started. Ad hoc meetings can be arranged to discuss any matters of concern or interest during the year.
- 4.6 Since the November 2022 Licensing Committee meeting one meeting has been held with the taxi trade (09 January 2023) and a summary of the discussions are set out below.

### **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 at the October 2022 Trade Liaison Group meeting. The Private Hire Operator and Hackney Carriage and Private Hire Vehicles License Fees were then subjected to a statutory 28 day consultation period. The feedback from that consultation was presented to the trade at this meeting.
- 4.8 The outcome of the consultation is the subject of a separate paper included on the agenda for this meeting which will provide more detailed information. The Group noted that only four comments were received and therefore inferred that the trade and residents understood the need for the changes and that they had been set at an acceptable level. In terms of the comment about ranks being “full of idle drivers because; as the drivers relate, there are insufficient fares” the trade commented that this was not their experience. The drivers on the ranks tended to be sole traders, other drivers were reasonably busy and were only likely to be found on the ranks at quiet times.
- 4.9 The trade made no further comments on the 2023/24 fees.

### **Hackney Carriage Tariffs**

- 4.10 At the 26 October 2021 Taxi Trade Liaison Group meeting it was agreed that variations to the tariffs would be discussed at the January Taxi Trade Liaison Group meeting each

year. At the recent meeting it was suggested that the trade would like to amend the annual cycle relating to tariffs in that any changes should coincide with the financial year i.e. they should be implemented by the 01 April annually. They accepted that in order to go through due process it might not be possible to achieve this target date in 2023. The Group was supportive of this proposal.

- 4.11 From 2024 onwards it was proposed that the tariffs would be reflected on at the October trade meeting. It might be that modifications would not be required. If the trade were minded to make any changes they would need to submit a proposal to the Council. Informal consultation would be undertaken with the trade to establish if there was support for the proposals more generally. Any modifications, the methodology for consultation and timetabling would be taken to the Executive for a decision. The Licensing Committee would be kept informed about the proposals and progress.
- 4.12 The consultation would be conducted in accordance with the requirements as stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976. If any objections to the consultation were received the matter would have to return to the Executive for a decision. This would all need to be factored into the timetabling
- 4.13 The group were mindful of the need to balance the needs of the trade with those of residents and other customers. A separate report has been prepared in respect of the 2023 tariffs and is included on this agenda.
- 4.14 In essence the trade suggested at the meeting that:
- For 2023 they would like to see an uplift of the fees linked to CPI (circa 10%);
  - If approved they would like the modification to be implemented as close to the 01 April as was practicably possible but accepted that for 2023 the implementation date was likely to be in June or July;
  - They would like the maximum fouling charges to be revisited and increased and suggested that a maximum charge of £200 should be implemented;
  - They would like to see calendar time and date control to be mandated;
  - They would like the words 'Hiring when journey commences between' to be revisited and replaced to reflect journeys between certain times; and
  - The Hackney Carriage and Private Hire Licensing Policy be amended to mandate a requirement for all vehicles to accept credit cards.

## **Update on the Taxi Policy**

- 4.15 It was noted that several meetings had been held with the trade to work through the policy. Officers were now working through each of these matters. Any changes would be discussed with colleagues in the legal team prior to a second draft of the policy being produced.

## **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 23 October 2023.

## 6 Appendices

None

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

<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	23 January 2023
<b>Portfolio Member:</b>	Councillor Tom Marino
<b>Report Author:</b>	Moira Fraser
<b>Forward Plan Ref:</b>	JPPC4133

## 1 Purpose of the Report

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

## 2 Recommendation

The Licensing Committee is asked to:

- 2.1 **NOTE** the comments received during the statutory consultation on variations to operators and vehicle licence fees as set out in Appendix A to this report.

## 3 Implications and Impact Assessment

Implication	Commentary
<p><b>Financial:</b></p>	<p>Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit.</p> <p>All costs associated with running the consultation are met from within existing budgets. The cost of placing public notices in the two local newspapers increased from £1357.36 in 2021 to £1474.79 in 2022</p>

Implication	Commentary
<b>Human Resource:</b>	There are no human resources implications associated with the consultation. The consultation was undertaken within existing resources within the PPP and the RCP Team.
<b>Legal:</b>	<p>The consultation was undertaken in accordance with the Advertising variations to operators and vehicle licence fees set out in s70 of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice:</p> <ol style="list-style-type: none"> <li>1. setting out the variation proposed,</li> <li>2. drawing attention to the provisions of paragraph (b) of this subsection and</li> <li>3. specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.</li> </ol> <p>3(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.</p> <p>The legal implications of the consultation were discussed with Beth Varcoe, Laura Knowles and Patricia Brown prior to the consultation starting. Legal colleagues have also been consulted on this report.</p>
<b>Risk Management:</b>	The fees are potentially subject to legal challenge. It is therefore important that the fees and methodology are subject to ongoing review.
<b>Property:</b>	None
<b>Policy:</b>	<p>The Joint Public Protection Committee (JPPC) is required every autumn to propose a budget to partner authorities. This includes proposals in relation to discretionary fees and charges. The individual authorities are then required to make their own decisions in relation to the fees.</p> <p>It is not the role of this Committee to set the fees for 2023/24. The Committee is being asked to consider the comments made</p>

Implication	Commentary			
	in relation to the operators and vehicle licence fees received during the statutory consultation.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>		✓		No evident contribution to inequality  The income received from licence applicants covers the cost of providing the statutory licensing function.
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		No impact
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No impact
<b>Environmental Impact:</b>	✓			The introduction of a remittance on the fees for hybrid and electric vehicles may have a positive impact on the environment.
<b>Health Impact:</b>	✓			If operators and drivers are minded to take up the offer of a reduced or wholly subsidised fee for electric or hybrid vehicles this could have a positive impact on air quality and therefore have a positive impact on health.
<b>ICT Impact:</b>		✓		No impact

Implication	Commentary			
<b>Digital Services Impact:</b>		✓		This information will be included on the Public Protection Partnership <a href="#">Website</a> using existing resources.
<b>Council Strategy Priorities:</b>	✓			Support businesses to start develop and thrive in West Berkshire.
<b>Core Business:</b>		✓		No impact
<b>Data Impact:</b>		✓		No impact
<b>Consultation and Engagement:</b>	Members of the Hackney Carriage and Private Hire trade as well as members of the public, Councillors and service users were consulted on the statutory fees as is required by the legislation. This was enabled via emails directly to Hackney Carriage and Private Hire vehicle licence holders and Private Hire Operators, a public notice in the Newbury Weekly News and the Reading Chronicle, a notice placed in Market Street Reception window and a consultation notice added to the Public Protection Partnership website and the West Berkshire Council website for the mandatory 28 day consultation period. In addition an email notification was sent to the Community Panel.			

## 4 Executive Summary

- 4.1 A set of fees, proposed by the Joint Public Protection Committee, were presented to the Licensing Committee at the [07 November 2022 meeting](#). The Committee agreed that, save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the discretionary fees go forward for consideration as part of the Council fee setting process.
- 4.2 The Committee also agreed that the fees for private hire operator, and hackney carriage and private hire vehicle licence fees be subjected to a twenty eight day statutory consultation period. If objections were received they be considered by the Licensing Committee at this meeting and that any changes arising from the consultation be recommended to full Council for approval. The fees, with or without variation would come into effect on the 01 April 2023.
- 4.3 The proposed 2023/24 fees subject to the statutory consultation are set out below:



Hackney Carriage (Taxi) and Private Hire Vehicle Licence

Hackney carriage vehicle new / renewal	£288.00/ £256.00*
Private hire vehicle new / renewal	£288.00/ £256.00*
Private hire vehicle with dispensation new / renewal	£288.00/ £256.00*
Temporary Vehicle Licence (issued up to 3 months maximum)	£256.00
<p>*It was agreed at the Executive meeting on 22 September 2022, that West Berkshire Council would offer a fee based remittance scheme, subsidised by the council, and that it be introduced from 1 April 2023 for both electric and hybrid vehicles that met the agreed criteria.</p>	

Private Hire Operator Licence

	Number of vehicles	New	Renewal
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	£480	£352
	2	£560	£432
	3	£640	£512
	4	£720	£592
	5	£800	£672
	6	£880	£752
	7	£960	£832
	8	£1040	£912
	9	£1120	£992
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	10	£1200	£1072
	11	£1286	£1152
	12	£1360	£1232
	13	£1440	£1312
	14	£1520	£1392
	15	£1600	£1472
	16	£1680	£1552
	17	£1760	£1632
	18	£1840	£1712
	19	£1920	£1792
	20	£2000	£1872
Variation to licence	£64	£64	

#### 4.4 Who and How we Consulted

- The consultation ran from 17 November 2022 to 15 December 2022.
- A notice was placed in the Newbury Weekly News and the Reading Chronicle on the 17 November 2022.
- The consultation was also posted on the West Berkshire Council consultation pages and the PPP website on the 17 November 2022.
- It was also emailed to 1142 members of the Community Panel who expressed an interest in Roads, Transport and Parking.
- A copy of the notice was also placed in the Market Street Reception on the 16 November 2022.
- A copy of the notice was emailed individually to all licensed Hackney Carriage and Private Hire Proprietors for their comments on the 16 November 2022.

4.5 Four responses to the consultation were received and it was agreed that these would be reported back to this Committee. These comprised two responses from residents and two were from parish councillors who were also members of the Community Panel. Two respondents supported the proposed changes to the fees. One respondent registered concerns that higher fees were leading to the trade having to charge higher fares and as a result this was having a negative impact on the trade. This respondent confirmed that he was not objecting to the modifications but was merely commenting on them. The final response raised some concerns about the content of the knowledge test and supported the remittance being offered in relation to electric and hybrid vehicles.

4.6 The comments received were discussed at the Taxi Trade Liaison Group meeting on the 09 January 2023. Given the low number of responses received it was agreed that it could be inferred that the fees were being set at an acceptable level. The trade commented that it was not their experience that there were a large number of vehicles sitting on the ranks. The comments relating to the knowledge test would be included in the discussion paper on this subject which would be presented to the July 2023 Committee meeting.

4.7 As comments have been received but they do not constitute objections the existing proposed hackney carriage and private hire vehicles and private hire operator's fees will be included in the paperwork for the 02 March 2023 Full Council without modification and will come into effect as of the 01 April 2023.

## 5 Other options considered

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

## 6 Appendices

6.1 Appendix A – Comments Received During the Consultation.

**Background Papers:**

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

**Subject to Call-In:**

Yes:  No:

- |  |                                     |
|--|-------------------------------------|
| The item is due to be referred to Council for final approval   | <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: Sean Murphy  
Job Title: Public Protection Manager  
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E-mail: Sean.Murphy@westberks.gov.uk

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## Summary Responses to the Statutory Consultation on Hackney Carriage and Private Hire Vehicle and Private Hire Operator's Fees 2022

Role	Comment
Community Panel and Parish Councillor	I am in favour of the proposed increase in fees.
Resident	I am not a taxi or private vehicle hire operator, only an interested council tax payer. The proposed below inflation increase seems reasonable.
Community Panel and Parish Councillor	<p>Most parishioners in our village are fortunate enough to have their own transport or access to members of the community who can transport them to hospital appointments etc. Accordingly, I would not normally deem myself qualified to comment on this issue. Although, from my limited experience, I have formed the opinion that taxis are very expensive around here.</p> <p>However, I was chatting today with a golfing chum who lives in Thatcham. He was bemoaning the high cost of taxis in his area. In his experience taxi ranks in Thatcham/Newbury are usually full of idle drivers because; as the drivers relate, there are insufficient fares.</p> <p>This may well be as a result of the public not using the taxis due to their high cost. You may wish to consider whether the district would be better served by the old maxim of lower prices generating more business. Raising peripheral costs for cab drivers would appear to have the opposite effect.</p>
Resident	<p>I don't understand the jargon about fee-remittance for electric and hybrid vehicles. If it means that owners of these green vehicles receive a rebate, then I support that.</p> <p>In terms of the knowledge test requirement for taxi drivers, I would like to point out my experience that companies are sometimes run remotely from other countries. This can result in the taxis arriving late because they have been given the wrong pick-up location by the telephone operator.</p>

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# Hackney Carriage Tariffs 2023

<b>Committee considering report:</b>	Licensing Committee Executive
<b>Date of Committee:</b>	Licensing Committee 23 January 2023 Executive 23 March 2023
<b>Portfolio Member:</b>	Councillor Tom Marino
<b>Report Author:</b>	Moira Fraser
<b>Forward Plan Ref:</b>	EX4298

## 1 Purpose of the Report

1.1 To consider proposals from the trade for modifications to the existing tariffs raised at the January 2023 Taxi Liaison Group and to comment on the proposed methodology and timescales for any ensuing consultation process.

## 2 Recommendation

That the Licensing Committee

- 2.1 **NOTES** the existing tariffs in Appendix A.
- 2.2 **COMMENTS** on the proposals raised at the January 2023 Taxi Liaison Group meeting.
- 2.3 **COMMENTS** on the proposed methodology and timescales for considering any modifications.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	There are no specific financial implications for the Council arising from this report. In the event that any consultation is agreed the costs will be met from within existing resources.
<b>Human Resource:</b>	Any actions will be met from within existing resources
<b>Legal:</b>	The procedure for setting fares and public notice requirements are stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

	<p>The procedure is prescriptive and requires that a decision to make/vary a table of fares is made first. Following this, there is a statutory consultation requirement, to allow for any objections to the new table to be made. The remainder of the process is dependent on whether any objections are received (and not withdrawn).</p> <p>There is no right of appeal so any legal challenge to the decision(s) made in relation to a new/varied table of fares would be by way of judicial review.</p> <p>The function of making/varying the table of fares for hackney carriages is a function of the Executive Committee (which could be exercised in accordance with the Council's Scheme of Delegation).</p> <p>Beth Varcoe, Laura Knowles and Patricia Brown consulted.</p>			
<b>Risk Management:</b>	None			
<b>Property:</b>	None			
<b>Policy:</b>	Any consultation will be undertaken having regard to section 65 of the Local Government (Miscellaneous Provisions) Act 1976.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				



<p><b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		X	<p>Nationally young women are one of the largest groups to use taxis. Other groups, such as those who are disabled and those who are elderly may also use taxis more frequently.</p> <p>Any change to fares suggested could impact these groups financially, but equally there needs to be a viable taxi trade to provide a taxi service for these groups and all residents/visitors to West Berkshire.</p> <p>While it is accepted that any changes to the tariffs might have a disproportionate impact on some of the protected groups any consultation agreed will seek observations on the impact of those changes.</p> <p>Any statutory consultation, as a result of a proposal to change the current fares, will be conducted in accordance with statutory requirements and provide an opportunity for protected groups to comment on impact.</p> <p>Any review of the current fares will seek to protect the public from excessive fares but at the same ensuring that this remains a profitable sector and therefore retaining drivers and operators to provide the service to those who rely on it.</p> <p>Any objections, including those relating to equalities, have to be reported back to the Executive.</p>
<p><b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		X	<p>See above</p>
<p><b>Environmental Impact:</b></p>		X	<p>None</p>

<b>Health Impact:</b>		X		None
<b>ICT Impact:</b>		X		None
<b>Digital Services Impact:</b>		X		None
<b>Council Strategy Priorities:</b>	X			The provision of a viable taxi trade in the district will support a number of the priorities in the Council Strategy, in particular they are associated with supporting businesses to start, develop and thrive in West Berkshire.
<b>Core Business:</b>		X		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
<b>Data Impact:</b>				None
<b>Consultation and Engagement:</b>	<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>It is proposed that an informal consultation will be undertaken with the wider trade prior to any proposals being presented to the Executive.</p>			

## 4 Supporting Information

### Introduction

- 4.1 It was agreed at the 26 October 2021 meeting that variations to the tariffs would be reflected on at the January Taxi Trade Liaison Group meeting each year. A proposal could then be put forward for consultation and implementation later during that calendar year should the group be minded to propose any variations.
- 4.2 At 09 January 2023 meeting it was suggested that the trade would like to amend the annual cycle relating to tariffs. They requested that any changes coincide with the financial year i.e. they should be implemented by the 01 April annually. This would require a discussion at the October Taxi Trade Liaison Group meeting and the subsequent timetabling of reports to the Executive to allow an implementation date of the 01 April. As is currently the case reports would also be presented to the Licensing Committee to keep them informed about progress and outcomes relating to the statutory consultation requirements.

- 4.3 The trade accepted that in order to go through due process it would not be possible to achieve this target date in 2023. It was agreed that proposals around methodologies and timescales would be brought to this Committee for discussion with a view to any modifications agreed being implemented in June or July of 2023.
- 4.4 The trade suggested that as a principal they would like any future modifications to the table of fares to be linked to the Consumer Price index (CPI). The Committee is asked to comment on an appropriate date for this indexation to take place annually should they be minded to support this proposal.
- 4.5 It was agreed that prior to any proposals being taken to the Executive an informal consultation would be undertaken with the trade to establish the level of support for any changes. It was recognised that although the fares would be the maximum that could be charged not all members of the trade would necessarily support modifications to the existing fares set out in Appendix A.
- 4.6 It is the role of Members to balance the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs whilst protecting the public from excessive fares.

## **Proposals From the Trade**

### *Tariff Increase*

- 4.7 The trade commented that they had previously suggested that the tariffs be amended annually in line with the Consumer Price Index which was tracking at around 10.7% as of November 2022. They proposed that the initial flag rate not be changed and the increase be achieved by reducing the yardage (mileage per unit). The ratios between the three tariffs would be retained as would the separate tariffs for saloon and multi seater vehicles.
- 4.8 A discussion did take place at the Taxi Trade Liaison Group meeting about alternative indices that could be linked to the fees. It was noted that there were baskets of indicators used elsewhere but these options were rejected on the basis that the CPI information was readily available and therefore easier to calculate. CPI reflected many of the costs that the trade would incur.

### *Fouling Charges*

- 4.9 The trade explained that in their view the current maximum fouling charges (interior £75 and exterior £25) were too low. They needed to reflect the costs associated with valeting the vehicles as well as the loss of income when vehicles were soiled. They had undertaken an informal straw poll which suggested that the maximum fee should be set at £200 for interiors. Members are asked to suggest a maximum charge for the exterior of vehicles which will then form part of the informal consultation.
- 4.10 It was noted that, regardless of the value, as this charge was a maximum and not a standard charge whatever the circumstances, there needed to be some mechanism for a customer to challenge what was levied. Thought would need to be given as to how this could be quantified and achieved.

*Applicability of Tariff Times*

4.11 The trade suggested that they would like the current wording on the table of fares to be amended which would require the statement ‘Hiring when journey commences between’ to be revisited and replaced to reflect journeys between certain times. This would deal with the issue of journeys that spanned more than one tariff time. This would not affect set fares which would still be charged at the fare agreed before the journey commenced.

*Calendar and Time Controlled Meters*

4.12 The trade suggested that in order to improve consumer confidence in the trade and prevent unscrupulous operators from selecting the wrong tariff they would like to have calendar controlled meters mandated.

4.13 They were of the opinion that the vast majority of meters used in the district were capable of being calendar controlled. There might be a handful of operators using older meters that would not have this capability. It is suggested that a question on this be included in the informal consultation and that any changes be reflected in the Hackney Carriage and Private Hire Licensing Policy.

*Credit Cards*

4.14 The trade requested that the Hackney Carriage and Private Hire Licensing Policy be amended to mandate a requirement for all vehicles to accept credit cards.

*Potential Timetable*

23 January 2023	Initial discussion about the proposals, methodology and timetabling of the formal (statutory) and informal consultation with the Licensing Committee
25 January to 08 February 2023	Two week informal consultation with the trade on any proposals put forward at this meeting
20 March 2023	Special Licensing Committee to be updated on the proposals being presented to the Executive for consideration (any comments made at the LC can be reported verbally to the Executive)
23 March 2023	Formal Report Setting out Proposals to the Executive
11 May to 25 May 2023	Statutory consultation (14 days) this can be amended at the discretion of Members but need to reflect that the implementation date must be within two months of the consultation closing.

June 2023 (date to be confirmed once timetable of meetings agreed)	Decision taken by the Executive if any objections to the modifications are received
July 2023 date to be confirmed once timetable of meetings agreed)	Outcome of the consultation to be reported back to the Executive
June/ July	Implementation date must be within two months of the closing date of the consultation and may be amended depending on whether or not any objections are received.

## 5 Other options considered

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

## 6 Conclusion

- 6.1 The issue of setting fares for hackney carriage drivers is an important one primarily for two reasons. The fares set by local authorities largely determine the ability of drivers to earn a decent living but also functions to ensure that passengers receive a fair deal when taking a journey in a licensed hackney carriage. The Council will continue to work with the trade and consult customers and residents in an effort to balance these two factors.

## 7 Appendices

- 7.1 Appendix A – Existing Tariffs

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### Background Papers:

None

### Subject to Call-In:

Yes:  No:

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

Delays in implementation could have serious financial implications for the Council

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

**Wards affected:** All

**Officer details:**

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

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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><b>Taxi Plate Number</b></p> <p><b>???</b></p> <p><b>Licenced to Carry ? Passengers</b></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 <a href="mailto:licencing@westberks.gov.uk">licencing@westberks.gov.uk</a> Quoting the above Taxi Plate number or drivers badge number</p>	<p><b>Tariff 1</b> (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, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December and 1<sup>st</sup> January)</p>	<p><b>Tariff 2</b> (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, 24<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December &amp; 1<sup>st</sup> January.</p>	<p><b>Tariff 3</b> (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 25<sup>th</sup> December 2. 00:00 and 05:59 on 26<sup>th</sup> December. 3. 00:00 and 05:59 on 1<sup>st</sup> January.</p>
	<p><b>Tariff 1 Multi</b> (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, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December and 1<sup>st</sup> January)</p>	<p><b>Tariff 2 Multi</b> (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, 24<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December &amp; 1<sup>st</sup> January.</p>	<p><b>Tariff 3 Multi</b> (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 25<sup>th</sup> December 2. 00:00 and 05:59 on 26<sup>th</sup> December. 3. 00:00 and 05:59 on 1<sup>st</sup> January</p>
<p><b>Initial Flag</b> The first 1489.235 yards (1361.756 meters) (11/13 mile)</p>	<p><b>T1 £5.00 / T1b £7.50</b> (First mile =£5.40) / (First mile =£8.10)</p>	<p><b>T2 £7.50 / T2b £11.25</b> (First mile =£8.10) / (First mile =£12.15)</p>	<p><b>T3 £10.00 / T3b £15.00</b> (First mile =£10.80) / (First mile =£16.20)</p>
<p><b>For each subsequent 135.385 yards</b> (123.796 meters) (1/13 of a mile) completed or part thereof</p>	<p><b>T1 20p / T1b 30p</b> (£2.60 running mile) / (£3.90 running mile)</p>	<p><b>T2 30p / T2b 45p</b> (£3.90 running mile) / (£5.85 running mile)</p>	<p><b>T3 40p / T3b 60p</b> (£5.20 running mile) / (£7.80 running mile)</p>
<p><b>Waiting time: for every period of 24 seconds or part thereof</b> (Below 11.54 mph is charged as waiting time)</p>	<p><b>T1 20p / T1b 30p</b> T1 (£5.00 per 10 mins, £30.00 per hour) T1b (£7.50 per 10 mins, £45.00 per hour)</p>	<p><b>T2 30p / T1b 45p</b> T2 (£7.50 per 10 mins, £45.00 per hour) T2b (£11.25 per 10 mins, £67.50 per hour)</p>	<p><b>T3 40p / T3b 60p</b> 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><b>???</b></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 <a href="mailto:licencing@westberks.gov.uk">licencing@westberks.gov.uk</a> Quoting the above Taxi Plate number or drivers badge number</p>	<p><b>Tariff 1</b></p> <p>(Standard Time Saloon) Indicated by a “<b>T1</b>” on the taxi meter</p> <p>Any journey with <b>1-4</b> passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December and 1<sup>st</sup> January)</p>	<p><b>Tariff 2</b></p> <p>(Time and 1/2 Saloon) Indicated by a “<b>T2</b>” on the taxi meter</p> <p>Any journey with <b>1-4</b> 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, 24<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December &amp; 1<sup>st</sup> January.</p>	<p><b>Tariff 3</b></p> <p>(Double Time Saloon) Indicated by a “<b>T3</b>” on the taxi meter</p> <p>Any journey with <b>1-4</b> passengers</p> <p>1. 00.00 and 23.59 on 25<sup>th</sup> December</p> <p>2. 00.00 and 05:59 on 26<sup>th</sup> December.</p> <p>3. 00.00 and 05:59 on 1<sup>st</sup> January.</p>
<p><b>Initial Flag</b> The first 1489.235 yards (1361.756 meters) (11/13 mile)</p>	<p><b>£5.00</b> First mile =£5.40</p>	<p><b>£7.50</b> First mile =£8.10</p>	<p><b>£10.00</b> First mile =£10.80</p>
<p><b>For each subsequent 135.385 yards</b> (123.796 meters) (1/13 of a mile) completed or part thereof</p>	<p><b>20p</b> £2.60 running mile</p>	<p><b>30p</b> £3.90 running mile</p>	<p><b>40p</b> £5.20 running mile</p>
<p><b>Waiting time: for every period of 24 seconds or part thereof</b> (Below 11.54 mph is charged as waiting time)</p>	<p><b>20p</b> £5.00 per 10 mins, £30.00 per hour</p>	<p><b>30p</b> £7.50 per 10 mins, £45.00 per hour</p>	<p><b>40p</b> £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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## New Section 182 Guidance Under the Licensing Act 2003

<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	23 January 2023
<b>Chair of Committee:</b>	Councillor James Cole
<b>Report Author:</b>	Ann Collins
<b>Forward Plan Ref:</b>	N/a

### 1. Purpose of the Briefing

- 1.1 This report informs Members of revised Guidance issued by the Secretary of State in December 2022 under Section 182 of the Licensing Act 2003 and highlights the key changes to the April 2018 version.

### 2. Background

- 2.1 Under Section 182 of the Licensing Act 2003, the Secretary of State is empowered to issue Guidance to licensing authorities on the discharge of their functions under the Act.
- 2.2 Section 4 of the Licensing Act 2003 stresses that in carrying out its functions, a Licensing Authority must “have regard to” guidance issued by the Secretary of State under Section 182. To this effect, the guidance is binding on all Licensing Authorities.
- 2.3 To depart from the guidance could give rise to an appeal or judicial review, and therefore any reasons for departure need to be given clearly.

### 3. Implications and Impact

Implication	Commentary
<b>Financial:</b>	There are no specific financial implications arising from this report. Any follow up actions will be met from within existing resources.
<b>Human Resource:</b>	None
<b>Legal:</b>	Under Section 4 of the Licensing Act 2003, Members must have regard to the Guidance when making decisions under the Licensing Act 2003.
<b>Risk Management:</b>	There are no risk management issues associated with this report.
<b>Property:</b>	None
<b>Policy:</b>	This is a key document which licensing lawyers will refer to, along with any localised Statement of Licensing Policy, before drafting and submitting an application. It will also be referred to

	in licensing hearings before Licensing Sub-Committees, and also on appeals before the Magistrates' Court.
<b>Consultation and Engagement</b>	It is a statutory requirement for this guidance to be adhered to. No consultation will be undertaken. The key changes were set out in the December 2022 Members Bulletin. The revised guidance has been published on the PPP website.

## 4. Background Information

4.1 Revision to the Section 182 Guidance document was issued by the Home Office just before Christmas. The previous guidance was issued in April 2018. It is important that Members are kept abreast of these changes as Section 4 of the Licensing Act 2003 stresses that in carrying out its functions, a Licensing Authority must "have regard to" guidance issued by the Secretary of State under Section 182.

4.2 To this effect, the guidance is binding on all Licensing Authorities.

4.3 To depart from the guidance could give rise to an appeal or judicial review, and therefore any reasons for departure need to be given clearly.

The key changes are set out below:

4.4 Change 1 - Entitlement to work in the UK for personal license holders. Changes from paragraphs 4.8 through to 4.49 (was 4.19) Criminal Record. Clarifying post Brexit right to work arrangements and how the Licensing authority check the individual has a right to work in the UK using a weblink.

4.5 Change 2 – Persons operating an alcohol delivery service. It is now suggested that they may consider contacting their licensing authority for its view on whether this form of alcohol sale is permitted, where previously they should contact their licensing authority.

4.6 Change 3 – Paragraphs 4.82 - 4.84 are new and clarify the circumstances when a closure notice may be served and when an application may be made to a court to close the premises.

4.7 Change 4 – Paragraph 6.11 now has an additional sentence to clarify that Home Office Immigration Enforcement is not a responsible authority in relation to club premises certificates.

4.8 Change 5 – Paragraph 7.15 updating the TENS statutory limits. An increase in the number of TENS applied for by a premises increases from 15 to 20 and the maximum total duration of the events increases from 21 days per calendar year to 26 days in the 2022 to 2023 calendar years.

4.9 Change 6 – Paragraph 7.34 clarifying that there is no right to appeal if a late TENS application has an objection from the police or Environmental Health. In this case the event is invalid and cannot go ahead.

4.10 Change 7 – Paragraph 8.76 stating that full variations should not be used to vary substantially the premises to which the license relates. If there is a substantial change to the premises there should be a new license rather than use a variation.

- 4.11 Change 8 – Paragraph 10.5 a change in wording to clarify that conditions should be interpreted in accordance with the applicant’s intentions and should be appropriate and proportionate for the promotion of the licensing objectives.
- 4.12 Change 9 – Paragraph 14.66 has been added to bring licensing more in line with planning and refers to the agent of change. This means that someone responsible for a change in a vicinity, for example a developer, is also responsible for the impact of that change. This principle, which exists to a degree in planning policy already, is relevant to existing pubs, bars and other venues that host and play music but find themselves subject to complaints by residents who have moved in to residential developments that were built since the licensed premises was established.
- 4.13 Change 10 – Removal of Annexe A – documents that demonstrate entitlement to work in the UK. This has now been covered in change 1 by using embedded links to government websites.

## 5. Supporting Information

- 5.1 A link to the full Revised Guidance can be found here- [December 2022 Section 182 Revised Guidance](#)

## 6. Conclusion

- 6.1 There are significant changes to the Guidance which are summarised for Members in Appendix A, and Members will need to be familiar with the revised Guidance when making decisions in Licensing Sub Committees and Committee.

## 7. Appendices

- 7.2 Appendix A - Revised Section 182 Guidance Summary produced by the Institute of Licensing

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## **Appendix A**

### **Revised Section 182 Guidance Summary produced by the Institute of Licensing**

1. In terms of right to work and entitlement, the revised guidance substantially changed 4.21 onwards
2. Lessening the burden on persons operating an alcohol delivery service to suggest they "may consider contacting their licensing authority" (previously "should") under paragraph 3.10
3. New section on "Closure Notices" at paragraph 4.83
4. Clarifying that Home Office Immigration Enforcement is not responsible for Clubs (para 6.11)
5. Updates to TENs statutory limits (para 7.15)
6. Clarifying that there is no right of appeal in respect of late TENs following objection by the police or EHOs (para 7.34)
7. Clarifying that full variations should not be used to "vary substantially the premises to which the licence relates" at paragraph 8.76
8. Paragraph 10.5 added clarification that operating schedules should be converted to conditions which must be "appropriate and proportionate for the promotion of the licensing objectives."
9. Inclusion of the "Agent of Change" principle in 14.66
10. Removal of "Annex A – documents which demonstrate entitlement to work in the UK"

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## Licensing Committee Forward Plan March 2023 to March 2024

No.	Ref No	Item	Purpose	Lead Officer	Comments
<b>Special Licensing Committee 20 March 2023</b>					
1.	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	
2.	C4273	Hackney Carriage and Private Hire Licensing Policy	To consider any comments received on the draft policy and any proposals for consulting on the revised draft.	Julia O' Brien	
<b>03 LC July 2023 (Date TBC)</b>					
3.	LC4295	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	
4.	N/a	Taxi Liaison Meeting Update	To provide an update on the discussion at the January Taxi Trade Liaison meeting.	Moira Fraser	If needed
5.	C4273	Hackney Carriage and Private Hire Licensing Policy	To consider any comments received on the revised draft policy and recommend that Council adopt this policy.	Julia O' Brien	
6.	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
7.	LC4297	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	
<b>LC 06 November 2023 (Date TBC)</b>					
8.	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	
9.	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	
10.		Scrap Metal Licence Policy	To consider the draft policy.	Julia O'Brien	
<b>LC January 2024 (Date TBC)</b>					
11.	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
12.	N/a	Taxi Liaison Meeting Update	To provide an update on the discussion at the January Taxi Trade Liaison meeting.	Moira Fraser	If needed
13.		Sex Establishments Policy	To review and if appropriate amend the policy and	Julia O'Brien	

No.	Ref No	Item	Purpose	Lead Officer	Comments
			agree the consultation methodology.		
14.		Hackney Carriage Tariffs	To consider proposals for adjustments to the tariffs and the proposed consultation process.	Moira Fraser	

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