
Hackney Carriage and Private Hire Licence Fees Consultation Responses Report

Committee considering report:	Licensing Committee
Date of Committee:	8 th February 2021
Portfolio Member:	Councillor Hilary Cole
Report Author:	Sean Murphy/Julia O'Brien
Forward Plan Ref:	N/a

1 Purpose of the Report

- 1.1 To allow Members to consider the responses received during the 28 day statutory consultation period concerning the proposed fees in relation to hackney carriage and private hire licensing. A further update will be provided at the Licensing Committee on 8th February on additional responses received prior to the consultation closing on 11th February 2021.

2 Recommendation

- 2.1 The consultation responses as set out in the agenda and any raised verbally at the meeting be taken into account prior to the Licensing Committee making a recommendation to the Executive and Full Council as part of the annual fee setting process.
- 2.2 Authority be delegated to the Head of Public Protection and Culture, in consultation with the Chairman and Vice Chairman of the Licensing Committee, to make any other minor amendments to the fees arising from comments made after the meeting and before the closing date for the consultation on the 11 February 2021.
- 2.3 In the event that any consultation responses are received that would have a significant impact on the fee setting process a special Licensing Committee meeting would be convened before a final determination on the fees is made at full Council on the 02 March 2021.

3 Implications and Impact Assessment

Implication	Commentary
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Financial:	There will be a financial implication if Members resolve to change the proposed fees. If fees as proposed are not introduced, this will impact the level of service provided in the West Berkshire area as a result of the requirement to achieve cost recovery for the licensing function.			
Human Resource:	The fees charged will be spent on the delivery of this aspect of the licensing function in accordance with the law and prevailing legal interpretation. This includes the employment of staff.			
Legal:	Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 requires all licensing authorities to publish a notice regarding any variation to the fees charged by the Council for vehicle and operator licences. As objections have been received, in accordance with the Act the Council is required to consider those objections and set a date on which any variation to the fees, with or without modification, shall come into force.			
Risk Management:	None			
Property:	None			
Policy:	Licensing policies and conditions have previously been approved by the Committee. The Council has a legal obligation to operate within its policies and to ensure that those who are licenced under the terms of the policies and conditions are compliant.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		<p>No evident contribution to inequality</p> <p>The income received from licence applicants covers the cost of providing the statutory licensing function.</p>

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:		✓		No Impact
Health Impact:		✓		No Impact
ICT Impact:		✓		No Impact
Digital Services Impact:		✓		No Impact
Council Strategy Priorities:		✓		No Impact
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 or letters directly to Hackney Carriage and Private Hire vehicle licence holders and Private Hire Operators, a newspaper notice in the Newbury Weekly News, a notice put on the main entrance to the Market Street Offices, a consultation notice added to the Public Protection Partnership website for the mandatory 28 day consultation period.			

4 Executive Summary

- 4.1 A new set of fees were presented to the Committee at their last meeting, in November 2020, where it was agreed to proceed with the statutory consultation process, with the objections received to be brought back before the Committee for further consideration.

5 Supporting Information

Introduction

- 5.1 A new set of fees were presented to the Committee at their last meeting, in November 2020, where it was agreed to proceed with the statutory consultation process, with the objections received to be brought back before the Committee for further consideration. This report details the responses received at the time of writing the report. It is appreciated that the consultation period has not finished and further responses will be supplied to the meeting on the 8th February 2021, both verbally and in writing. Unfortunately the meeting dates did not allow for the full consultation period responses to be relayed to the Committee due to the executive and full Council meeting schedule but hopefully this gives a good indication of the trade and stakeholder views to enable members to make a recommendation to the next stage of the fee setting process.

Background

- 5.2 The existing and proposed fees can be found at Appendix C.
- 5.3 The legal requirements in relation to amending fees are set out at section 70 of the Local Government (Miscellaneous Provisions) Act 1976. A public notice was published in the Newbury Weekly News on 14th January 2021. The consultation period will end on 11th February 2021. In addition a letter was sent to all licensed vehicle owners and private hire operators, comprising hackney carriage (134) and private hire drivers (135) and private hire operators (58) advising them of the consultation. A notice was also placed on the main entrance to Market Street Offices and a consultation document on the West Berkshire website inviting comments.
- 5.4 During the period available for making objections thus far (14th January-28th January), 18 responses were received of which 17 were objections to a fee increase and 1 was for no objection to the increase. These objections raise points such as how the increases can be justified, especially with the impact of Covid on the trade and lack of any work.
- 5.5 The overwhelming result of the currently received feedback is that people do not want any increase at all. The full list of objections are detailed in Appendix D (summary table) and Appendix E (individual responses in full).
- 5.6 The impact of Covid on the trade cannot be underestimated. The breadth covers health implications, concern about future trade as well as financial impacts. The PPP have taken an approach with all fees that as a service these will be charged in accordance with the Councils overall approach to Covid. For West Berkshire Council fees have been charged as set and those businesses affected have the ability to apply for grants and other funding streams as well as requests for payment plans or temporary suspensions.

Proposals

- 5.7 The fees as agreed at the November 2020 meeting are those being put forward to full Council as part of the Councils budget setting process. Officers recommend that the objections are considered, however given the small limited increase (due to the change

in the hourly officer rate) and the other support available to the trade to continue operating, that these are not modified. If the Licensing Committee agree to a modification of what was previously agreed then that will need to be offered as some form of subsidy by the authority and not at the cost to the PPP.

6 Other options considered

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

7 Conclusion

- 7.1 The Committee are requested to consider the objections in the context of this report and any further representations made at the meeting.

8 Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Data Protection Impact Assessment
- 8.3 Appendix C – Current and Proposed fees
- 8.4 Appendix D - Consultation Responses Summary
- 8.5 Appendix E Individual Consultation responses

Background Papers:

Minutes of Licensing Committee November 2020

Responses to consultation

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 checked="" 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:

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Job Title: Principal Officer-Licensing and EQ
Tel No: 01635 519849
E-mail: julia.obrien@westberks.gov.uk

Appendix A

Equality Impact Assessment (EqIA) - Stage One

What is the proposed decision that you are asking the Executive to make:	Consider responses to statutory consultation of taxi fees and charges for private hire and hackney carriage licences and make recommendations to executive and full council so they can take effect from 01/04/2021.
Summary of relevant legislation:	Local Government (Miscellaneous Provisions) Act 1976
Does the proposed decision conflict with any of the Council's priorities for improvement? <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy Maintain a green district • Ensure sustainable services through innovation and partnerships 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please indicate which priority and provide an explanation
Name of Budget Holder:	Sean Murphy
Name of Service/Directorate:	Public Protection and Culture
Name of assessor:	Julia OBrien
Date of assessment:	28/01/2021
Version and release date (if applicable):	

Is this a Function, Service?		Is this function or service ... ?	
Policy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	New or proposed	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Already exists and is being reviewed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is changing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Service	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed

decision and who is likely to benefit from it?	
Aims:	To set fees and charges for private hire and hackney carriage licences to take effect from 01/04/2021
Objectives:	Cost recovery for the licensing function
Outcomes:	An efficient and performing licensing function
Benefits:	No specific benefit

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?

Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender Reassignment	No impact	
Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments:		
No further comments		

(3) Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide an explanation for your answer: No evident contribution to inequality	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide an explanation for your answer: The income received from licence applicants covers the cost of providing the statutory licensing function.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqlA 2.

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name: Julia OBrien

Date: 28/01/2021

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

Appendix B

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing Team
Lead Officer:	Julia Obrien
Title of Project/System:	Licensing Fees and Charges 2021/22
Date of Assessment:	28/1/2021

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Yes	No
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised		

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix C

Existing and Proposed Licence Fees

Existing

Hackney Carriage Licence: £288.00

Private Hire Vehicle Licence: £288.00

Private Hire Vehicle Licence with Dispensation £288.00

Private Hire Operator		
Number of Vehicles	New	Renewal
1	£456.00	£342.00
2	£527.25	£413.25
3	£598.50	£484.50
4	£669.75	£555.75
5	£741.00	£627.00
6	£812.25	£698.25
7	£883.50	£769.50
8	£954.75	£840.75
9	£1,026.00	£912.00
10	£1,097.25	£983.25
11	£1,168.50	£1,054.50
12	£1,239.75	£1,125.75
13	£1,311.00	£1,197.00
14	£1,382.25	£1,268.25
15	£1,453.50	£1,339.50
16	£1,524.75	£1,410.75
17	£1,596.00	£1,482.00
18	£1,667.25	£1,553.25
19	£1,738.50	£1,624.50
20	£1,809.75	£1,695.75
20+	£1,809.75	£1,695.75

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Proposed

Hackney Carriage Licence:	£290.00
Private Hire Vehicle Licence:	£290.00
Private hire Vehicle with dispensation	£290.00

Private hire operator licence		
Number of vehicles	New	Renewal
1	£472.00	£354.00
2	£545.00	£427.75
3	£619.50	£501.50
4	£693.25	£575.25
5	£767.00	£649.00
6	£840.75	£722.25
7	£914.50	£796.50
8	£988.25	£870.25
9	£1,062.00	£944.00
10	£1,135.75	£1,017.75
11	£1,209.50	£1,091.50
12	£1,283.25	£1,165.25
13	£1,357.00	£1,239.00
14	£1,430.75	£1,312.75
15	£1,504.50	£1,386.50
16	£1,578.25	£1,460.25
17	£1,652.00	£1,534.00
18	£1,725.75	£1,607.75
19	£1,799.50	£1,681.50
20	£1,873.25	£1,755.25
20+	£1,873.25	£1,755.25
Variation to licence		£59.00