

Notice of Meeting



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Licensing Committee

Monday, 8 January, 2024 at 4.30 pm

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

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Date of despatch of Agenda: Thursday, 28 December 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

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 Phil Barnett (Chairman), Paul Dick (Vice-Chairman), Billy Drummond, Nigel Foot, Owen Jeffery, Paul Kander, Jane Langford, David Marsh, Stephanie Steevenson, Louise Sturgess, Clive Taylor 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 6 November 2023.	7 - 10
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 .	11 - 12
4. Hackney Carriage Tariffs 2024 <i>Purpose: To consider a request from the trade for modifications to the existing tariffs and to comment on the proposed methodology and timescales for any ensuing consultation process.</i>	13 - 30
5. Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees <i>Purpose:</i> 1.1 <i>To consider the matters arising from the statutory 28 day consultation period relating to variations to hackney carriage and private hire vehicles and private hire operator's fees.</i> 1.2 <i>To consider whether any additional changes should be made the wider set of discretionary Public Protection Partnership fees being recommended to full Council for approval.</i>	31 - 44
6. Minor Changes to the Licensing Policy Arising from Amended S182 Guidance <i>Purpose: To consider minor updates to the Licensing Policy arising from the revised S182 Guidance issued in December 2023.</i>	45 - 60



Agenda - Licensing Committee to be held on Monday, 8 January 2024 *(continued)*

7. **Briefing Note - Update on the Community Alcohol Partnership** 61 - 64

Purpose: The purpose of this report is to provide the Committee with an update regarding the Community Alcohol Partnership (CAP) which launched across West Berkshire on 7th July 2023.

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 – 08 January 2024

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, 6 NOVEMBER 2023

Councillors Present: Phil Barnett (Chairman) Paul Dick (Vice-Chairman), Nick Carter, Billy Drummond, Nigel Foot, Paul Kander, Jane Langford, Stephanie Steevenson, Louise Sturgess, Clive Taylor and Martha Vickers

Also Present: Moira Fraser (Principal Officer - Policy & Governance), Julia O'Brien (Principal Licensing Officer), Gordon Oliver (Zoom Host), Benjamin Ryan (Clerk) and Riley Timney (Licensing Enforcement Officer)

Councillor(s) Absent: Councillor Owen Jeffery

PART I

1. Minutes

The Minutes of the meeting held on 10 July 2023 were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

Councillor Louise Sturgess declared an interest in all Agenda Item(s), as her partner held a personal license, but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

3. Statement of Licensing Policy - Review and Consultation

The Committee considered a report (Agenda Item 4) concerning the Statement of Licensing Policy Review and Consultation. Ms Julia O'Brien introduced the report and was pleased to note the high level of responses to the consultation.

Councillor Paul Dick enquired into the Licensing Authority's jurisdiction regarding CCTV and whether they differentiated between areas within the district. Ms O'Brien explained that West Berkshire Council (The Council) had little control over area wide CCTV. Many of the licences issued included conditions around CCTV to help prevent crime and disorder but each application was assessed on its own merits.

Councillor Dick expressed that he would like to see the addition of a consultee that represented children's interests in future consultations on the policy and Ms O'Brien agreed and suggested the Education Board.

Councillor Martha Vickers stated that the Youth Council could be a good avenue for consultation of younger peoples' views. She acknowledged that although CCTV infringed on residents' privacy it did serve a purpose in preventing crime and disorder.

Councillor Nigel Foot highlighted the work carried out by organisations, such as Pub Watch, that actively worked with Thames Valley Police to help reduce disorder around pubs. Officers confirmed that they regularly attended these meetings, and that reference was made to schemes of this nature in the policy.

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Councillor Jane Langford argued that it was important to look at all areas of West Berkshire not just Newbury. Ms O'Brien explained that all licensing applications were looked at on their own merits, with the Licensing Sub-Committee providing further consideration, if necessary. The policy was applicable to the district as a whole.

Councillor Clive Taylor asked about the mediation process regarding applications and Ms O'Brien noted that the Council worked with potential applicants before submission and would encourage them to discuss their application with responsible authorities. Once an application was with the Council and a representation was made, the Licensing team would encourage mediation between parties via email or phone call, if necessary, the team would facilitate a meeting if there were many objectors.

Councillor Paul Kander queried as to what was meant by large scale events within paragraph 3.6 of the policy and Ms Moira Fraser explained that the definition was on the website, however it was around 500 or more attendees. Organisers would be invited to attend a meeting of the Safety Advisory Group, where the organisers would be able to discuss their event management plans with a range of attendees including Thames Valley Police, the Royal Berkshire Fire and Rescue Service, South Central Ambulance Service and Officers from Public Health, Licensing, Highways, Health and Safety, Environment Health and Emergency Planning.

Councillor Foot questioned whether the policy was a live document and Ms Fraser explained that any major amendments would have to go back through the Committee then agreed by Council, however minor changes could be made via delegated authority as proposed in the report.

Councillor Dick proposed the recommendations set out in the report and this was seconded by Councillor Foot.

The Committee **RESOLVED** that:

- The Committee approve proposed amendments to the draft policy with or without modification.
- The draft policy without modifications go to full Council.

The Committee noted the consultation responses.

4. **Licensing Fees and Charges 2024/25 Report**

The Committee considered a report (Agenda Item 5) concerning the Licensing Fees and Charges 2024/25 Report. Ms Fraser introduced the report.

Councillor Stephanie Steevenson suggested that the Chairman include in his letter to Parliament that the licensing fees increased in line with planning fees.

Councillor Nick Carter explained that due to the increase in 20 mph zones taxis were incurring higher fuel costs and asked whether this had been considered when setting fees. Ms Fraser stated that the licensing fees were based on a cost recovery basis for the cost to the Council to issue the license. Ms Fraser mentioned that the Council was aware of the cost issues facing drivers, however the issue with the 20 mph zones had not been brought up by the trade. This was something that could be looked at should the trade decide to submit a business case to amend the fares.

Councillor Vickers expressed her belief that posting public notices within the Newbury Weekly News and Reading Chronicle was not worth the expense.

The Chairman stated that the Committee was required to post the public notice in at least one paper. As the Newbury Weekly News was the less expensive option, he proposed that only one public notice be placed this year.

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Councillor Dick supported the use of one newspaper for the public notice and was supportive of the fee increases, whilst encouraging the Council to be competitive with the surrounding Local Authorities.

Councillor Langford questioned whether the price for the scrap metal license could be increased as it had not been for a while and whether the impact of global warming had been considered into the fees. Ms Fraser explained that the fees could not be increased to gain a profit and could only be in line with cost recovery.

Councillor Taylor asked what the response rate from the public notices were and Ms Fraser stated that it was probably close to zero as most residents did not look at the public notices. The vast majority of responses came from the trade who were written to directly or from the consultation placed on the PPP and West Berkshire Council websites.

Councillor Steevenson asked whether safeguarding training for new drivers could be delivered by the Council. Ms Fraser answered that this was a process the Council was looking to bring in house in partnership with the social care teams to save cost and enable a new source of income.

Councillor Dick proposed the recommendations in the report with an alteration to 4.12, b), with only the Newbury Weekly News receiving the public notice, which was seconded by Councillor Vickers.

The Committee **RESOLVED** that:

- The fees for Private Hire Operators and Hackney Carriage and Private Hire Vehicle licence fees are subjected to the statutory consultation period as described in paragraph 4.12.
 - a) the fees for Private Hire Operators and Hackney Carriage and Private Hire Vehicle licence fees are subjected to the statutory consultation period from 23 November 2023 to 21 December 2023.
 - b) a public notice pertaining to the Taxi and Private Hire Vehicles and Private Hire Operators fees be placed in the Newbury Weekly News.
 - c) a consultation letter is posted to all Taxi and Private Hire Drivers and Private Hire Operators in the District.
 - d) 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.
 - e) If no objections are received, the charges for operators and vehicle licence fees are included in February 2024 Executive and March Council papers for approval; or if objections are received, they be considered by the Licensing Committee at the meeting on 22 January 2024 and any changes be recommended to full Council for approval.
- the Chairman of the Licensing Committee should write to Central Government to request that the statutory fees be revisited.

The Committee noted the 2024/25 fees and charges detailed in Appendix A and that statutory licensing fees have not increased since circa 2011

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

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The Committee considered a report (Agenda Item 6) concerning the Update Following Discussions at the Taxi and Private Hire West Berkshire Council Liaison Group. Ms Fraser introduced the report.

The Chairman expressed that the Liaison Group was not effective in gathering the opinion of the entire trade.

Councillor Billy Drummond questioned paragraph 4.9 in the report in regard to the fouling charges and Ms Fraser explained that if a request to amend the fares was submitted the Council would look into implementing a scale of fees linked to the tariff periods.

Councillor Foot stated that the Council should look for ways for the trade to have an open dialogue with officers, as some may not have been able to come along to a meeting due to time constraints and the Chairman agreed and stated that other options should be assessed further.

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

It was agreed by the Committee that the next meeting of the Licensing Committee would take place on Monday 8 January at 16:30 pm.

(The meeting commenced at 4.30 pm and closed at 5.42 pm)

CHAIRMAN

Date of Signature

Licensing Committee – 08 January 2024

Item 3 – Declarations of Interest

Verbal Item

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Hackney Carriage Tariffs 2024

Committee considering report:	Licensing Committee Executive
Date of Committee:	Licensing Committee 08 January 2024 Executive 14 March 2024
Portfolio Member:	Councillor Lee Dillon
Report Author:	Moira Fraser
Forward Plan Ref:	EX4367

1 Purpose of the Report

- 1.1 To consider a request from the trade for modifications to the existing tariffs 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 **NOTES** the proposals set out in the request from the trade at Appendix B.
- 2.3 **CONSIDERS** whether any amendments should be made to the consultation process.
- 2.4 **RESOLVES** to propose to the Executive that publication of the statutory notice appears in only one local newspaper.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	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.
Human Resource:	Any actions will be met from within existing resources

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

<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		<p>X</p>	<p>Taxis and private hire vehicles are one of the most popular modes of transport for people with mobility difficulties. The national figures set out in the Taxi and private hire vehicle statistics, England: 2023 show that those with mobility difficulties on average undertake 10 taxi trips per person per year compared with those with no mobility difficulties who on average undertake 6 trips per person per year.</p> <p>This data also shows that on average, there was little difference in the number of trips made by taxi or PHV between men (7 trips per person per year) and women (6 trips per person per year). However, there was some variation by age, with women aged 17 to 30 taking more trips on average than men in the same age group.</p> <p>There was little difference in the overall average distance travelled by taxi and PHV between men (35 miles) and women (33 miles).</p> <p>People who are at the age of retirement are more likely to be on fixed incomes such as pensions so would be likely to be affected by any changes to the taxi fares if they rely on taxis for transport.</p> <p>The DfT data also shows that people aged 17 to 29 made the most taxi journeys compared with other age groups. Younger people may be affected by any proposed changes in fares due to the lower minimum wage for people under 23.</p> <p>Any change to fares suggested could impact young women, younger and older people and those with mobility difficulties 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>
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				<p>Changes to fares could also impact those on lower or fixed incomes and those living in the rural parts of the district.</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, will be reported back to the Executive.</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		See above
Environmental Impact:		X		None
Health Impact:		X		None
ICT Impact:		X		None

Digital Services Impact:		X		None
Council Strategy Priorities:	X			The provision of a viable taxi trade in the district will support a number of the priorities in the Council Strategy, in particular they are associated with a prosperous and resilient West Berkshire and thriving communities with a strong local voice
Core Business:		X		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
Data Impact:				None
Consultation and Engagement:	<p>The procedure for setting fares and public notice requirements is stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Officers are proposing 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 The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
- 4.2 Local authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, local authorities have the power to "...fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section."
- 4.3 This legislation does not specify any restrictions on the number of, or timings for subsequent changes/variations to the table of fares; a local authority can exercise their power whenever they deem reasonable and appropriate. There is also flexibility in terms of whether the power is exercised to increase or decrease existing rates, or to devise a new table of fares altogether.

- 4.4 The trade is not obligated to charge the maximum fare. This means that hackney carriage drivers are within their rights to negotiate the fare down provided that the final agreed fare is no more than the maximum set.
- 4.5 Any changes to the current tariffs would need to be subjected to a statutory consultation process.
- 4.6 It was noted at the 09 January 2023 Taxi Trade meeting that the trade would like to have any changes to the tariffs implemented by the 01 April annually to assist them with financial planning. To achieve this the trade would need to submit a proposal by mid-October of the preceding year. The trade also 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 Group commented that in principle they were supportive of the proposals brought forward by the trade. The Licensing Committee welcomed the suggestion of an annual review of the tariffs even if the proposal was not to make any changes in any given year.
- 4.7 It was reported at the October 2023 Taxi Trade meeting that to date no requests to modify the tariffs had been made. The trade was informed that the matter would be progressed if and only when a proposal was submitted by the trade. Once, and if submitted, the trade would be notified of the various timescales associated with this statutory process.
- 4.8 On the 30 November 2023 an email was received from a member of the trade requesting *“I just wanted to touch base with you in regards to the annual tariff increase I believe should be in place for April 24. The current rate CPI is 4.6% so I would suggest a 5% increase across all tariffs. We would also be looking for a variable fouling charge in line with the tariff. We also asked to protect the public for locked time & calendar control on the meters.”* The proposed revised table of fares, as set out in Appendix B, was then submitted on the 26 December 2023
- 4.9 The Licensing Committee is asked to comment on the proposals and the proposed methodology and timescales for progressing this request.
- 4.10 Although not a statutory requirement it is proposed that prior to any modifications being taken to the Executive for discussion an informal consultation should be undertaken with the trade to establish the level of support for the proposed changes.

5 Proposals From the Trade

Tariff Increase

- 5.1 As noted above the suggestion from the trade was that the tariff should be amended annually in line with the Consumer Price Index (CPI). The proposal from the trade sets out that CPI rose by 4.6% in the 12 months to October 2023. They initially proposed an uplift of 5% to the current tariffs. Since their initial submission it should be noted that CPI for the 12 months to the end of November fell to 3.9%. That said the effects of inflation are cumulative and the 3.9% is on top of the increases in prices already included in cost bases over the last 18 months which has been challenging for the trade and the wider community.

5.2 The current cost of a two mile journey, during tariff 1 operating hours, in a saloon vehicle costs £8.60. The proposal as set out in **Appendix B** would result in the same journey costing £8.86 (an increase of 3.02%). Based on the current data on taxi fares published by the [Private Hire Taxi Magazine](#) this would place West Berkshire in 11th place nationally on the table of fares league just below the tariff currently in operation in Reading. Other Councils are no doubt considering increases at the time we would be.

5.3 Table 1 - Detailed Explanation of the six tariffs.

Tariff	Applicability
Tariff 1	06:00 and 21:59 Monday to Saturday (Excluding Bank Holidays, Public Holidays, 24 th , 25 th , 26 th , 31 st December and 1 st January)
Tariff 1b	Hours as per Tariff 1 but where the taxi is carrying 5 or more passengers.
Tariff 2	00:00 and 06.00 Monday to Sunday. 22:00 and 23:59 Monday to Sunday. 06.00 and 21.59 Sundays, Bank Holidays, Public Holidays, 24 th , 26 th , 31 st December & 1 st January.
Tariff 2b	Hours as per Tariff 2 but where the taxi is carrying 5 or more passengers.
Tariff 3	00.0 and 23.59 on 25 th December 00.0 and 05:59 on 26 th December 00.0 and 05:59 on 1 st January
Tariff 3b	Hours as per Tariff 3 but where the taxi is carrying 5 or more passengers

5.4 Table 2 Comparison with Current Tariffs

	Initial Flag		Yardage		Waiting Time	
	Current	Proposed	Current	Proposed	Current	Proposed
Tariff 1	£5.00 incl 1340.307 yards	£5.00 incl 1276.483 yards	40p per 243.692 yards*	40p per 232.088 yards*	40p per 43.636 seconds*	40p per 42 seconds*

Tariff 1b	£7.50 incl 1340.307 yards	£7.50 incl 1340.307 yards	60p per 243.692 yards*	60p per 243.692 yards*	60p per 43.636 seconds*	60p per 44 seconds*
Tariff 2	£7.50 incl 1340.307 yards	£7.50 incl 1276.483 yards	60p per 243.692 yards*	60p per 232.088 yards*	60p per 43.636 seconds*	60p per 42 seconds*
Tariff 2b	£11.25 incl 1340.307 yards	£11.25 incl 1340.307 yards	90p per 243.692 yards*	90p per 243.692 yards*	90p per 43.636 seconds*	90p per 44 seconds*
Tariff 3	£10.00 incl 1340.307 yards	£10.00 incl 1276.483 yards	80p per 243.692 yards*	80p per 232.088 yards*	80p per 43.636 seconds*	80p per 42 seconds*
Tariff 3b	£15.00 incl 1340.307 yards	£15.00 incl 1340.307 yards	120p per 243.692 yards*	120p per 243.692 yards*	120p per 43.636 seconds*	120p per 44 seconds*

* or part thereof

Fouling Charges

- 5.5 Following the consultation on taxi tariffs in 2023 it was agreed that a sliding scale of charges associated with fouling should be considered in 2024. This proposal is designed to take into consideration that it may be more difficult to get vehicles cleaned at certain times of the day and that could result in greater loss of earnings to the owner and driver.
- 5.6 The trade included a proposal in their request to look “for a variable fouling charge in line with the tariff”. Fouling is currently charged at a maximum of (£75 interior) (£25 Exterior) for all tariffs. The trade’s proposal for 2024 is set out below.

	Tariff 1	Tariff 1b	Tariff 2	Tariff 2b	Tariff 3	Tariff 3b
Interior	£150	£150	£225	£225	£300	£300
Exterior	£50	£50	£75	£75	£100	£100

Calendar and Time Controlled Meters

- 5.7 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. They would also like to ensure that meters are locked.
- 5.8 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 proposed that this change is considered on the next review of the Hackney Carriage and Private Hire Licensing Policy.

6 Proposed Timetable

- 6.1 In order to set maximum fares, the 1976 Act prescribes a statutory consultation process and a means of dealing with objections in relation to a local authority’s proposal to adopt or vary fares. The consultation must run for a minimum of 14 days. If no objections are received the decision will be implemented the day after the consultation closes. If objections are received the matter will return to the Executive for a decision which will include a date any modifications would be come into effect. This must be within two months of the consultation closing.
- 6.2 In addition, it is also proposed that an informal non-statutory consultation be undertaken with the trade to ascertain a wider view prior to a discussion taking place at the Executive. The views of this Committee will also be reported to the Executive.

Activity/ Decision making body	Date
Initial Discussion at Licensing Committee	08 January 2024
Informal (non-statutory) consultation with the trade	15 January to 29 January 2024
Pre consultation item at Executive (after going through the Council’s internal governance cycle)	14 March 2024
Consultation	21 March – 04 April 2024 (must be a minimum of 14 days)
Implementation if no objections	05 April 2024

If objections are received Executive (after going through the Council's internal governance cycle)	16 May 2024
Implementation	17 May 2024
Report back to Licensing Committee on Outcome	July 2024

- 6.3 If the Executive are minded to consult on any modifications the Council must publish a notice setting out the proposed changes in at least one local newspaper. The Licensing Committee is asked to consider if they would recommend placing a public notice in both the Newbury Weekly News and the Reading Chronicle or if they would recommend only using one of the publications.
- 6.4 The notice must specify the period that readers will have to object to the change set out in the notice (the period must be at least fourteen days from the date of the first publication of the notice). The notice should also set out how the objections should be made. It is proposed that the notice is placed in the newspaper(s) on the 21 March 2024 and that the consultation period run from this date until the 04 April 2024.
- 6.5 A copy of the notice must be displayed at the Council's Office and in addition a copy will also be placed on the Public Protection Partnership's website. The consultation will also be placed on the Council's consultation portal. The Council could also choose to email a copy of the notice to individual members of the trade. Officers would recommend that this is done.
- 6.6 If no objection to the variation is received within the consultation period or if all objections are withdrawn, the revised fares will come into operation on the date of the expiration of the consultation period specified in the notice or the date of withdrawal of the last objection whichever date is the later.
- 6.7 If objections are received the matter will be discussed by Members at the 16 May 2024 Executive meeting. A further date would need to be set to determine when the new table of fares, with or without modifications following consideration of the objections, would come into force. This date is required to be no later than two months after the consultation period (i.e., 04 June 2024).
- 6.8 A report will be taken to the July 2024 Licensing Committee meeting to inform that Committee of the outcome of the consultation and any further decision taken by the Executive, if they are required to make a further decision.

7 Other options considered

- 7.1 Not to consider or make any variations to the tariffs.
- 7.2 To delay the decision to make any variations until later in the year.

8 Conclusion

- 8.1 Taxis play a significant role in our communities. They provide a means of mobility for many elderly and disabled residents, support those that work unsocial hours, are engaged to transport (often vulnerable) children to school and are critical to the night time economy. For all these reasons they are highly regulated for reasons of public safety and public confidence. Running costs can be high with insurance, fuel, repairs and maintenance and regulatory costs. For this reason this report needs to be read in conjunction with the report on the fees and charges consultation elsewhere on this agenda.
- 8.2 The issue of setting of maximum fares for hackney carriage drivers is an important one primarily for two reasons. The maximum fares set by local authorities largely determine the ability of drivers to earn a 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 with a view to striking the right balance.

9 Appendices

- 9.1 Appendix A – Existing Tariffs (saloon and Multi Seater Vehicles)
- 9.2 Appendix B – Proposed Tariffs

Background Papers:

None

Subject to Call-In:

Yes: No:

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

Wards affected: All

Officer details:

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

Hackney Carriages Table of Fares With Effect From 19 June 2023

MAXIMUM fare for any part of a journey dependent on Time, Day and Date:

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</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 1340.307 yards (1225.576 meters)</p>	<p>£5.00</p>	<p>£7.50</p>	<p>£10.00</p>
<p>For each subsequent 243.692 yards (222.831 meters) completed or part thereof</p>	<p>40p</p>	<p>60p</p>	<p>80p</p>
<p>Waiting time: for every period of 43.636 seconds or part thereof</p>	<p>40p £5.50 per 10 mins, £33.00 per hour</p>	<p>60p £8.25 per 10 mins, £49.50 per hour</p>	<p>80p £11.00 per 10 mins, £66.00 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, text, email 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 £100 interior and £25 exterior

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Hackney Carriages Table of Fares With Effect from 19 June 2023

MAXIMUM fare for any part of a journey dependent on Time, Day and Date:

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 "T1b" 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 "T2b" 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 "T3b" 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 1340.307 yards (1225.576 meters)</p>	T1 £5.00 / T1b £7.50	T2 £7.50 / T2b £11.25	T3 £10.00 / T3b £15.00
<p>For each subsequent 243.692 yards (222.831 meters) completed or part thereof</p>	T1 40p / T1b 60p	T2 60p / T2b 90p	T3 80p / T3b 120p
<p>Waiting time: for every period of 43.636 seconds or part thereof</p>	T1 40p / T1b 60p T1 (£5.50 per 10 mins, £33.00 per hour) T1b (£8.25 per 10 mins, £49.50 per hour)	T2 60p / T1b 90p T2 (£8.25 per 10 mins, £49.50 per hour) T2b (£12.37 per 10 mins, £74.25 per hour)	T3 80p / T3b 120p T3 (£11.00 per 10 mins, £66.00 per hour) T3b (£16.50 per 10 mins, £99.00 per hour)

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, text, email 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 £100 Interior and £25 Exterior

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Hackney Carriages Table of Fares With Effect From XXX

MAXIMUM fare for any part of a journey dependent on Time, Day and Date:

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 5LD</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 & 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. 22:00 and 05:59 Monday to Sunday.</p> <p>2. 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</p> <p>2. 00:00 and 05:59 on 26th December.</p> <p>3. 00:00 and 05:59 on 1st January.</p>
	<p>Tariff 1 Bus (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 & 1st January)</p>	<p>Tariff 2 Bus (Time and 1/2 Multi) Indicated by a "T2 b" on the taxi meter</p> <p>Any journey with 5 or more passengers</p> <p>1. 22:00 and 05:59 Monday to Sunday.</p> <p>2. 06:00 and 21:59 Sundays, Bank Holidays, Public Holidays, 24th, 26th, 31st December & 1st January.</p>	<p>Tariff 3 Bus (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</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 T1,T2,T3, The first 1276.483 yards (1167.216 meters) T1B,T2B,T3B, The first 1340.307 yards (1225.576 meters)</p> <p>For each subsequent 232.088 yards(212.221 meters) or part thereof T1,T2,T3 243.692 yards(222.831 meters) or part thereof T1B,T2B,T3B</p> <p>Waiting time: for every period of (42 seconds T1,T2,T3) (44 seconds T1b,T2b,T3b) or part thereof.</p>	<p>T1 £5.00 / T1b £7.50 (First mile =£5.83) / (First mile =£8.53)</p> <p>T1 40p / T1b 60p (£3.03 running mile) / / (£4.33 running mile)</p> <p>T1 40p / T1b 60p T1 (£5.78 per 10 mins, £34.65 per hour) T1b (£8.25 per 10 mins, £49.50 per hour)</p>	<p>T2 £7.50 / T2b £11.25 (First mile =£8.75) / (First mile =£12.80)</p> <p>T2 60p / T2b 90p (£4.55 running mile / / (£6.50 running mile)</p> <p>T2 60p / T1b 90p T2 (£8.66 per 10 mins, £51.98 per hour) T2b (£12.37 per 10 mins, £74.25 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, e-mail, **app or other electronic means** a booking fee may be charged.
Congestion Zone Charges, Ulez, Tolls or similar will be applied for any journey where such charges or tolls are incurred.

**Fouling will be charged at a maximum of (Interior T1/T1B £150, T2/T2B £225, T3/T3B £300)
(Exterior T1/T1B £50, T2/T2B £75, T3/T3B £100) Payable to driver immediately.**

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Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

Committee considering report:	Licensing Committee
Date of Committee:	08 January 2024
Portfolio Member:	Councillor Lee Dillon
Report Author:	Moira Fraser
Forward Plan Ref:	JPPC4252

1 Purpose of the Report

- 1.1 To consider the matters arising from the statutory 28 day consultation period relating to variations to hackney carriage and private hire vehicles and private hire operator's fees.
- 1.2 To consider whether any additional changes should be made the wider set of discretionary Public Protection Partnership fees being recommended to full Council for approval.

2 Recommendation

The Licensing Committee is asked to:

- 2.1 **NOTE** the comments received during the statutory consultation on variations to hackney carriage and private hire vehicle and private hire operator's fees as set out in **Appendix A** to this report.
- 2.2 **CONSIDER** the proposed hackney carriage and private hire vehicle and private hire operator's fees and if any modifications should be made to those being recommended to full Council for approval in light of the consultation responses.
- 2.3 **CONSIDER** if any modifications should be made to the wider set of relevant discretionary Public Protection Partnership fees being recommended to full Council for approval.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

Implication	Commentary
	<p>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 via public notice was met from within existing budgets. The decision was taken at the November 2023 Licensing Committee meeting not to advertise in two publications as had previously been done to reduce costs.</p>
Human Resource:	<p>There are no human resources implications associated with the consultation. The consultation was undertaken within existing resources within the PPP and the Recruitment, Consultation and Performance Team.</p>
Legal:	<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 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>
Risk Management:	<p>The fees are potentially subject to legal challenge. It is therefore important that the fees and methodology are subject to ongoing review.</p>

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

Implication	Commentary			
Property:	None			
Policy:	<p>The Joint Public Protection Committee (JPPC) is required every autumn to propose a budget to partner authorities. This includes proposals in relation to discretionary fees and 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 2024/25. The Committee is being asked to consider the comments made in relation to the operators and vehicle licence fees received during the statutory consultation. The Committee is then asked to recommend a set of fees to full Council for adoption.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:		✓		<p>No evident contribution to inequality</p> <p>The income received from licence applicants covers the cost of providing the statutory licensing function.</p>
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		No impact
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No impact
Environmental Impact:	✓			The ongoing provision of a remittance on the fees for hybrid and electric vehicles

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

Implication	Commentary			
				may have a positive impact on the environment.
Health Impact:	✓			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.
ICT Impact:		✓		No impact
Digital Services Impact:		✓		This information will be included on the Public Protection Partnership Website using existing resources.
Council Strategy Priorities:	✓			Services we are proud of. A prosperous and resilient West Berkshire.
Core Business:		✓		No impact
Data Impact:		✓		No impact
Consultation and Engagement:	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, 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.			

4 Executive Summary

- 4.1 The 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 (Bracknell Forest and West Berkshire) annually. The proposed fees for 2024/25 were discussed at the JPPC meeting held on

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

Monday, [02 October 2023](#). In light of the then inflation rate it was proposed to increase the hourly rate from £64p/h to £68.25p/h for 2024/25 (increase of 6.7% which was in line with CPI in the 12 months to the end of August 2023)

- 4.2 These fees were then presented to the Licensing Committee at the [06 November 2023 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.
- 4.3 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 2024.
- 4.4 The proposed 2024/25 fees subjected to the statutory consultation are set out below:

Hackney Carriage (Taxi) and Private Hire Vehicle Licence

Hackney carriage vehicle new / renewal	£307/£273
Private hire vehicle new / renewal	£307/£273
Private hire vehicle with dispensation / renewal	£307/£273
Temporary Vehicle Licence (issued up to 3 months Maximum)	£273

Private Hire Operator Licence

Number of vehicles	New	Renewal
1	£512	£375
2	£597	£461
3	£682	£546
4	£768	£631
5	£853	£717
6	£938	£802
7	£1024	£887
8	£1109	£973
9	£1194	£1058
10	£1280	£1143
11	£1365	£1229
12	£1450	£1314
13	£1536	£1399
14	£1621	£1484
15	£1706	£1570
16	£1792	£1655
17	£1877	£1740
18	£1962	£1826
19	£2048	£1911
20	£2133	£1996

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

20+	£2133	£1996
Variation to licence	£68.25	£68.25

4.5 Who and How we Consulted

- The consultation ran from 23 November 2023 to 21 December 2023.
- A notice was placed in the Newbury Weekly News on the 23 November 2023.
- The consultation was also posted on the West Berkshire Council consultation pages and the PPP website on the 23 November 2023.
- A copy of the notice was also placed in the Market Street Reception on the 23 November 2023.
- A copy of the notice was emailed individually to all licensed Hackney Carriage and Private Hire Proprietors for their comments on the 23 November 2023.

4.6 Eight responses to the consultation were received and all were from the taxi trade. Although this is a relatively low number of responses it should be noted that in 2022 only four were received (two from residents and two from members of the Community Panel who were also parish councillors.)

4.7 All of the respondents objected to the proposals set out in the statutory consultation. The majority of the objections cited the impact that the cost of living crisis was already having on their businesses and personal lives and asked that the fees were not increased. One of the respondents raised concerns about the inflationary figures used to set the hourly rate and the omission of the wider fees from the consultation process. Two respondents raised concerns about value for money in terms of the levels of service received. Two commented on the fact that the cost of training was not being included in the driver's licence fee as had previously been agreed and one respondent raised concerns about the operator checks not being undertaken regularly and renewal notices not being issued. The issue of training costs is being looked into and the renewal notifications have recommenced now the new system is operational.

4.8 Detailed responses to the objections are set out in the appendix but in summary:

- The service should be cost neutral and operate at no cost to the taxpayer. The resourcing of the service has been amended to reflect the falling levels of income and reduced number of licences being issued post Covid. The Service, like all businesses, has been affected by rising salary, supplies and services costs.
- As was reported at the November 2023 meeting the cost of a new vehicle licence has increased by 8.9% over the past six years. The proposed cost of renewing a vehicle licence has decreased from £282 in 2019/20 to £273 in 2024/25. Since 2021 tariffs charged by the trade have increased annually by 5%, 8% and 7.5% respectively and further increases are proposed in a separate item on this agenda. It should be noted however that prior to 2021 the tariffs had not been increased since 2013.
- The hourly rate set at the October JPPC meeting included an increase of 6.7% which was in line with CPI in the 12 months to the end of August 2023. The CPI figure remained at 6.7% in September, decreased to 4.6% in October and fell

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

again to 3.9% in November 2023. The Bank of England expects inflation to continue to slow and be back to target levels (circa 2%) by the end of 2025.

- With respect to the inclusivity of the fees for training courses we are now looking into this issue in detail including examining any legacy issues.
- A programme has been put in place to ensure that all outstanding operator's checks are undertaken during Q4 of the 2023/24 Financial Year (i.e., between 01 Jan and 31st March 2024).
- There is no statutory requirement for the Council to issue renewal reminders. The Team have been working hard to implement the new IT system which, when fully operational, will automate this process.

4.9 As objections have been received as was previously agreed the objections have been brought to this Committee for discussion prior to the Committee making a recommendation on the proposed fees to full Council.

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
Tel No: 01635 519840
E-mail: Sean.Murphy@westberks.gov.uk

Summary Responses to the Statutory Consultation on Hackney Carriage and Private Hire Vehicle and Private Hire Operator's Fees 2023

Objections	Comments
<p>Response 1 (Taxi Trade) Please do not increase the fees as the cost of living is already chocking as it is. Many thanks</p>	<p>s.70 of the Local Government (Miscellaneous Provisions) Act 1976 states that the council can charge fees to cover the costs associated with undertaking inspections, providing hackney stands and reasonable administrative costs associated with issuing and controlling these licences.</p> <p>The JPPC took a decision in 2017 that fees should be set on a cost neutral basis.</p> <p>The proposed cost of a new hackney carriage or private hire vehicle licence has increased from £282 to £307 over the past six years an increase of only 8.9%. This £25 increase in monetary terms equates to 48p per week for an annual licence.</p> <p>The proposed cost of renewing a vehicle licence has decreased from £282 in 2019/20 to £273 in 2024/25.</p>
<p>Response 2 (Taxi Trade) I strongly disagree that charges should be going up especially in light of ongoing increases in general cost of living</p>	<p>See comments to response 1.</p>
<p>Response 3 (Taxi Trade) I think its not a good idea to increase the fee because the cost of living has already gone high and people cannot afford to pay another price increase.</p>	<p>See comments to response 1.</p>
<p>Response 4 (Taxi Trade) I just want to say that we need to stay where we are right now, my vote is NO(No increase) Many thanks!</p>	<p>See comments to response 1.</p>

Summary Responses to the Statutory Consultation on Hackney Carriage and Private Hire Vehicle and Private Hire Operator's Fees 2023

Response 5: (Taxi Trade)

Having just read the proposed tariff increase, I am deeply concerned with the actions made (by error or intent) by the licensing team in contradiction to the information issued to the trade described in item 2. The error in item 1 is of equal worry as it would seem that the data the PPP is working from is inaccurate.

1) There is an error in the price 'increase of 6.7% which was in line with CPI at the end of August 2023.'

This is incorrect, the quoted CPI for August 2023 from the ONS is 6.3%. I appreciate that this may seem insignificant as it means that the new fee is only £1 out but this is then a compounded cost. I have attached the image later in this email as evidence

2) The decision to remove the Driver licences from the consultation.

The trade were notified of the proposed cost increases to the Driver licenses on the 23rd October 2023 and the trade questioned the proposed fees as they included training that the council, to-date, has been unable to provide. The specific question was that as

Please find the responses to the trade set out below.

Please see link to ONS data which states that the Consumer Prices Index (CPI) rose by 6.7% in the 12 months to August 2023, down from 6.8% in July.

It was CPIH which rose by 6.3% and the report that went to JPPC in October included an hourly rate figure based on CPI.

[Consumer price inflation, UK - Office for National Statistics](#)

With respect to the inclusivity of the fees for training courses we are now looking into this issue in detail including examining any legacy issues.

Summary Responses to the Statutory Consultation on Hackney Carriage and Private Hire Vehicle and Private Hire Operator's Fees 2023

<p>the licensing team had been intending to bring this in house for over a year and had been unable to do so, was there a provision for the council to issue refunds if these went through.</p> <p>Moira Fraser, with Julia O'Brien in attendance, stated that this should be brought up in the consultation process but this item has now been removed from the consultation process. Can you please confirm why this item has been removed from the current consultation process</p> <p>and when the items raised by the trade on this matter will be addressed?</p>	<p>The Council has a statutory duty to consult on a specific set of fees under Section 70 (1) of the Local Government (Miscellaneous Provisions) Act 1976 the Council is required when variations to hackney carriage and private hire vehicles and private hire operator's fees are proposed.</p> <p>The Council is not required to consult on the remainder of the discretionary fees that are set. The trade were advised that even though those fees were not included in the statutory consultation that they could still make representations on this matter during this statutory consultation process at the Taxi Trade meeting in October 2023. The drivers' fees were therefore not removed from the consultation process as they were never proposed to be included.</p> <p>The trade were advised that all comments and objections would be discussed at this (08 Jan 2024 meeting)</p>
<p>Response 6: (Taxi Trade) I would not support in increasing the fees now because the present fees is reasonable.</p>	<p>See comments to response 1.</p>
<p>Response 7: (Taxi Trade) I would like my objection to increased fees noted , it is no secret that we feel the council let us down in support of the taxi trade , we were also told in previous meetings that disability and safeguarding training would be included in our licence fees , this has still not</p>	<p>See comments about training costs and fees above.</p>

Summary Responses to the Statutory Consultation on Hackney Carriage and Private Hire Vehicle and Private Hire Operator's Fees 2023

<p>been resolved and until we are sure what we a paying for regarding licence fees and increase cannot go ahead , we certainly do not get value for money at the moment !</p>	
<p>Response 8: (Taxi Trade) With regards to the proposed increases in charges, I would like to make the following comments.</p> <p>You are basing your charges on the belief that the Licensing department is carrying out it's duties as required.</p> <p>The Operator Licence fee includes a charge for an annual Operator check. As a Company we have raised the issue on numerous occasions as these checks are quite obviously not being carriad out. This would suggest that the Dept. Is quite clearly not carrying out the task's that it is being paid to do.</p> <p>As proof of this i offer the result of an F.O.I request from June. That showed there were 61 operator Licenses in force but only 29 checks had been made in the preceeding year. I have seen no evidence to show that this has improved.</p> <p>This, quite honestly is a disgrace showing that not only is the Department not carrying</p>	<p>A programme has been put in place to ensure that all outstanding operator's checks are undertaken during Q4 of the 2023/24 Financial Year (i.e., between 01 Jan and 31st March 2024).</p>

Summary Responses to the Statutory Consultation on Hackney Carriage and Private Hire Vehicle and Private Hire Operator's Fees 2023

<p>out it's required duties but it is in fact failling miserably.</p> <p>Furthermore, having held an operator Licence for some 25 years I feel that the issue of renewal reminders should be raised.</p> <p>The Department has for the 25 years issued licence renewal reminder's. However, this year they decided to stop this practise. Having set the precedant over the last 25 + years it might have been a reasonable expectation that they would notify the trade of this change, but not the case.</p> <p>With regard to renewals, there is supposed to be a turn round time of 7 days.</p> <p>Quite honestly, again from experience they are struggling to complete within 14 days. This would raise the issue of what it is they are actually doing.</p> <p>It has also been raised and minuted that complaint's from the trade are not being acted on..</p> <p>With this in mind no increase should be imposed until such time as the licensing Dept. Can prove it's value.</p>	<p>There is no statutory requirement for the Council to issue renewal reminders. The Team have been working hard to implement the new IT system which, when fully operational, will automate this process.</p>
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Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

Committee considering report:	Licensing Committee
Date of Committee:	08 January 2024
Portfolio Member:	Councillor Lee Dillon
Date Head of Service agreed report:	27 December 2023
Report Author:	Moira Fraser
Forward Plan Ref:	N/A

1 Purpose of the Report

- 1.1 To consider minor updates to the Licensing Policy arising from the revised S182 Guidance issued in December 2023.

2 Recommendation(s)

- 2.1 **NOTE** the changes to the Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- 2.2 **RESOLVE** to authorise the Service Lead – Public Protection in consultation with the Monitoring Officer and Chairman and Vice Chairman of the Licensing Committee to amend the West Berkshire Licensing Policy to reflect the changes to the Section 182 Guidance.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>There are no financial implications associated with the ongoing review of the Licensing Policy as it forms part of business as usual activity and is therefore met from within existing resources.</p> <p>The fees with respect to these licences are set by law. Recent years have seen a decline in licensing income as the numbers of licensed premises has reduced.</p>

Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

Human Resource:	There are no specific personnel implications arising from this report.			
Legal:	<p>West Berkshire Council is required to prepare and publish a Statement of Licensing Policy (SLP) every five years in accordance with section 5 of the Licensing Act 2003 ('the Act'). The SLP outlines the general approach of the Licensing Authority when making licensing decisions under the Act and its policy with respect to the exercise of its licensing functions. Section 5 (4) of the Act provides that during each five year period a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.</p> <p>The current SLP was agreed by full Council on the 30 November 2023 and came into effect on the 01 December 2023. It was noted at the time that the SLP should also be considered alongside the current iteration of s182 Guidance. Revised s182 guidance was issued on the 18 December 2023.</p> <p>In adopting the SLP Council resolved to delegate authority to the Service Lead (Public Protection) and the Monitoring Officer, in consultation with Chairman and Vice Chairman of the Licensing Committee to make any minor amendments to the policy arising from legislative changes and changes to the S182 guidance.</p>			
Risk Management:	There are no specific risk matters arising from the adoption of this SLP. A risk would arise should the Council fail in its statutory duty to consider, adopt, update and publish a current SLP.			
Property:	None			
Policy:	The policy and its subsequent review is required in order to comply with the Licensing Act 2003.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

<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>While the Council does not have any influence over the profile of applicants it is conscious of the need to promote equality when considering licensing matters and will give due regard to the prevention of discrimination and promotion of equality of opportunity. The Equality Act 2010, its subsequent amendment as set out in The Equality Act 2010 (Amendment) Regulations 2023 and section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</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 Council is not in a position where it can proactively affect the profile of licence holders but the policy ensures that the process of obtaining a licence is fair and free of discrimination.</p> <p>The policy does not give any particular group priority over another in relation to implementation of the policy and how each applicant is dealt with. The Act requires that each application is assessed on its individual merits so all groups should be treated equally.</p>
<p>Environmental Impact:</p>		x		<p>Section 10 of the draft policy addresses the issue of cumulative impact and the impact that a concentration of licensed premises in an area can have on the licensing objectives.</p>

Minor Changes to the Licensing Policy Arising from Amended S182 Guidance

Health Impact:		x		<p>Although public health is not a licensing objective the Public Health Team were consulted on the draft policy and health data can be used to identify the impact of premises on the licensing objectives.</p> <p>The revisions being proposed relate to the issue of spiking which can have health repercussions for victims.</p>
ICT Impact:		x		<p>There is no ICT impact associated with updates to the policy.</p>
Digital Services Impact:		x		<p>If the updates are agreed the revised policy will be published on the Public Protection Partnership and West Berkshire Council websites.</p>
Council Strategy Priorities:	x			<p>The Policy will support the following Council priorities:</p> <ul style="list-style-type: none"> • Services we are proud of. • A Prosperous and Resilient West Berkshire • Thriving Communities with a Strong Local Voice
Core Business:		x		<p>It is a statutory requirement for the Council to have an up to date SLP in place.</p>
Data Impact:		x		<p>All data associated with the policy and applications will be processed in accordance with the PPP's privacy statement.</p>
Consultation and Engagement:	<p>As per the resolution of Council the Service Lead (Public Protection) Monitoring Officer and Chairman and Vice Chairman (via the Licensing Committee) will be consulted on the changes.</p> <p>The views of the Monitoring Officer will be reported back verbally at the Licensing Committee meeting.</p>			

4 Supporting Information

Background

- 4.1 The [Licensing Act 2003](#) (hereafter called the Act) regulates licensable activity in England and Wales. Licensing authorities are required to prepare and publish a Statement of Licensing Policy (SLP) every five years in accordance with section 5 of the Act. The Statement of Licensing Policy outlines the general approach of the Licensing Authority when making licensing decisions under the Act and can be reviewed and revised by the Authority at any time.
- 4.2 The Council adopted an updated policy on the [30 November 2023](#) following a full statutory consultation exercise. The new policy came into effect on the 01 December 2023. At the time of adoption, it was noted that the Act provides that during each five year period a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.
- 4.3 The SLP should also be considered alongside the current revised Section 182 guidance. The Council resolved to delegate authority to the Service Lead (Public Protection) and the Monitoring Officer, in consultation with Chairman and Vice Chairman of the Licensing Committee to make any minor amendments to the policy arising from legislative changes and changes to the S182 guidance.
- 4.4 Revised [s182 guidance was issued on the 18 December 2023](#). The guidance now includes "information about spiking". Under paragraph 2.7, it now states:

"The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- Putting alcohol into someone's drink without their knowledge or permission.
- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission.
- Injecting another person with prescription or illegal drugs without their knowledge or permission.
- Putting prescription or illegal drugs into another person's food without their knowledge or permission.
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission."

Proposals

- 4.5 It is proposed that an additional example be added to paragraph 5.3 of the policy which states "Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and

maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and event; for example:.....”

- k) procedures to prevent incidents of spiking.
- l) procedures to deal with incidents of spiking.
- m) training that will be put in place for door staff to raise awareness about the threat of spiking.

4.6 Appendix C (Glossary) be updated to include a definition of spiking as set out in paragraph 4.4 above.

Wider Context and Implementation

4.7 The Public Protection Service is part of a wider partnership arrangement looking at community safety and reducing the risks of harm to women and girls. This includes working with Licensees and Pubwatch to raise awareness of drink spiking. Initiatives have included provision of stoppers for bottles and wider awareness campaigns on spiking. Examples of these can be found at **Appendix A** to this report.

5 Other options considered

5.1 None, the Council has a statutory duty to have an updated Statement of Licensing Policy in place.

6 Conclusion

6.1 The implementation of the licensing regime is an important function of local authorities. The proper application of the licensing objectives provides protections for the community and individuals. The ‘Statement of Licensing Policy’ along with the prevailing legislation and statutory guidance is critical to the proper discharge of functions by the Council.

7 Appendices

7.1 Appendix A – Anti Spiking Campaign Materials

Background Papers:

- Licensing Act 2003
- S182 Guidance
- The minutes and documents (including equality impact assessment) relating to the Statement of Licensing Policy at the Council meeting on the 30 November 2023

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 Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

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LOOK AFTER EACH OTHER & YOUR DRINKS



- Never leave your drinks unattended
- Always buy your own drinks and watch it being poured
- Never accept drinks from strangers
- Do not go out alone and stay with your friends
- Look out for each other and if you see one of your friends struggling then get them home and stay to look after them

Staff in this venue are SPIKE aware.

If you see something suspicious or think your drink may have been SPIKED talk to a member of staff.

#BESPIKEAWARE

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SIGNS YOUR DRINK MAY HAVE BEEN SPIKED



- Feeling drunk, woozy or drowsy
- Feeling “out of it” or drunker than expected
- Mental confusion
- Speech difficulties (such as slurring)
- Memory loss
- Loss of inhibitions
- Nausea and vomiting
- Breathing problems

Staff in this venue are SPIKE aware.

If you see something suspicious or think your drink may have been SPIKED talk to a member of staff.

#BESPIKEAWARE

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THIS VENUE DOES NOT TOLERATE DRINK SPIKING



Staff in this venue are SPIKE aware.

If you see something suspicious or think your drink may have been SPIKED talk to a member of staff.

#BESPIKEAWARE

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VENUE STAFF #BESPIKEAWARE

Whilst spiking incidents aren't common there is an increase in the number of people reporting cases.

Public Protection Partnership and Thames Valley Police are supporting local venues in raising awareness of spotting the signs of drink spiking, and what actions you can take.

Spot the signs

How to spot the signs that someone's drink has been spiked.

- Has their condition deteriorated quickly?
- Do they appear "out of it" or drunker than you'd expect?
- Are they confused?
- Are they having speech difficulties (such as slurring)?
- Have they lost their inhibitions?
- Are they vomiting?
- Are they having breathing problems?

Suspect someone has had their drink spiked?

- Gather as much information as you can.
- Test the drink using testing strips, if you have them. Record the result.
- If you suspect someone has had their drink spiked, even if the strip test result is negative, call the police.
- Record spiked drink allegations, and your findings, in your incident book.
- Seek medical attention if the victim requires it.

#BESPIKEAWARE

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Briefing Note – Update on the Community Alcohol Partnership (LC4484)

Produced for:	Licensing Committee
Requested by:	Councillor Phil Barnett
Portfolio Member:	Councillor Lee Dillon
Service Lead:	Sean Murphy
Date Prepared:	27 th December 2023
Briefing Author:	Jessica Ryall-Spoor – Lead Officer – Public Health and Community Safety Sean Murphy – Service Lead

1 Purpose of the Briefing

- 1.1 The purpose of this report is to provide the Committee with an update regarding the Community Alcohol Partnership (CAP) which launched across West Berkshire on 7th July 2023.

2 Background

- 2.1 The issue of young people and alcohol and in particular, the controls around access have been around since the first legislation was introduced. Up until the 1990s the enforcement of legislation relating to under-age sales had always been seen as the domain of the police and up until the introduction of the Licensing Act 2003 licensing had always been the domain of the Licensing Justices. Now both are firmly established as statutory local authority functions. This is in large part about how we deliver our statutory functions in the surety that good law has context.
- 2.2 Society's relationship with alcohol is an enduring debating point. It is the same with young people. Over the years trends have changed but the risks and implications of access and misuse of alcohol for young people and the wider community endure. That complexity has been recognised for many years by the Public Protection Service who recognise that enforcement alone will not tackle the risk.
- 2.3 The CAP is a Community Interest Company (CiC) that brings together and supports local partnerships of councils, police, retailers, schools, health providers and community groups to reduce alcohol harm among children, improving their health and wellbeing and enhancing their communities. More can be found on the CAP initiative here: <https://www.communityalcoholpartnerships.co.uk/> . The key aims are as follows:

- The provision of positive activities for young people by working closely with local providers.
- To educate and inform three target groups: retailers/licensees, children and young people, and adults.
- To encourage responsible retail strategies by '*promoting high standards among alcohol retailers especially those designed to prevent underage drinking. The Retail of Alcohol Standards Group (RASG) pioneered the Challenge 25 scheme, a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID if they wish to buy alcohol.*'

2.4 Within West Berkshire, the CAP initially launched in Thatcham in 2018, a further CAP was established in Theale, Tilehurst and Calcot in 2019 before launching West Berkshire wide on 7th July 2023.

2.5 The scheme is funded in part from the ringfenced public health grant.

3 Extension to West Berkshire

3.1 Since launching the CAP as a West Berkshire wide initiative in July 2023, the following activities have been undertaken:

- Worked with the Building Communities Together (BCT) Team Manager to align CAP with the BCT and Mini Maps meeting to increase awareness of CAP across partner agencies and the funding opportunities available for diversionary projects for children.
- Multi agency workstream to consider the application of CAP funding alongside Safer Streets Funding for diversionary activities for children living in Greenham.
- Work with Berkshire Youth CEO to discuss CAP and how we can work together on CAP funded projects.
- Distribution of CAP parent's guide leaflet through all secondary schools across West Berkshire along with the Youth Offending Team to provide to parents of pupils and service users.
- Provision of a list of all breweries across West Berkshire to enable CAP CiC to approach them to request additional funding for the West Berkshire CAP.
- Working with Newbury College regarding establishing a 'college CAP', this will include five projects across the remainder of the academic year and the development of 'Young Health Champions' within the college.
- Contact with all schools within West Berkshire advising of the alcohol presentations that can be undertaken to students by the team. We have schools booked in for presentations in the new year.

- Partnership working with colleagues in respect of setting up a Challenge 25 test purchasing operation.
- Seeking volunteers for the Challenge 25 test purchasing operation.
- Responsible Retailer training has been available to retailers on a monthly basis.

4 Wider Connections

- 4.1 The clear aim of the CAP is to protect the health and wellbeing of the individual and the community. It builds on the platform long since instigated by the Public Protection Service that the harms that can be caused by alcohol to young people and the community can only be tackled by taking an holistic partnership approach. To do this we need to work with not just retailers but schools, young people and key internal and external delivery partners including the police.
- 4.2 There are also clear links to many other areas of the work of the Council and the public protection service. These include Public Health and Building Communities Team and internally to Licensing, Trading Standards and the Environmental Protection Team. The work also aligns with key priority areas around safer streets, safeguarding and the reduction in violence against women and young girls.

5 Next Steps

- 5.1 In the new year it is anticipated that a Challenge 25 test purchasing operation will take place across West Berkshire. If retailers fail, follow up work such as encouraging attendance on the Responsible Retailer training will be undertaken and advice given. Furthermore, the failed test purchasing will provide intelligence for future under age enforcement programmes.
- 5.2 The first of the five Newbury college projects will take place on 17th January 2024. This will be held in the 'marketplace' within the college and involve presentations, information points and workshops.
- 5.3 It is anticipated that funding from the CAP will be sought for small diversionary projects for groups of children or specific areas identified through the Mini Maps meeting or from Berkshire Youth. For example, we are already planning a project for Pangbourne Meadows for summer when it is known that children attend, misuse alcohol and render themselves vulnerable near the river.
- 5.4 During early spring a CAP survey will be going out to residents, children, and licensees. The results of the survey will help shape the CAP moving forward.
- 5.6 A meeting was held with the CAP Southeast Regional Manager on 13th December, moving forward he is keen on West Berkshire CAP working with Newbury college on a virtual reality training package for retailer training, involving an underage sale scenario and a package for schools to use with pupils regarding for example peer pressure scenarios.

6 Conclusion

- 6.1 Over the years we have seen significant increases in compliance rates in test purchasing exercises involving young people. But we know this is only one indicator and one part of the complex matrix which involves raising awareness of risk and informed decision making by both young people and retailer. The CAP brings together many of the strands of work that we have developed over the years into an organised and recognisable brand.
- 6.2 Trends also change over time. Our own trend data from annual surveys shows that tobacco consumption by young people is in significant decline. There are many attributable reasons for this including tax and duty policy, reduced availability as a result of very high levels of compliance by retailers and above all education. The risks have been set out clearly and young people have made informed choices.
- 6.3 More recently the issue of vaping and young people has come to the fore. New controls are planned along with new funding for local authorities. Like vaping the message around alcohol is significantly more nuanced than compared to tobacco. Alcohol is part of modern life. But it also presents clearly identifiable risks to individuals and communities. Opinions and behaviours are often said to develop in those younger formative years. The aim of the CAP and the work of the Public Protection Service is to allow space young people to make informed decisions that may affect the rest of their lives.

7 Appendices

- 7.1 None