



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **TUESDAY 1 OCTOBER 2019** AT **7.00 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage'.

Susan Parsonage
Chief Executive
Published on 23 September 2019

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WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

MEMBERSHIP OF THE LICENSING AND APPEALS COMMITTEE

Councillors

Chris Bowring (Chairman)	Abdul Loyes (Vice-Chairman)	Parry Batt
Rachel Burgess	Lindsay Ferris	Michael Firmager
Paul Fishwick	Jim Frewin	Emma Hobbs
Sarah Kerr	Barrie Patman	Ian Pittock
Malcolm Richards	Rachelle Shepherd-DuBey	Bill Soane

ITEM NO.	WARD	SUBJECT	PAGE NO.
14.		APOLOGIES To receive any apologies for absence.	
15.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 25 June 2019.	5 - 12
16.		DECLARATION OF INTEREST To receive any declarations of interest.	
17.		PUBLIC QUESTION TIME To answer any public questions A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of this committee. Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
18.		MEMBER QUESTION TIME To answer any member questions	
19.	None Specific	FEEDBACK REPORT TO THE LICENSING AND APPEALS COMMITTEE FROM THE TASK AND FINISH GROUP ON TAXI LICENSING MATTERS To receive a report giving details of the outcomes of the Taxi Task and Finish Group.	13 - 38
20.	None Specific	GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES	39 - 54

To receive and consider a report containing the convictions guidance.

- | | | | |
|------------|---------------|--|----------------|
| 21. | None Specific | FEES AND CHARGES
To receive and consider the Fees and Charges report and appendixes. | 55 - 80 |
| 22. | None Specific | REDUCING AIR POLLUTION
To receive and consider report containing options around reducing air pollution in the Borough. | 81 - 84 |
| 23. | None Specific | FORWARD PLAN
To consider the Committee's forward plan and dates of future meetings. | 85 - 86 |

Any other items which the Chairman decides are urgent.

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

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**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 25 JUNE 2019 FROM 7.00 PM TO 8.50 PM**

Committee Members Present

Councillors: Parry Batth, Chris Bowring, Rachel Burgess, Lindsay Ferris, Michael Firmager, Paul Fishwick, Jim Frewin, Emma Hobbs, Sarah Kerr, Abdul Loyes, Barrie Patman, Ian Pittock, Malcolm Richards, Rachelle Shepherd-DuBey and Bill Soane

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Suzanne McLaughlin, Public Protection Partnership Principal Officer
Sean Murphy, Public Protection Partnership Manager

1. ELECTION OF CHAIRMAN

Councillor Chris Bowring was elected Chairman for the 2019/20 municipal year.

2. APPOINTMENT OF VICE-CHAIRMAN

Councillor Abdul Loyes was appointed Vice-Chairman for the 2019/20 municipal year.

3. APOLOGIES

There were no apologies.

4. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 19 March 2019 were confirmed as a correct record and signed by the Chairman.

5. DECLARATION OF INTEREST

There were no declarations of interest.

6. PUBLIC QUESTION TIME

There were no public questions.

7. MEMBER QUESTION TIME

In accordance with the agreed procedure the Chairman invited Members to submit questions to the appropriate Members.

7.1 Councillor Andy Croy asked the Chairman of the Licensing and Appeals Committee the following question:

Question

What steps were taken to consult with taxi drivers regarding the most recent licence fee increase and how many responses were received?

Answer

The fee increase was consulted on in the normal way including the requisite notice placed in the local newspaper. This occurred on 26th December 2018 and again on 27th March 2019 on the Public Notices section of Bracknell News. The fees were also advertised on the Council's web site with the consultation period being from 27th March to 23rd April 2019.

They were considered at the meeting of the Licensing and Appeals Committee in the September 2018 and by the Full Council in December 2018.

According to Licensing and Appeal Committee report held on the 19th March 2019 it was confirmed that there were no objections to the fees as advertised in December and our records show no objections were raised following the second consultation period.

Supplementary question

Given that no responses were received, it seems to me that the consultation was not effective and not fair on taxi drivers. Do you think that there is scope for the Committee to put things back to where they were? And why don't we have proper consultation to ascertain the views of taxi drivers?

Supplementary answer

It was advertised as it was supposed to, but I do agree that we could have done better and I have been talking to officers about this and in the future I have suggested that we advertise by emailing taxi drivers, I think they have to do that in the future. I don't see how we can reverse the changes that have been approved by Council, unfortunately.

8. ISSUES RAISED BY THE TAXI TRADE

A response letter to taxi drivers from Susan Parsonage, Chief Executive Officer was circulated to Members.

The Chairman opened the item for discussion and the following comments were made:

- In relation to the age of vehicles, Members noted that the issue had been discussed and it had been agreed that existing vehicle licences would be allowed to continue up to 15 years, the 10 years rule would apply to new licences only;
- It was agreed that the consultation had not been effective and it needed improving, including contacting taxi drivers via email;
- Members were disappointed that the consultation had been advertised only in the Bracknell paper, they believed it should have included other papers in order to cover the whole Borough;
- The suggestion of emailing taxi drivers was welcomed. However Members pointed out that the consultation should reach the general public too, and as such a wider variety of papers should be used for advertising consultations;
- Members suggested the use of social media as well;
- Some Members questioned the validity of the consultation and suggested re-considering the decision;
- Members were interested to know how the representative from the trade had been selected for last year's Task and Finish Group;
- Councillor Burgess stated that she had raised a concern over the issue of the steep increase in fees back in November. At the time she suggested staggering the increase, but no-one had agreed to her proposal. She had also asked at the last meeting if there had been any objections to the consultation and was told that there were not any. She was of the opinion that the Council and this Committee could have dealt with this issue in a better way;
- It was understood that the reason for the steep increase was that Wokingham's fees had not increased for a number of years, and that the intention was to bring it in line with the other authorities in the PPP. However, some Members pointed out that it was not the taxi drivers' fault that Wokingham had not, over the years, reviewed its fees;
- Councillor Hobbs believed that it had been agreed by the Committee, around a year ago, that the Council would write to taxi drivers;

- Councillor Ferris stated that the fees had been presented to the Committee as a formality only, that the decision had already been made. He expressed concern that the increase in fees were having a financial harmful effect on taxi drivers, and he believed that the Council should be able to amend this decision. He believed that a Task and Finish Group needed to be set up as soon as possible to look into this issue. He also stated that in the future the Committee should be able to properly take part in the fee setting process;
- Sean Murphy, PPP Manager stated that the fee setting was part of the budget setting process for the joint PPP. Last year the fees were first discussed at PPP in September and then they were presented to this Committee in November for recommendation to the full Council in December. He believed that it would be a good idea to set up a Task and Finish Group to review the fees and also the tariffs as soon as possible, as the budget cycle had already started. The next set of fees would be discussed at the joint PPP meeting in September and would be brought to this Committee in November;
- Councillor Burgess asked that the consultation process be improved for the next cycle. She believed that this Committee could amend the fees for this year. Sean Murphy confirmed that the Committee had the ability to recommend to Council to change the fees mid-year;
- Sean Murphy stated that the consultation had been carried out twice in Wokingham. Members stated that this reiterated the fact that the consultation was being advertised in the wrong place.

After much discussion it was proposed and agreed that a Task and Finish Group would be set up to review the issues discussed at the meeting.

RESOLVED That:

- 1) A Task and Finish Group will be set up, as soon as possible, with representatives from the taxi trade, Members of the Committee and Licensing Officers;
- 2) The Task and Finish Group will review:
 - I. the fees and tariffs for next year
 - II. possibly adjust this year's fees and tariffs
 - III. the age of vehicles
 - IV. out of area operators
 - V. disability training
- 3) The Task and Finish Group will bring a proposal to the Committee.

9. LICENSING SUB-COMMITTEES COMPOSITION

The Committee considered the Licensing Sub-Committee Composition report which was set out in agenda pages 17-18. Luciane Bowker, Democratic and Electoral Services Specialist stated that the report proposed to remove the requirement that Licensing Sub-Committees be politically balanced. This change would strengthen the Council's position against potential legal challenges. Democratic Services would continue to make every

effort to convene Panels with Members from different political parties. However this was dependent on Member availability and therefore not always possible.

During the discussion of the item the following comments were made:

- Some Members agreed that it could be difficult to convene Panels and that achieving political balance was not always possible;
- Councillor Hobbs stated that such Sub-Committee hearings were not political;
- Councillor Pittock stated that there were enough Members in the Committee from other political parties to enable Sub-Committees to be composed of at least two parties;
- Councillor Burgess stated that the timings of Sub-Committees made it difficult for working Councillors to attend, she suggested setting up meetings either in the evening or late afternoon;
- Councillor Ferris stated that it had been difficult to convene panels in the past. He agreed that it was preferable to have politically balanced Sub-Committees. However on occasions this may not be possible and confirmed such meetings were not political;
- Some Members expressed concern over impact of holding Sub-Committees in the evening, in relation to Officers' working hours, the applicants' availability and potentially their legal representatives;
- Luciane Bowker confirmed that Democratic Services would continue to try and select a politically balanced Panel;
- There was no consensus over the issue of imposing or removing the requirement for Sub-Committees to be politically balanced.

Upon being put to the vote the majority of Members voted to approve the recommendation. Councillor Burgess wished it to be recorded that she had voted against the recommendation.

RESOLVED That:

- 1) The Committee agrees to recommend to the Constitution Review Working Group that the requirement for Licensing Sub-Committees to be politically balanced be removed; and
- 2) Every effort would to be made to select politically balanced Panels where possible.

10. GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES

The Committee considered the Guidance on determining the suitability of applicants and licensees in the hackney and private hire trade report which was set out in agenda pages 19-68.

Suzanne McLaughlin, PPP Principal Officer presented the report. She stated that a consultation had been carried out and some responses had been received. She informed that the guidance document which had been produced by the Institute of Licensing (IoL) had been created by a selection of key Licensing Authorities and legal experts in the field. The Committee was being presented with the opportunity to adopt the guidance which was aiming to protect the people using the service and bring national uniformity in guidance.

During the discussion of the item the following comments were made:

- Sean Murphy stated that when looking at applications for licences, each case in was considered on its own merits;
- Councillor Soane stated that he had attended a Licensing conference where the guidance had been discussed. He stated that the guidance was produced in order to protect residents, the Local Authority and drivers. He was of the opinion that the guidance should be adopted;
- Some Members asked which other Local Authorities had adopted the guidance;
- Councillor Burgess was interested to know if Transport for London (TfL) had adopted the guidance;
- Suzanne McLaughlin stated she had made enquires to TfL and was awaiting a response; she had also made some enquires to find out what the uptake of the guidance by other local authorities was but had also not received responses. She informed that a similar paper had gone to Bracknell and West Berkshire. West Berkshire had approved it and Bracknell had asked for some minor tweaks.
- In response to questions Sean Murphy stated that the small tweaks requested were:
 - in relation to committing an offence whilst on duty (for example being in possession of drugs whilst driving on taxi duty), a longer period would apply;
 - the addition of a definition of what an offensive weapon was in law;
- Sean Murphy stated that some offences were new to the guidance, such as hate crime and modern slavery. The guidance intended to introduce a national standard to the test of a fit and proper person;
- Sean Murphy stated that he would do some research and report back to the Committee regarding the questions raised;
- Members stated that the blanks in the report were misleading. Sean Murphy stated that blanks were where the IoL had not stipulated a period, the expectation was to continue with the Local Authority's existing period on those cases. Members asked that the blanks be filled in;
- Councillor Soane reminded the Committee that each case would still be looked individually, this was only a guidance;
- Councillor Bowring pointed out that on page 40, under paragraph 4.5 it referred to 'basic DBS checks for vehicles'. However, vehicles were not subject to DBS checks;
- Councillor Bowring was interested to know how malicious complaints were dealt with. Sean Murphy explained that the guidance was in relation to convictions and not allegations;
- Councillor Hobbs seemed to remember that in the past the Council had decided that after 7 years of a conviction a licence would be issued;
- Some Members asked about the frequency of drug testing (referred to on page 45). Sean Murphy stated that it was up to the Committee to determine how often drug tests should be carried out;
- Members were interested to know more about what Bracknell and West Berkshire had decided as there should be some consistency with Bracknell and West Berkshire.

Members were generally in agreement with the guidance, and would like to review possible amendments with the information requested before making a final decision.

RESOLVED That the report would come back for a consideration at the next meeting.

11. DISABILITY AWARENESS TRAINING

The Committee considered the Disability Awareness Training report which was set out in agenda pages 69-75.

Suzanne McLaughlin stated that the report proposed the introduction of regular disability awareness training and refresher training. The report also included the consultation responses, there were 3 responses in favour and 8 against the proposal.

In response to a question Suzanne McLaughlin clarified that the proposal was in relation to all disabilities, not just wheelchair accessibility.

During the discussion of the item the following comments were made:

- Members noted that one of the respondents to the consultation did not understand that the term disability was not limited to wheelchair accessibility;
- The Committee was informed that not all hackney carriage vehicles in Wokingham were wheelchair accessible. This issue had come to light last year when a number of checks were carried out. It was decided by the Committee that those cars would be allowed to carry on operating, but that any new vehicle licences would only be issued to cars that were wheelchair accessible;
- Sean Murphy stated that the Local Authority intended to make this training as accessible as possible and reduce the burden as much as possible, he was aware of the cost implication;
- Members agreed that there was a moral obligation to be able to help disabled people to use the service provided by taxi drivers;
- In response to a question Sean Murphy stated that taxi drivers would not be required to go to Newbury for training, and that the service was looking at online options, particularly for refresher courses;
- It was agreed that it should be made clear that the training was for all drivers (not just hackney carriage drivers);
- Councillor Burgess asked if the cost of this training could be covered by the Council;
- Members were interested to know what TfL was doing about training for Uber drivers. Suzanne McLaughlin agreed to find out and report back.

It was generally agreed that training was needed, but more discussion about the best way to deliver and cost was needed.

RESOLVED That:

- 1) The training will be mandatory for all drivers;
- 2) The Task and Finish Group would discuss options around the delivery of the training and the cost.

12. ANNUAL REPORT

Suzanne McLaughlin presented the annual report which contained a summary of the work carried out by Licensing Service, the Licensing Committee and Licensing Sub-Committees over the last financial year, this was for information only.

Suzanne McLaughlin highlighted that the service had set itself a baseline for 2018/19 for the first time to issue licences within statutory timescales of five working days from receipt of a complete and valid application. The service achieved 58.7%. This would be reviewed in 2019/20, including the increase in resources required to improve this delivery percentage.

RESOLVED That the report be noted.

13. FORWARD PLAN

The Committee noted the forward programme and the items that were listed for the next meeting in September.

It was agreed that the Guidance on Convictions report would be included in the September agenda.

Councillor Burgess stated that the Committee had agreed to write to the government about issues around Uber. She asked if any responses had been received as a result of the letters. Offices agreed to find out and report back to the Committee.

Sean Murphy stated that taxi driver regulations were aimed at protecting the public and the trade. Members were in agreement with this statement.

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Agenda Item 19.

TITLE	Feedback Report to the Licensing and Appeals Committee from the Task and Finish Group on Taxi Licensing Matters
FOR CONSIDERATION BY	Licensing and Appeals Committee 1 October 2019
WARD	Non-specific
DIRECTOR	Sean Murphy - Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

A Task and Finish Group to look at a range of Taxi licensing matters was set up and required to report back to the Licensing and Appeals Committee on the findings which are contained in this report together with a number of recommendations.

RECOMMENDATION

1. That the Committee NOTES the content of this report which contains the main points from the two meetings held of the Task and Finish group and the minutes as Appendices
2. The Task and Finish Group be made a semi-permanent liaison group of Members, Officers and the trade (To include Hackney Carriage, Private Hire, School vehicles and drivers and Private Hire Operators) having recognised the benefit of face to face discussions- to meet as often as required
3. That the TFG initially looks at vehicle ages, height standards and tariffs as representations have been received from the Wokingham Hackney Carriage Association and makes any recommendations to the following meeting of the Licensing and Appeals Committee.

SUMMARY OF REPORT

To summarise the work of the Task and Finish Group set up by the Licensing and Appeals Committee and advise on a way forward for issues raised by the trade at the last meeting.

Background

At the June 25th meeting of the Licensing and Appeals Committee it was agreed that a Task and Finish Group of Members, Officers and the Trade be set up to address the concerns raised at that meeting by the trade.

RESOLVED That:

1) A Task and Finish Group will be set up, as soon as possible, with representatives from the Taxi Trade, Members of the Committee and Licensing Officers;

2) The Task and Finish Group would review:

I. the fees and tariffs for next year

II. possibly adjust this year's fees and tariffs

III. the age of vehicles

IV. out of area operators

V. disability training

3) The Task and Finish Group will bring a proposal to the Committee.

Prior to the Task and Finish Meeting of 23 July Members received and reviewed a number of written comments from trade members, outlining concerns with the current licence arrangements and taxi licensing policies.

These were summarised

- Illuminated "Taxis 24/7" Signage
- Henley Regatta/Festival, what would Wokingham Borough Council (WBC) be doing to assist drivers in the future? Could signage be installed to assist at HRR?
- What improvements were being made to the complaints procedure and general levels of communication between members of the trade and Officers?
- What was being done to address the increase to the drivers vehicle licence charges?
- Were there plans to raise the fare tariff as this had not been done for many years?
- Were there plans to review the age limit of Hackney Carriage (HCVs) and Private Hire vehicles (PHVs), in addition to the imposed 54 inch height of HCVs?
- What was being done with regards to online hailing companies?
- What was the current situation with regards to the bus lane from Cemetery Junction to Kings Road Reading?
- Was there any possibility of an additional taxi rank in Denmark/Peach Street, or a new one near the new cinema to replace the lost Elms Road rank?
- Could a Wokingham taxi rank be installed near the Wokingham train station? Was the road owned by WBC or was all of the surrounding land owned by the station?

Answers to the queries are included in Appendix A sent out with the minutes in some cases and followed up at the next meeting in the remainder.

The meeting of 23 July 2019 RESOLVED That:

- 1) Officers ask internal audit to look at the methodology behind calculating the hourly rate and the rate per vehicle;
- 2) Officers look into the financial implications on WBC of phasing in the increased charges to the Driver Badge 3 Year Licence, on a 3 year basis and report back the findings to the T&F group;
- 3) Officers await receipt of any business cases submitted by the trade relating to fares, age and height of vehicles, with a view to write a covering report and present them to the full Licensing Committee.

A further meeting of the Task and Finish Group was held on 9th September 2019. Notes are attached as Appendix 2

Items on the agenda were:

Internal Audit Report

RESOLVED That a full review of the fees and officer time allocation will be carried out and brought back to the Task and Finish Group for further discussion

The financial implications on WBC of phasing in the increased charges to the vehicle licence fee, on a 3 year basis

RESOLVED That the discussion and decision around phasing out the increase in charges and possibly subsidising vehicle licence fees be put on hold until the full review of fees becomes available.

Over issuing of hackney licences in Wokingham Borough Council:

Members considered that due to the falling numbers of hackney carriage licences, there was no justification to impose a limit. They agreed to re-visit the Local Authority's position if this situation changed.

Update on Reading bus lane restrictions:

Officers stated that this was an experimental traffic order restriction which was going to last 6 months, after which a consultation would be carried out. He stated that Wokingham could send their comments to this consultation.

Officers also stated that he had been unable to find the papers containing the decision to restrict bus lanes in Reading.

The T&F Group agreed that this restriction was discriminatory and unfair on Wokingham taxi drivers. It was agreed that the Council would write to Reading Borough Council to find out the reason for this and express the

views of the T&F Group. It was suggested this should come from the Executive Member for PPP

New taxi ranks:

Officers stated that they had spoken to Highways and the response was in the notes of the previous meeting.

Part-time weekend late hour ranks at Denmark Street and Peach Street:

Officers stated that they had spoken to Highways and the response was in the notes of the previous meeting.

Council's ranks at rail station Oxford Road and opposite the Station Tap lay-by:

Officers stated that the land referred to at the rail station was privately owned, therefore the Council could not intervene.

Officers stated that they had contacted the rail station manager and arranged for a meeting on 26 September at 11am to talk about this issue. The officer invited the members of the Association present to attend the meeting and put forward their views.

Ranks for Henley festivals to be organised so that other boroughs are excluded, especially during the Rewind and Henley festivals

Officers stated that this related to private land and that the Local Authority could not impose any rules. However, there was going to be a meeting with highways to discuss getting a designated lay-by.

Officers agreed to ask the organisers to give preference in the queue to Wokingham drivers.

Administrative changes – confirmation of receipt of documents (the issue of the disappearance of documents from the letter box is still a big issue to drivers); transfer of ownership to be made possible after 5 years (this has been controversial in the past)

Officers stated that they had raised this issue with officers and was reassured that they were monitoring the box for correspondence.

Illuminated taxi sign update

Representatives from the Wokingham Hackney Carriage Association complained about the situation in relation to the 'Illuminated' signage and how they were unfairly approaching their customers.

Lindsay Ferris stated that this was in a conservation area and therefore required planning which they did not have. He informed that the Planning Enforcement Officers had been advised of this issue.

RESOLVED That:

- 1) Wokingham would not impose a limit on the number of hackney carriage licences, but would review this decision if there was sudden rise in demand;
- 2) Wokingham Borough Council would write to Reading Borough Council to find out the rationale for the bus lane restrictions and make a representation in favour to Wokingham drivers; and
- 3) Officers would ask the organisers of Henley Regatta and Henley Festival to give preference to Wokingham drivers in the queue.

At the end of the meeting on 9th a document was given to officers by the Wokingham Borough Hackney Carriage Association which comprised representations for further discussion on the following:

1. the 54 inch height requirement for Hackney Carriage vehicles be reduced,
2. that the vehicle licensing age be changed to not older than 7 years on first registration (currently 5) and 18 years as a maximum for both Hackney Carriage and Private Hire Vehicles (currently 10 and 8 respectively)
3. A tariff fare increase rise of 20%, an extra tariff for festivals be introduced and the 6 seater additional fares be reinstated

It is proposed these be considered at a further meeting of the Task and Finish/Liaison Group. These Notes from the T&F Meetings

Documents received from Wokingham Borough Hackney Carriage Association are attached to the report as Appendix 3.

Analysis of Issues

There are no implications arising from the recommendation in this report.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision
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None

Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)

There are no implications arising from the recommendation in this report.

List of Background Papers

Notes from the T&F Meetings

Representations received from the Wokingham Borough Hackney Carriage Association
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Contact Julia O'Brien

Service Public Protection Partnership
--

Telephone No 01635 519849

Email Julia.Obrien@westberks.gov.uk
--

Date 17 September 2019

Version No. 1

Taxi Licensing Task and Finish Group – 23 July 2019 at 6.15pm

Meeting Notes

T&F Group Members Present: Chris Bowring, Rachel Burgess, Lindsay Ferris, Jim Frewin and Barrie Patman

Officers Present: Karen Court, Sean Murphy, Julia O'Brien and Callum Wernham

Trade Members Present: [REDACTED]

1. Election of a Chairman

RESOLVED That Barrie Patman be elected Chairman of the Taxi Licensing T&F Group.

2. Apologies

There were no apologies for absence.

3. Declaration of Interest

There were no declarations of interest.

4. Terms of Reference

Members considered the proposed terms of reference (appendix a) and queried whether they covered the main focus points that the full Licensing Committee had requested at its June 2019 meeting. An Officer stated that the proposed terms of reference set out the suggested framework for Members to follow, and gave the T&F Group the option of sending recommendations back to the full Licensing Committee to make amendments to current policies and licence arrangements.

RESOLVED That the terms of reference (appendix a) be approved.

5. Issues Raised by Trade Members and Officer Comments

Members received and reviewed a number of written comments from trade members, outlining concerns with the current licence arrangements and taxi licensing policies.

In the ensuing discussion, the following points and clarifications were raised:

- [REDACTED] Twyford Illuminated "Taxis 24/7" Signage – Officers clarified that Planning had confirmed that planning permission was not required and the trade members had been advised of this. Highways advised that as the signage was on private land this not a highways matter. The Twyford station manager had responded to say that from her understanding the Loddon Cars building is on

Network Rail land, and Officers had asked if there is anything they can do to resolve the situation. As [REDACTED] have a licensed hackney carriage vehicle they were able to use this wording. Officers hoped that the intervention of the Wokingham conservation Officer (via Cllr Lindsay Ferris) would also assist.

- Regarding the Henley Regatta, what would Wokingham Borough Council (WBC) be doing to assist drivers in the future? Officers stated that there was a temporary suspension of the double yellow lines for WBC licenced taxi drivers to use and that Officers had previously asked about a sign to be erected to state 'WBC Licensed Vehicles Only', this would be raised again due to the ongoing issues with many RBWM taxis and illegal ranking taking place within Remenham Lane. Officers added that for next years' Regatta, Officers would speak to the civil parking enforcement (CPE) lead to request more CPE Officers to police this area. Officers clarified that if trade members wanted a higher minimum fare for the Regatta (or other such events), they could place a formal written request to the joint service asking as such which would then be put to the full Licensing Committee.
- What were Officers proposing to do to assist with issues regarding the Henley Festival? Officers stated that they were not currently aware of issues relating to the festival, and would subsequently seek advice from Highways Officers and feedback to trade members.
- What improvements were being made to the complaints procedure and general levels of communication between members of the trade and Officers, with trade members previously having to involve the Chief Executive to resolve complaints? Officers clarified that there had been issues with staffing levels across the joint service in recent times. However, 2 new Licensing Officers would be joining the service which would help boost resilience and assist with communication between trade members and Officers. Officers stated that a benefit of moving to a joint service was that more resilience could be provided, as an Officer from West Berkshire for example could deal with an issue relating to WBC.
- What was being done to address the increase to the drivers badge licence charges? Officers explained that the fees were based on an hourly charge model, with a 5 hour per vehicle per year workload used. Officers stated that a number of years ago the fees dropped significantly as the hourly charge figure was changed to only reflect the Officer time component. When the service changed to a full cost recovery model the hourly rate was designed to include additional costs incurred on the service such as financial recharging and legal advice. This had subsequently raised the hourly cost to £57 per hour which would recover the costs that the service incurred. Officers stated that these costs were not comparatively high to that of other Local Authorities. Members asked that internal audit look at the methodology behind calculating the hourly rate and the 5 hour per vehicle per year value. Members also asked that Officers look into the financial implications to WBC of phasing in the increased charges on a 3 year basis.
- Were there plans to raise the fare tariff as this had not been done for many years? Officers confirmed that there had not been an increase to the fare tariff

for some time, and clarified that this figure was the maximum fare. Officers stated that it was up to the trade to present a business case to the joint service setting out the request for an increase of the fare tariff and the financial pressures (e.g. rising price of fuel) that had been placed upon the trade since the last increase. Officers commented that many other Local Authorities were beginning to see requests for fare tariff increases, as this had not been looked at for some time in many areas. Officers stated that on receipt of a suitable business case, a covering report would be written with a series of recommendations to be taken to the next available full Licensing Committee, currently scheduled on 1 October 2019.

- Were there plans to review the age limit of Hackney Carriage (HCVs) and Private Hire vehicles (PHVs), in addition to the imposed 54 inch height of HCVs? Trade members stated that other Local Authorities had limits of 15 to 20 years for well-maintained vehicles. Officers stated that it was up to the trade to put forward a business case asking to review the age limit and vehicle height. Members commented that there was a mechanism in place so that vehicles above the age stated in policy (8 for PHVs and 10 for HCVs), whereby operators can undergo an RAC MOT to determine if the vehicle is still in exceptional working order. Trade members commented that a known vehicle had passed this test, however it had still not been granted a licence to continue as a HCV.
- What was being done with regards to online hailing companies? Members clarified that this was outside of the remit of the Licensing Committee, as those vehicles had licenses under Transport for London.
- What was the current situation with regards to the bus lane from Cemetery Junction to Kings Road Reading? Officers stated that Reading Borough Council had confirmed that as of the 1st July 2019 only buses and authorised vehicles could use the in-bound bus lane at Cemetery Junction, Reading. The only authorised vehicles permitted to use the bus were Reading Borough Council licensed Private Hire and Hackney Carriage vehicles.
- Was there any possibility of an additional taxi rank in Denmark/Peach Street, or a new one near the new cinema to replace the lost Elms Road rank?

Traffic Management/Town Centre Regeneration Response:

Through the planning and design process for the Elms Field scheme, the impact of losing the taxi rank on the old Elms Road and was considered and it was decided that there was sufficient provision elsewhere within the town centre and/or the potential to extend capacity on Broad Street (which was not a long long walk from the cinema (etc.) should the cut through at the top of Elms Road be used).

The area immediately outside the cinema would not be a public highway going forward, and would be pedestrianised with vehicular access restricted only to vehicles servicing the development between specific hours, therefore a taxi rank could not be directly situated outside the cinema entrance.

Should traffic management look at the overall provision across the town centre, they could consider looking at the potential of using some existing highway space on the remaining section of Elms Road (adjacent to the entrance to Elms Rd MSCP) for a taxi rank. This would be the closest suitable area to the cinema entrance in the northern part of the development.

However, Traffic Management have stated that the town centre area was to be subject to further public realm improvements, and therefore they were not looking to make any changes to the parking restrictions until such time as this master plan is published.

- Could a Wokingham taxi rank be installed near the Wokingham train station? Was the road owned by WBC or was all of the surrounding land owned by the station?

Highways have confirmed that the Station Approach was not an adopted highway and was therefore outside of WBC control as the land was privately owned by the station.

- Could additional signage be installed up at the Henley Royal Regatta temporary rank that stated 'Wokingham drivers only', to stop the arguments by other drivers parking there to pick up pre booked passengers?

Highways have stated that there was no additional budget to provide more signage for the Regatta however this signage could be incorporated within the TM plan if the appropriate temporary signs were procured. A meeting has been arranged between Highways/WBC parking enforcement and Licensing enforcement to discuss further in September.

RESOLVED That:

- 1) Members of the T&F Group be thanked for attending;
- 2) Trade members be thanked for attending the meeting;
- 3) Officers be thanked for attending the meeting;
- 4) Officers ask internal audit to look at the methodology behind calculating the hourly rate and the 5 hour per vehicle per year value;
- 5) Officers look into the financial implications on WBC of phasing in the increased charges to the Driver Badge 3 Year Licence, on a 3 year basis and report back the findings to the T&F group;
- 6) Officers await receipt of any business cases submitted by the trade relating to fares, age and height of vehicles, with a view to write a covering report and present them to the full Licensing Committee.

6. Date of Next Potential Meeting

RESOLVED That the next meeting of the Taxi Licensing T&F Group be scheduled for 9 September 2019, commencing at 6.15pm.

7. Any Other Business

There were no items of any other business.

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Taxi Licensing Task and Finish Group – 9 September 2019 at 6.15pm

Meeting Notes

T&F Group Members Present: Chris Bowring, Rachel Burgess, Lindsay Ferris, Jim Frewin and Barrie Patman (Chairman)

Officers Present: Luciane Bowker, Karen Court, Sean Murphy and Julia O'Brien

Trade Members Present: [REDACTED]

1. Confirmation of notes

The notes of the meeting on 9 September 2019 were confirmed as a correct record of the meeting, subject to an amendment to item 5, resolution 5, where it said 'Driver Badge' it should say Vehicle Licence.

2. Apologies for absence

There were no apologies for absence.

3. Declarations of interest

There were no declarations of interest.

4. Internal Audit Report

Sean Murphy stated that the increase in the hourly rate had been calculated by applying the inflation increase and then rounding up the number. The previous rate was £55 - 2% was added making it £56.20 – this figure was rounded up to £57 for approval by the Licensing and Appeals Committee. He proposed to keep the £57 fee for 20/21.

Sean Murphy stated that the current system was still very manual and archaic, the new online system would come into place in April 2020. He stated that the 5 hours time allocation was historical and should be revisited as per recommendation in the report.

During the discussion of this item the following comments were made:

- Sean Murphy proposed to review the officer time allocation. He stated that there were 280 licences in total in Wokingham;
- [REDACTED] (Trade member) wanted to know if the department was claiming for overtime and how much this was costing;
- [REDACTED] (Trade member) stated that he would like to see the full audit report, without which he could not make informed comments;
- [REDACTED] (Trade member) was disappointed that the report did not include figures;
- Rachel Burgess stated that she agreed with the recommendations contained in the report. She also stated that there was no justification for the increase this year, there was no documentation to demonstrate how the 5 hour had been worked out, and there was no consideration of efficiencies. She believed that the trade should not be penalised;
- Sean Murphy stated that the cost had been previously calculated only based on licensing officers' time, processing time etc. it had not taken into account

- the work of other departments such as IT, HR, Finance etc or the time spent on recording in the public register. This needed to be re-visited;
- Lindsay Ferris stated that if after the review it was established that the fee should be, for example £48; the local authority could decide to refund drivers retrospectively;
 - Sean Murphy acknowledged that there may be a difference between a new licence and a renewal. He stated that it would take approximately two months to undertake a full review of the fees and work out the hourly time, including taking into account the future efficiencies which would result from the introduction of the new system;
 - ██████████ (Trade member) stated that in Manchester the fees were reduced from £150 to £30 as a result of a full audit report. He emphasised that he wanted to see a full audit report, including figures of previous years;
 - Jim Frewin pointed out that a review could also find that the Local Authority had been undercharging;
 - ██████████ (Trade member) asked what savings had been achieved as a result of the service merging with West Berkshire;
 - Sean Murphy stated that the fee was worked out based on time allocation and other costs. He proposed to undertake a review and come back to the T&F Group with the work that the audit report recommended.

Members agreed with Sean Murphy's proposal to bring back a detailed report for discussion at a future meeting of the T&F Group.

RESOLVED That a full review of the fees and officer time allocation will be carried out and brought back to the Task and Finish Group for further discussion.

5. The financial implications on WBC of phasing in the increased charges to the vehicle licence fee, on a 3 year basis

Julia O'Brien stated that there were 280 vehicle licences in Wokingham. The figures depended on what proportion the Members wished to split the extra fee into the old fee of £161 and the new of £282. If this was divided as equally as possible over the next 2 years (to enable the saving over 3 years) for example, this would be £60 and £61, so 280 vehicles x £61 = £17,080 and 280 x £60 = £16,800 so a net loss of £33,880 plus the usual 2 yearly increments over the next 2 years at whatever relevant CPI.

During the discussion of the item the following comments were made:

- Rachel Burgess stated that this represented a small loss in the Council's budget;
- Sean Murphy stated that some local authorities took the decision to subsidise vehicle licences. However, he pointed out that a decision would be needed very soon;
- Rachel Burgess proposed to phase the increase in 3 years, including the current year;
- In response to a question Sean Murphy stated that it was possible to retrospectively refund fees. However, the money for any re-adjustment would have to be found somewhere else, and this was a political decision;
- Barrie Patman stated that this decision should be taken by the Licensing and Appeals Committee;

Members discussed the possibility of subsidising the licences and of phasing the increase. However, they were of the view that no decisions should be made until the review of fees was complete.

RESOLVED That the discussion and decision around phasing out the increase in charges and possibly subsidising vehicle licence fees be put on hold until the full review of fees becomes available.

6. Update on issues raised by the taxi trade

a) Over issuing of hackney licences in Wokingham Borough Council

██████████ (Trade member) stated that there were too many hackney carriage licences in Wokingham, and that there was not enough work for all. He also stated that as a result many drivers had left Wokingham. ██████████ (trade member) agreed with this view, he stated that there was no need to issue any more licences.

Julia O'Brien stated that there was no limit to the number of hackney carriage licences that could be issued by the Local Authority; and in her view there was no case to justify limiting the issuing of licences because the number of licences had been decreasing in Wokingham.

Sean Murphy stated that in order to introduce a limit to the number of licences, a demand survey would have to be carried out (at a cost).

██████████ (Trade member) stated that Reading limited the number of licences they issued. Sean Murphy stated that some local authorities did impose a limit, however, with falling numbers there was no justification to impose a limit, especially given the cost implication of carrying out a survey. Sean Murphy stated that the trade could make a representation stating their case to the Licensing Committee.

██████████ (Trade member) stated that due to the town centre regeneration and traffic, the number of customers had fallen. More people were choosing to go out in Bracknell and Reading instead of Wokingham. Chris Bowring stated that there were also many new houses being built which were going to create more demand. ██████████ (Trade member) stated that the new houses were in the Shinfield area and therefore created work for Reading and not Wokingham.

Members considered that due to the falling numbers of hackney carriage licences, there was no justification to impose a limit. They agreed to re-visit the Local Authority's position if this situation changed.

b) Update on Reading bus lane restrictions

Sean Murphy stated that this was an experimental traffic order restriction which was going to last 6 months, after which a consultation would be carried out. He stated that Wokingham could send their comments to this consultation.

Sean Murphy also stated that he had been unable to find the papers containing the decision to restrict bus lanes in Reading.

The T&F Group agreed that this restriction was discriminatory and unfair on Wokingham taxi drivers. It was agreed that the Council would write to Reading Borough Council to find out the reason for this and express the views of the T&F Group. It was suggested this should come from the Executive Member for PPP

c) New taxi ranks

Julia O'Brien stated that she had spoken to Highways and the response was in the notes of the previous meeting.

d) Part-time weekend late hour ranks at Denmark Street and Peach Street

Julia O'Brien stated that she had spoken to Highways and the response was in the notes of the previous meeting.

e) Council's ranks at rail station (Oxford Road and opposite the Station Tap lay-by

Julia O'Brien stated that the land referred to at the rail station was privately owned, therefore the Council could not intervene.

Karen Court stated that she had contacted the rail station manager and arranged for a meeting on 26 September at 11am to talk about this issue.

Karen Court invited Trade members [REDACTED] to attend the meeting and put forward their views.

f) Ranks for Henley festivals to be organised so that other boroughs are excluded, especially during the Rewind and Henley festivals

Julia O'Brien stated that this related to private land and that the Local Authority could not impose any rules. However, she was going to have a meeting with the organisers to talk about getting a lay-by.

Julia O'Brien agreed to ask the organisers to give preference in the queue to Wokingham drivers.

g) Administrative changes – confirmation of receipt of documents (the issue of the disappearance of documents from the letter box is still a big issue to drivers); transfer of ownership to be made possible after 5 years (this has been controversial in the past)

Julia O'Brien stated that she had raised this issue with officers and she was reassured that they were monitoring the box for correspondence.

[REDACTED] (Trade member) reported issues which took place last year, with papers going missing.

In response to a question Julia O'Brien stated that the reception at Wokingham Borough Council refused to deal with correspondence. A locked box was used for correspondence from drivers.

h) [REDACTED] taxi sign update

[REDACTED] (trade members) complained about the situation in relation to [REDACTED] Twyford signage and how they were unfairly approaching their customers.

Lindsay Ferris stated that this was in a conservation area and therefore required planning which they did not have. He informed that the Planning Enforcement Officers had been advised of this issue.

RESOLVED That:

- 1) Wokingham would not impose a limit on the number of hackney carriage licences, but would review this decision if there was sudden rise in demand;
- 2) Wokingham Borough Council would write to Reading Borough Council to find out the rationale for the bus lane restrictions and make a representation in favour to Wokingham drivers; and
- 3) Julia O'Brien would ask the organisers of Henley Regatta and Henley Festival to give preference to Wokingham drivers in the queue.

7. Date of Next Potential Meeting

Sean Murphy stated that he would contact Audit and carry out the review on fees and hourly allocation as per discussions during the meeting. He proposed to contact the group to set up another meeting once this work was completed.

RESOLVED That:

- 1) Sean Murphy would carry out the review and set up a future meeting to discuss the review; and
- 2) The notes of this meeting and the previous meeting would be presented to the next meeting of the Licencing and Appeals Committee.

8. Any Other Business

Julia O'Brien asked [REDACTED] Trade members to send her a list with the names of the members of the Wokingham Taxi Drivers Association. [REDACTED] they agreed to send her the list.

In response to a question [REDACTED] (trade member) stated that most drivers were in the association and that any future consultations could be made via the association.

[REDACTED] (trade member) submitted a business case proposing a tariff increase. This was accepted by Licensing Officers for consideration.

Julia O'Brien asked [REDACTED] (trade members) to remind their trade colleagues not to use the public parking in Denmark Street.

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Wokingham Borough Hackney Carriage Association

Height standards

Proposal.

54 inch entry height should be reduced and a specific list of vehicles provided.

Reasons.

1. 54 inch entry height requirement can not be found in any other borough. Due to this strict criteria, most of models available in the market and acceptable as wheelchair accessible vehicles nationwide are completely rejected by Wokingham borough council.
2. Purpose built vehicles like Mercedes Vito, Peugeot partner, VW transporter and Toyota proace are excluded by the current policy. Even the traditional new London black cab has an entry height of 47 inches and even further reduced in their latest model. Another better choice is electric nissan nv200 which should be considered as a licence able vehicle.
3. Current policy has caused too much confusion in last 2 decades. And hundreds of thousands of pounds had been wasted at the cost of already struggling trade. The alarming situation is brewing and trade is still awaiting full, independent and impartial enquiry, especially after the outcome of the RAC report, which has reported 70% of the cars are licensed without serving any purpose. All the drivers are still in shock and feel helpless at the silence of the authorities for not calling a full investigation and point out the persons who failed to do their jobs properly.
4. Increase in first licensing age limit to 7 years will give some breathing space for drivers who are badly affected by confusing taxi policy. Especially those 70% of car owners which are reported non compliant by RAC. And these vehicles are neither wheelchair accessible nor as comfortable as saloons, so do not serve any purpose. Statistically Vehicle prices are reduced dramatically after 5 years. So this will help such drivers to change their vehicles and will provide a buffer to correct the alarming situation which is directly related to not providing concise policy taxi and licensing for nearly two decades. Electric cars like Nissan NV200 should be considered, as an option, for the above mentioned drivers.

Summary:

It is therefore requested to the Appeal and Licensing Committee to give permission to standardization of vehicles and lower the height requirements

Yours sincerely,
Muhammad Arshad
Chairman



2/9/18

Wokingham Borough Hackney Carriage Association

Wokingham Borough Hackney Carriage Association

Licensing Age reversal

Proposal.

Vehicle licensing age to be changed to 7 years for the first license and 18 years expiry for both hackney and private hire.

Reasons.

1. We could not find any example of such strict age restrictions in any other licensing area as set for Wokingham borough taxi and licensing. Some Age limits for hackney carriages are as under.
 - a. West Berkshire. No age limit
 - b. Bracknell 5 for first license and no expiry.
 - c. Reading 18 years expiry
 - d. Private hires have no maximum age limit in reading, south Oxfordshire and bracknell.
2. as explained, the extra costs increases i.e. fuel, licensing fee, insurance premiums, inflation, VAT, and car prices in our fare review proposal and the reduction in trade, it is not possible to change our cars so frequently.
3. Cars are already being tested 3 times, which is excessive to national standards. (council compliance 2 times a year and national MOT once a year being demanded).
4. Reduction in first licensing age limit to 7 years will give some breathing space for drivers who are badly affected by confusing taxi policy. Especially the 70% of cars are reported non compliant by RAC. And these vehicles are neither wheelchair accessible nor as comfortable as saloons, so do not serve any purpose. Statistically Vehicle prices are reduced dramatically after 5 years. So this will help such drivers to change their vehicles and will provide a buffer to correct the alarming situation which is directly related to not providing concise policy taxi and licensing for nearly two decades.
5. Electric cars should be considered, as an option, for the above mentioned drivers.
6. Private hire companies ask their drivers to change their vehicles when they think the car is too old. So council should not place a limit on private hire. Eight years limit can not be justified at all as these cars can not be sold and have to be scrapped after service at a huge cost to the owner and environment.
7. Many of the drivers have already switched to other councils due to this unfair policy and still using these cars after 8 years for the same wokingham private hire companies.as it is almost impossible to sell these cars after expiry.

Summary:

Wokingham Borough Hackney Carriage Association

Tariff Increase

Proposal.

Tariff Increase is imminent and not reviewed for nearly a decade. Considering the last few years and the prediction of next 5 years, we request a rise of 20% fare increase, extra tariff for festivals And 6 seater fares reinstated.

Reasons.

1. Fuel increase, which is a main expense of our trade, is dramatically increased in 10 years. For example diesel price has risen from £ 1.05 in 2010 to £ 1.40 per litre. Statistics attached.
2. Licensing fee is increased dramatically last year by 56%. From £161 to £281.
3. Insurance premiums have risen by 52% and 1/3 in last 3 years alone.
4. VAT is increased from 15% to 20%. Which affects all the costs involved.
5. Inflation is dramatically increased in the last years due to Exports are reduced, pound sterling has lost its value and the uncertainty after Brexit fears. and was Recorded at 3.6% in 2017 and reported at 4.9% in 2018. And it is predicted to be as high as 7% in the next 5 years.
6. Car prices are dramatically increased. And we have to cover the extra cost of wheelchair conversion as high as 100% off the car's value.
7. Special tariff for festivals especially Henley regatta, equivalent to Henley taxis should be permitted.

It takes at least twice as much it takes to do a job in busy traffic, many other unforeseen reasons and as a result almost every business charges extra to provide services on these occasions.

8. Accordingly to council's bylaws tariff should be consulted every year, but was ignored for last many years.

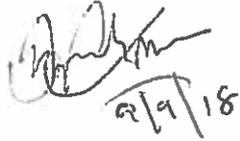
9. As all the private hire companies charging extra time and half for 5 and 6 seaters and even higher for 7 persons, and all neighbouring councils charging higher rate 4 move, we request to reinstate the 6 seater tariff.

If council have received any complaints, those complaints should be directly addressed, rather than putting the blame/responsibility on the whole trade.

Summery.

It is therefore requested to the Appeal And Licensing Committee to look at the costs involved, increased inflation and future predictions, (as fares are unlikely to be changed in the near future again), we request to give us, ideally, 20% increase in fares, spacial regatta tariff and minibus tariff reinstated.

Yours sincerely,
Muhammad Arshad
Chairman



2/9/18

Wokingham Borough Hackney Carriage Association

Historical UK inflation



Grahame Allen.

Year	Inflation	Multiplier
2018	<i>exp 4.9%</i>	1.00
2017	3.6%	1.04
2016	1.8%	1.05
2015	1.0%	1.07
2014	2.4%	1.09
2013	3.0%	1.12
2012	3.2%	1.16
2011	5.2%	1.22
2010	4.6%	1.28

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TITLE	Guidance On Determining The Suitability Of Applicants And Licensees In The Hackney And Private Hire Trades
FOR CONSIDERATION BY	Licensing and Appeals Committee on 1 October 2019
WARD	Non-specific
MANAGER	Sean Murphy - Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

Having up to date and robust policies ensures that users of licensed vehicles within the Borough are protected from drivers and owners who are considered unsafe and unsuitable to hold a licence.

Adopting the most up to date guidance and updating our policy to reflect the guidance will ensure high standards and maintained, as well as a consistent approach across the Public Protection Partnership ('PPP').

RECOMMENDATION

That the Committee agrees that:

- 1) The Council should adopt the policy position changes to the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy (dated November 2017) following the consultation exercise, the comments from the Committee meeting on 25 June 2019 and the Institute of Licensing guidance document position on the relevance of criminal convictions in determining whether someone is "fit or proper" to hold Taxi or Private Hire Drivers Licence or Private Hire Operators Licence.

SUMMARY OF REPORT

At the meeting of the Licensing and Appeals Committee on 19 March 2019 it was agreed that a consultation should take place on the proposals to adopt the Institute of Licensing ('IoL') guidance document and on updates to the Council's existing Criminal Convictions policy as applied to hackney carriage and private hire applicants and licence holders. The results of that consultation were presented to the meeting of the Licensing and Appeals Committee on 25 June 2019 and the Committee discussed the Institute of Licensing guidance on determining the suitability of applicants and licensees in the hackney and private hire trades in comparison to the Councils existing policy.

Annex A of this report proposes the changes to be made following the 25 June meeting Which if approved the updated policy would be used as part of the Council's "fit and proper" test when considering licence applicants or existing licence holders. The policy would be used to inform decision making on the relevance of previous criminal history on applicants suitability.

There are a number of changes compared to the existing November 2017 policy to the period of time in which a licence would be granted, from completion of sentence or from date of conviction or if a fine imposed. This is both an increase in number of years

before a license can be issued and also the incorporation of additional offences to those in the current policy.

Background

The Local Government (Miscellaneous Provisions) Act 1976 section 51 and 55 includes the provision that a Licensing Authority must satisfy themselves before a licence is granted that the applicant for a driver or operator licence is a fit and proper person. This has not been judicially defined but in the case of a suspension of a driver in Leeds City Council v Hussain it was said by the Judge:

“To prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty and that they are people who would not take advantage of their employment to abuse or assault passengers”

There is no national or statutory guidance to assist local authorities in making a decision on whether a licence holder remains, or a new applicant is, fit and proper. As such, it is left up to individual authorities to make this decision. It is the hope of the IoL that if the standards within their guidance document are widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing.

The Council includes a criminal records check (DBS) as part of its fit and proper person test.

The guidance has been produced by the IoL in partnership with the Local Government Association, Lawyers in Local Government, and the National Association of Licensing and Enforcement Officers, and following widespread consultation. It is formally endorsed by all of those organisations.

This is a comprehensive guidance document in relation to determining applicant suitability, specifically in relation to any trace identified within criminal records checks, or other non-conviction information that comes to light.

In each case in the IoL standards, the suggested time periods that should elapse before a licence would be granted are equal to, or longer than the existing periods in the Council's policy. In some cases, significantly longer periods are suggested, for example all violence offences are 10 years in the IoL guidance, whereas for some violence offences the period is as low as 3 years in the current policy.

Nationally, there have been a number of high profile incidents in recent years in relation to child sexual exploitation ('CSE') issues, and therefore it is felt to be very appropriate to specify that anyone who has been convicted of CSE or other exploitation offences (such as modern slavery), will not be licensed.

Both Hackney Carriage and Private Hire drivers are exempt from the Rehabilitation of Offenders Act 1974. This means that there are no 'spent' convictions and any and all criminal convictions can be taken into account by a Local Authority in assessing safety and suitability. Enhanced Disclosure and Barring Service (DBS) certificates are

obtained by the authority in respect of a new applicant and these are renewed every 3 years.

Taxis are used by a large selection of the public but most regularly they are used by vulnerable groups such as children, the elderly, disabled people and the intoxicated. These groups in particular and lone females are placing themselves, and their personal safety, completely in the hands of a driver. As a passenger they may not have any control of what the driver does, be it drive badly, take them to a remote location, or assault them mentally or physically.

The Local Government Association Taxi and PHV licensing Councillors’ handbook (from page 13, August 2017 edition) recommends that a Council’s criminal convictions policy is reviewed and updated regularly. Councils are also recommended to take a particularly strong stance in relation to indecency, violence and dishonesty offences.

In addition to help in protecting the public, a robust policy will also engender public confidence in the trade, which can ultimately only be of benefit to the trade. This is a point that will be made in the consultation process.

Analysis of Issues

It is suggested that the IoL guidance will help to add greater clarity for both the person making a decision, whether officers or Committee Members at a panel hearing, and for an applicant or licence holder who has criminal convictions or allegations made against them. The recommendation is therefore that the IoL guidance is adopted and the current policy is amended to reflect the time frames specified within the guidance.

Within the Public Protection Partnership the three separate Licensing Authorities are considering the update of their Criminal Conviction Policy and each are adopting the higher standards of the IoL guidance.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision
None

Cross-Council Implications

There are no implications arising from the recommendation in this report.

List of Background Papers

Local Government Association Taxi and PHV licensing Councillors' handbook (August 2017)

https://www.local.gov.uk/sites/default/files/documents/10.9%20Councillor%20Handbook%20-%20Taxi%20and%20PHV%20Licensing_November_2017.pdf

Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (April 2018)

[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

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Date 13 September 2019	Version No. 1.1

Hackney Carriage and Private Hire Licensing Criminal Convictions Policy

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an **applicant** or an **existing licence holder** is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person
 - That the person does not pose a threat to the public
 - That the public are safeguarded from a dishonest person
 - That children, young persons and vulnerable adults are safeguarded.
- 1.3 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not exclusively:
- Applicants for drivers and operator licences
 - Existing licensed persons whose licences are being reviewed
 - Licensing officers
 - Members of the licensing committee/panel (or other relevant decision making body)
 - Magistrates hearing appeals against local authority decisions.
- 1.4 Where licensing officers or the Licensing Panel have delegated powers to grant, revoke or suspend licences, they will utilise these guidelines when making their decision. Whilst officers and the panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.** Clear cogent reasons would be set out in any decision letter where there is a departure from the guidance.

2. General policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances, or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a) remain free of conviction for an appropriate period; and
 - b) show adequate evidence that he or she is a fit and proper person to hold a licence

The onus is on the applicant to produce such evidence and simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and

proper person to hold a licence.

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

3. **Pre-requisites to making an application**

- 3.1 It is the policy of the licensing authority that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been made until such time as they are complete:

- That the applicant has the right to live and work in the country.
- An enhanced criminal record check (DBS) and evidence that they are not on a child and/or vulnerable adult barring list.
- A certificate of their current medical fitness to DVLA Group 2 standard.
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive.
- That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency.
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.
- That where specified the applicant has completed safeguarding awareness training specific to the service that they wish to be licensed to provide.
- For persons who seek to be authorised to drive a wheelchair accessible vehicle, that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their wheelchair.

- 3.2 If an applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made.

4. **Appeals**

- 4.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

- 4.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

- 4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

5. **Powers**

- 5.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the

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application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

5.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

5.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

6. Consideration of disclosed criminal history

6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of caution/conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of caution/conviction.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant.

6.2 Existing licence holders are required to notify the licensing authority in writing within 28 days of being arrested, receiving a driving licence endorsement, fixed penalty notice, caution or criminal conviction.

6.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing team in confidence for advice.

6.4 Applicants for the grant of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). Existing licensed drivers are required to obtain an enhanced disclosure every 3 years or as required by the licensing authority.

6.5 Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the Council, will be required to obtain a basic criminal record disclosure from Disclosure Scotland. Existing licensed operators are required to obtain a basic criminal record disclosure every 3 years or as required by the licensing authority.

- 6.6 The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information, and the DBS's policy on the secure storage, handling, use, retention and disposal of disclosure information. Copies of these documents are available on request. More information about the DBS can be found on their website at: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.
- 6.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 6.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

7. Serious offences involving violence

- 7.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life or serious injury. Exceptional circumstances may permit the Council to make an exception to this general policy statement.
- 7.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 7.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 7.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:
- Arson
 - Malicious wounding or grievous bodily harm
 - Actual bodily harm which would be classified as "hate crime"
 - Robbery
 - Possession of firearm
 - Riot
 - Assault on a Police officer, or a Council officer acting in the course of their duty
 - Common assault which would be classified as "hate crime"

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- Violent disorder
- Resisting arrest, when subsequently charged or convicted.
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

- Criminal damage would be classified as "hate crime"
- Any other hate crime offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

7.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

8. Possession of a weapon

8.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

8.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 7 years (or at least 7 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

9. Sex and indecency offences

9.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sex and indecency offences will be refused.

9.2 (a) Unless there are exceptional circumstances, an application will be refused where the

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applicant has a conviction for a serious offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Or **any** sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

9.3 (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit).

9.4 In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Exploitation

A licence will not be granted where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children. This includes:

- slavery
- child sexual exploitation
- grooming
- psychological, emotional or financial abuse

10. Dishonesty

10.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Licensed drivers are required to deposit such property with the police within 24 hours and inform their operator where applicable. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

10.2 In general, a minimum period of 7 years free of conviction or at least 7 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

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- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- And any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

10.3 A licence will not be granted if an applicant has more than one conviction for a dishonesty offence.

11. Drugs

11.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

11.2 A licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for at least 10 years.

11.3 A licence will not be granted where the applicant has a conviction for offences related to the possession of drugs and has not been free of conviction for at least 5 years and testing carried out by approved company at agreed time frequency.

11.4 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

11.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

11.6 A licence will not be granted if an applicant has more than one conviction for a drugs related offence.

Discrimination

A licence will not normally be granted if an applicant has a conviction involving or connected with discrimination in any form in the last 7 years.

12. Driving offences involving the loss of life

12.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not be granted where the applicant has a conviction for an offence such as:

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- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences

13. Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

13.1 As licensed drivers are professional vocational drivers, a serious view is taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. Normally at least 7 years after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

13.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- Are much less aware of what's happening on the road around them
- Fail to see road signs
- Fail to maintain proper lane position and steady speed
- Are more likely to 'tailgate' the vehicle in front
- React more slowly, take longer to brake and longer to stop
- Are more likely to enter unsafe gaps in traffic
- Feel more stressed and frustrated.

13.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

13.4 A licence will not be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs.

A licence will not be granted for at least 5 years whilst using a mobile phone or a hand-held device whilst driving

14. Motoring offences

14.1 Where any applicant for a **new** licence has been disqualified from driving, a licence will not be granted until the applicant has (since the period of disqualification has ended) held a full driving licence for a continuous period of 2 years.

14.2 Where any licensed driver is disqualified from driving, the licence will be revoked. On restoration of the entitlement to drive, a licence will not be granted for a period of 2 years.

14.3 Should a new applicant or existing licensed driver be convicted of endorseable motoring offences resulting in a total of 9 or more points on his/her DVLA driving licence, it is likely

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that he/she shall be required to appear before a sub-Committee; in the case of a new application, to show good reason why the Council should grant, or in the case of an existing driver, show good reason why the Council should not suspend or revoke his/her licence.

A license will not be granted for at least 7 years for major motoring offences, which include:

- any offence which resulted in injury to any person or damage to any property (including vehicles)
- driving without insurance
- Any offence connected with motor insurance

A license will not be granted for at least 5 years for other minor motoring offences, defined as:

- one which does not involve loss of life, driving under the influence of drink or drugs,
- driving whilst using a mobile phone,
- has not resulted in any damage to any property (including vehicles)
- where an applicant has 7 or more points on their DVLA licence

15. Licensing offences

- 15.1 Certain offences which relate to licensing matters such as illegal plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of at least 7 years has passed since the offence.
- 15.2 A licence will not be granted if an applicant has more than one conviction for such licensing related offences.

16. Insurance offences

- 16.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for at least 7 years; however a strict warning should be given as to future behaviour.
- 16.2 A licence will not be granted if an applicant has more than one conviction for an insurance related offence.

- 16.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have their operator licence revoked immediately and be prevented from holding a licence for at least three years.

17. Outstanding charges or summonses

- 17.1 If an individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 17.2 If the outstanding charge or summons involves a serious offence or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

18. Non-conviction information

- 18.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
- 18.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

19. Cautions

- 19.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

20. Once a licence has been granted

- 20.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect serious consideration to be given to the suspension or revocation of their licence.
- 20.2 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]
- 20.3 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

21. Licences issued by other licensing authorities

- 21.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

- 21.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

22. Summary

- 22.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.
- 22.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 22.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration must remain the protection of the public.

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Agenda Item 21.

TITLE	Fees and Charges
FOR CONSIDERATION BY	Licensing and Appeals Committee on 1 October 2019
WARD	Non-specific
MANAGER	Sean Murphy - Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

Fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit.

RECOMMENDATION

That the Committee considers the report, notes the proposals and agree these fees go forward for further discussion and consideration as part of the Council fee setting process.

SUMMARY OF REPORT

This report sets out the Fees and Charges which are to be proposed to and considered by the Joint Public Protection Committee.

Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process. Annex A details the report to be considered by The Joint Protection Committee for 2020/21. The fees include a new structure for those proposed under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations, the new licensing regime.

Background

The Joint Public Protection Committee is required by the Inter-Authority Agreement that set up the Public Protection Partnership shared service to recommend a draft set of fees and charges to each of the member Councils.

It is noted that a significant number of fees within the licensing field are set by Government regulation and cannot therefore be changed by the Council.

As a matter of principle, all fees and charges should be set on the basis of full cost recovery. Also aligning fees across the 3 Local Authorities is proposed where appropriate, including a proposed single fee structure for hackney carriage and private hire.

In respect of all discretionary fees and the hourly rate, an inflationary % rise has been applied. This inflationary rise will balance the increase in cost of service provision such as the cost of living salary rise.

The Committee has discretion to round the proposed fees to the nearest whole pound should they so resolve.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	To be determined	N/A	N/A
Next Financial Year (Year 2)	To be determined	N/A	N/A
Following Financial Year (Year 3)	To be determined	N/A	N/A

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

There are no implications arising from the recommendation in this report.

List of Background Papers

None

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Appendix A

Public Protection Partnership Budget - Supporting Information

1. Introduction/Background

1.1. The net revenue budget for 2020/21 has been calculated taking into account:

- The annual cost of living rise at 2%
- Incremental rises effective from the 1st April 2020
- Increase in West Berkshire and Wokingham pension
- No inflationary rise has been applied to supplies and services

This gives a total net revenue budget for 2020/21 of **£3.716M**.

1.2. This means that with inflation and salary adjustments the budget has increased by £152k. It is important to note that these inflationary pressures would have been experienced by the individual partner councils even if the PPP was not in operation, however it is noted that there were different methods of accounting for the change year to year.

1.3. The agreed percentages are in-line with the 2019/20 percentages with minor adjustments of less than 0.5%.

2. Joint Management Boards (JMB) consideration of a budget reduction

2.1. In 2018 West Berkshire Council requested that the JMB consider the way to manage a reduction in contribution of £58k in 2019/20 and subsequently in 2020/21.

2.2. The Inter-Authority Agreement anticipates that service levels are evenly applied across the areas administered by the three Councils. That is not to say that different service levels could not be applied in different areas. The difficulty with this is that it could be argued to undermine the ethos of the 'Partnership', and in certain circumstances could leave the other parties carrying a disproportionate share of any management / overhead cost. Nevertheless with the consent of the Committee this could be done and calculated.

2.3. Should localised service disinvestment be sought it is recommended that the most appropriate methodology would be in the form of 'rebate' for localised service reduction. This would preserve the agreed percentages for a standardised uniform service and not undermine the basis of the IAA. Any such reduction would not have to place an unfair financial burden on the other party or parties therefore all overhead costs would need to be reviewed.

3. Supporting Information - Pressures

- 3.1. A number of pressures have been identified. Overall the number of public houses continues to fall with associated loss of income. Most other income is broadly stable. The one other area under significant pressure is gambling establishment licensing where the changes to the Fixed Odds Betting Terminal stakes has led to a large proportion of high street bookmaker shops looking to close. There is also a loss of income from the closure of pubs with gaming machine premise licences.

4. Supporting Information – Scope for Pressure Mitigation

- 4.1. The PPP continues to look for options around income generation and/or to mitigate pressures including building capacity. Although there are discussions ongoing regarding potential scope for Primary Authority work, we continue to concentrate on working with other authorities to share resource and build capacity as well as looking to obtain grant funding to mitigate costs in respect of investigations and court matters. Included in this is the work we do around case management with colleagues from Oxfordshire and RBFRS, the sharing of resource for animal feed activity, petroleum inspections, proceeds of crime and animal health. Another significant area is financial support for investigations including staff resource, case management, forensics etc. In 2019/20 it is anticipated grant support will exceed £150K which is to cover additional costs and some internal cost recovery.
- 4.2. Whilst income generation could potentially help mitigate pressures or core funding reductions it does however come at a cost. That cost is normally manifested as a reduction in service delivery in other areas. Specific grants relating to specific activities can be helpful e.g. public health, investigations, animal feed etc. they do little to mitigate overall costs.
- 4.3. The overall scope for income generation over and above cost recovery or grant income is very limited. The business advice consultancy market is saturated. Two possible areas to explore include offering training and development and case management consultancy. The preferred option is to continue to work with other local authorities to build capacity through sharing resource. This also has the desired effect of sharing the cost of managing that resource whilst providing greater flexibility.

5. Supporting Information – Fees and Charges

- 5.1. At the meeting of the Committee in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle that all fees and charges should be set on the basis of full cost recovery. In 2018/19 the hourly rate for the service was set at £55 p/h as the basis of cost recovery. This was increased as a flat fee to £57 p/h (with rounding) in 2019/20. It is proposed in the 2020/21 that as the fee was rounded in 2019/20 from £56.38 to £57 that this year it should be raised on to £57.50.

5.2. In July 2018 the Committee received a further report asking it to consider the basis for setting fees and charges and the application of full cost recovery. That methodology was approved by the Committee. Based on previous decisions work has been carried out by officers to align fee structures.

5.3. In respect of all discretionary fees we have assumed an inflationary rise of 2.0%. This inflationary rise will balance the increase in cost of service provision such as the cost of living salary rise set out above. The result is the fees schedule set out at Appendix B to this report.

5.4. Taxi and Private Hire Related Fees

The 2018/19 fees and charges for taxi and private hire related activity showed a significant disparity between the former West Berkshire and Wokingham fee structure. These were brought into line for 2019/20

A review has taken place of the Private Hire PPP is currently proposing a review of Operator fees based on per vehicle charges which are more consistent, transparent and fairer for operators than the current banded ones.

The additional administration work of the dispensation vehicles will be incorporated into these new fees going forward so all vehicle licence fees are the same.

The new Operator fees are based on a administration fee for a new or renewal of a 5 year licence plus one hour for the first vehicle plus 15 minutes for each subsequent vehicle the operator has. There also needs to be a variation fee if an operator adds vehicles to the original number on the application plus the number of vehicles for each yearly inspection. Consideration needs to be made as to whether any refund is made on any reduction of numbers as this change will mean that each time there is a variation of numbers a new licence will need to be issued-however this will be an administrative burden and will put costs up.

5.5. Animal Welfare Establishments

On 1 October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. These regulations are made under powers conferred under the Animal Welfare Act 2006, and replace a number of pieces of legislation under which the Council previously issued licences and registrations.

Activities licensable under the regulations are selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs, or keeping or training animals for exhibition.

A new set of fees are required as the fees charged under the preceding legislation do not cover the costs associated with the new regulations. Costs have increased as a result of matters such as increase administration, new higher inspection requirements and the required qualifications for inspectors.

A set of fees have been calculated based upon the costs now encountered by PPP in dealing with the new licensing regime.

These fees have been drawn up with the benefit of operation of the new licensing regime. In order to assist Members Appendix C to this report gives a worked example of how the fees are calculated and any potential savings for high levels of compliance.

The very essence of the scheme is risk based and the higher the risk the more you will pay over any given risk period.

5.6 Fees Under Review

These fees need to be kept under constant review. The centralised Applications Team settles and as we move to a single system in particular (where applicants will be able to apply on-line) it is anticipated that there may be some efficiencies that affect fees.

In particular we will be concentrating on whether fees for renewals could be reduced through the use of new technology.

Background Papers:

Papers containing facts or material you have relied on to prepare your report. The public can access these background papers.

PPP Strategic Aims and Priorities Supported:

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection
- 2 – Protecting and Improving Health
- 3 – Protection of the Environment
- 4 – Supporting Prosperity and Economic Growth
- 5 – Effective and Improving Service Delivery

Officer details:

Name: Sean Murphy
Job Title: Public Protection Manager
Tel No: 01635 519840
E-mail Address: sean.murphy@westberks.gov.uk

Equality Impact Assessment – Stage One

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Committee to make:	To consider the revenue budget for the PPP for 2020/21 including fees and charges
Summary of relevant legislation:	
Does the proposed decision conflict with any of the partnerships key objectives?	No
Name of assessor:	Sean Murphy
Date of assessment:	08/09/2018

Is this a:		Is this:	
Policy	✓	New or proposed	✓
Strategy		Already exists and is being reviewed	
Function		Is changing	
Service			

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 out a draft budget for 2020/21 to be considered by the Committee prior to submission to Councils as part of the budget setting processes. This includes fees and charges.
Objectives:	To agree a draft budget for 2020/21 to be considered by the Councils as part of the budget setting processes. This includes fees and charges. Ultimately the budgets and fees and charges will be set by the individual Councils and will be subject to local equalities impact assessments.
Outcomes:	There is a proposal by West Berkshire to reduce its contribution. Should this be adopted there may be an impact either across the PPP delivery area or localised to West Berkshire.
Benefits:	The delivery of the key PPP priorities of: Community Protection and in particular the protection of the vulnerable Protecting and Improving Health Protection of the Environment Supporting economic growth Improving and efficient service delivery

<p>2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)</p>		
Group Affected	What might be the effect?	Information to support this
Age		
Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<p>Further Comments relating to the item:</p> <p>Should a decision be made to reduce the overall budget of the service in line with the proposal from West Berkshire then an impact assessment will need to be drawn up along with any proposals to be considered by the Committee in December.</p>		

3. Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: The premises are accessibility compliant.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No

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 Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment 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 [Equality Impact Assessment guidance and Stage Two template](#).

4. Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	

Timescale for Stage Two assessment:	
--	--

Name:

Date:

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Private Hire Operators Fees

1. New Applications

Includes receipt and processing of application. Fee also covers general Compliance / admin and training costs.

3 hour receipt of application and processing i.e. 3 x £57 (one-off)

1 hours officers time to travel to site, inspect and prepare report notes for first vehicle per year licence applied for i.e. 1 x £57 per vehicle per year

15 mins officer time per individual vehicle for officer time per year applied for i.e. £14.25 per vehicle per year

Worked Example for Operator with 10 Vehicles:

1 Year = 4 x £57 + 9 x £14.25 = £365.25

3 Year = 4 x £57 + 2 x £57 + 3 x (9 x £14.25) = £726.75

5 Year = 4 x £57 + 4 x £57 + 5 x (9 x £14.25) = £1097.25

2. Renewal of Existing Licence

Includes receipt and processing of application. Fee also covers general Compliance / admin and training costs.

1 hour receipt of application and processing i.e. 1 x £57 (one-off)

1 hours officers time to travel to site, inspect and prepare report notes for first vehicle per year licence applied for i.e. 1 x £57 per vehicle per year

15 mins officer time per individual vehicle for officer time per year applied for i.e. £14.25 per vehicle per year

Worked Example for Operator with 10 Vehicles:

1 Year = 2 x £57 + 9 x £14.25 = £251.25

3 Year = 2 x £57 + 2 x £57 + 3 x (9 x £14.25) = £312.75

5 Year = 2 x £57 + 4 x £57 + 5 x (9 x £14.25) = £983.25

3. Dispensation Vehicles

Dispensation vehicles will be charged at 15 minutes extra per vehicle.

e.g. An operator with ten vehicles (of which 4 were Dispensation Vehicles) would be charged at the above rate + £57 per year of operation.

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Appendix D

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Example fees calculation for Boarding Establishments combined dogs and cats:

1. Application fee and renewal fee

Includes receipt and processing of application and one inspection. Fee also covers general enforcement/admin and training costs.

1 hour receipt of application and processing

4 hours officers time to travel to site, inspect and prepare report notes

5 hours @ £57.00 per hour = **£285.00**

2. Grant fee

Includes writing up inspection report notes, determination of rating using scoring matrix (shown below), issuing of licence, unannounced visit and associated administration, ongoing liaisons with vet as required.

0.5 hour issue of licence

2.5 hours officers time to prepare inspection report and determine star rating

4 unannounced visit during terms of licence issued (1 unannounced visit per licence term granted)

7 hours @ £57.00 per hour = **£399.00**

Total Payable: £280.00 + £392.00 = **£684.00**

Comparison of proposed fee with current annually charged fee

1. West Berkshire and Wokingham

Current fee payable is £448.00 annually.

If premises meet the minimal standards and are issued with a 2 year licence a saving of £220.00 is gained from the current fee charged.

If premises meet the higher standards and a 3 year licence is granted then a saving of £668.00 is made.

2. Bracknell Forest

Current fee payable £405.00 annually.

If premises meet the minimum standards and are issued with a 2 year licence a saving of £134.00 is gained from the current fee charged.

If premises meet the higher standard and a 3 year licence is granted then a saving of £539.00 is made.

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

Description		Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2020/2021 (Excluding VAT) +2%	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) Fees Rounded Off	Notes
Public Protection Partnership					
Environmental Protection					
Prevention of Damage by Pests					
Pest Site survey		N/A			Hourly rate and / or cost recovery where WID
Rat treatment		N/A			Hourly rate and / or cost recovery where WID
Any other Pest treatment		N/A			Hourly rate and / or cost recovery where WID
Dog Warden Services					
Stray Dogs - Not taken to Kennel		£72.00	£73.44	£73.00	Amalgamate. Vet fees separate as applicable
Stray Dogs - Taken to Kennel		CR			Fees based on charges & cost recovery. Vet fees separate as applicable
Dog Fouling fixed penalty charge		£75.00			Set in FPN policy
Misc stray dog activities ie taxi, relocating, microchipping etc		£56.00	£57.12	£57.00	Plus cost recovery on charges.
Abandoned Vehicles					
Removal (prescribed fee)	Less than 3.5 tonnes	£150.00			Set by statute
Daily Storage (prescribed fee)	Less than 3.5 tonnes	£20.00			Set by statute
Enforcement disposal costs (prescribed fee)	Less than 3.5 tonnes	£75.00			Set by statute
Fixed penalty notice	Reduced to £120 if paid within 7 days	£200.00			Set by statute
Enforcement invoice costs		£77.00			Set by statute
Trading Standards					
Weights and Measures Fees (per hour)		£63.00	£64.26	£64.00	Discretionary
Explosives Licenses / Registrations - set by statute					Set by statute
Varying the name of licensee or address of site					Set by statute
Petroleum Licensing Fees - set by statute					Set by statute
Primary Authority					
Primary Authority Work hourly chargeable rate		£56.00	£57.12	£57.00	
Annual charge - previous year usage 10 hours or less		£513.00	£523.26	£523.00	
Annual charge - previous year usage 20 hours		£1,025.00	£1,045.50	£1,046.00	
Anything likely to be in excess of 20 hours		CR			Individually assessed
Support with Confidence					
Application fee	1-5 employees	£59.00	£60.18	£60.00	All disbursements charged at cost
	6-20 employees	£119.00	£121.38	£121.00	As above except fee reduced to £50 if registered with confidence
	21+ employees	£298.00	£303.96	£304.00	As above except fee reduced to £50 if registered with confidence
Buy with Confidence					
Members from 2017/18 Application Fee	1-5 employees	£125.00	£127.50	£128.00	Nationally agreed with 'Buy with Confidence' scheme holder as varied from time to time
	6-20 employees	£167.00	£170.34	£170.00	Nationally agreed with 'Buy with Confidence' scheme holder
	21+ employees	£208.00	£212.16	£212.00	Nationally agreed with 'Buy with Confidence' scheme holder
Annual Fee	1-5 employees	£250.00	£255.00	£255.00	Nationally agreed with 'Buy with Confidence' scheme holder
	6-20 employees	£375.00	£382.50	£383.00	Nationally agreed with 'Buy with Confidence' scheme holder
	21+ employees	£500.00	£510.00	£510.00	Nationally agreed with 'Buy with Confidence' scheme holder
Members before 2017/18 Application /Annual Fee	1-5 employees	£123.00	£125.46	£125.00	Applicable only to legacy Bracknell members

Description		Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2020/2021 (Excluding VAT) +2%	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) Fees Rounded Off	Notes
	6-20 employees	£185.00	£188.70	£189.00	Applicable only to legacy Bracknell members
	21+ employees	£247.00	£251.94	£252.00	Applicable only to legacy Bracknell members
Commercial					
Food Export Certificates		£56.00	£57.12	£57.00	Full cost recovery based on officer hourly rate
Anti-Social Behaviour Act:					
High Hedges Fee (Class A – Fee Discretionary)		£1,175.00	£1,198.50	£1,199.00	Cost recovery for consultant
Licences, Registrations and Similar Consents					
<i>Licensing Act 2003:</i>					
Premises Licence – “one off” fees set by statute based upon rateable value (RV) of premises (Class B – Statutory Fee)					
Band A – RV up to 4300		£100.00	£100.00	£100.00	Statutory -no increase.
Band B – RV 4300 to 33000		£190.00	£190.00	£190.00	Statutory -no increase.
Band C – RV 33001 to 87000		£315.00	£315.00	£315.00	Statutory -no increase.
Band D – RV 87001 to 125000		£450.00	£450.00	£450.00	Statutory -no increase.
Band E – RV 125001 and above		£635.00	£635.00	£635.00	Statutory -no increase.
Pre-Application Advice, Hourly charge	Min 1 Hr	£56.00	£57.12	£57.00	
Premises Licence – Annual Fee (Class B – Statutory Fee)					
Band A		£70.00	£70.00	£70.00	Statutory -no increase.
Band B		£180.00	£180.00	£180.00	Statutory -no increase.
Band C		£295.00	£295.00	£295.00	Statutory -no increase.
Band D		£320.00	£320.00	£320.00	Statutory -no increase.
Band E		£350.00	£350.00	£350.00	Statutory -no increase.
Personal Licence - (Class B – Statutory Fee)					
Temporary Event Notices (TEN's) - (Class B – Statutory Fee)		£21.00	£21.00	£21.00	Statutory -no increase.
Application for copy licence, change address or club rules		£10.50	£10.50	£10.50	Statutory -no increase.
Application to vary DPS/transfer licence/interim notice		£23.00	£23.00	£23.00	Statutory -no increase.
Application for making a provisional statement		£315.00	£315.00	£315.00	Statutory -no increase.
Minor variation		£89.00	£89.00	£89.00	Statutory -no increase.
Application to disapply mandatory DPS condition		£23.00	£23.00	£23.00	Statutory -no increase.
Pre-Application Advice, hrly charge	Min 1 Hr	£56.00	£57.12	£57.00	
Gambling Licenses					
Casinos (regional)	New Application	£15,000.00	£15,000.00	£15,000.00	100% of Statutory Maximum
	Provisional Statement	£15,000.00	£15,000.00	£15,000.00	100% of Statutory Maximum
	Application with Prov Statement	£8,000.00	£8,000.00	£8,000.00	100% of Statutory Maximum
	Variation	£7,500.00	£7,500.00	£7,500.00	100% of Statutory Maximum
	Transfer/Reinstatement	£6,500.00	£6,500.00	£6,500.00	100% of Statutory Maximum
	Annual Fee	£15,000.00	£15,000.00	£15,000.00	100% of Statutory Maximum
Casinos (large)	New Application	£10,000.00	£10,000.00	£10,000.00	100% of Statutory Maximum
	Provisional Statement	£10,000.00	£10,000.00	£10,000.00	100% of Statutory Maximum
	Application with Prov Statement	£5,000.00	£5,000.00	£5,000.00	100% of Statutory Maximum
	Variation	£5,000.00	£5,000.00	£5,000.00	100% of Statutory Maximum

Description		Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2020/2021 (Excluding VAT) +2%	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) Fees Rounded Off	Notes
	Transfer/Reinstatement	£2,150.00	£2,150.00	£2,150.00	100% of Statutory Maximum
	Annual Fee	£10,000.00	£10,000.00	£10,000.00	100% of Statutory Maximum
Casinos (small)	New Application	£8,000.00	£8,000.00	£8,000.00	100% of Statutory Maximum
	Provisional Statement	£8,000.00	£8,000.00	£8,000.00	100% of Statutory Maximum
	Application with Prov Statement	£3,000.00	£3,000.00	£3,000.00	100% of Statutory Maximum
	Variation	£4,000.00	£4,000.00	£4,000.00	100% of Statutory Maximum
	Transfer/Reinstatement	£1,800.00	£1,800.00	£1,800.00	100% of Statutory Maximum
	Annual Fee	£5,000.00	£5,000.00	£5,000.00	100% of Statutory Maximum
Bingo Clubs	New Application	£3,500.00	£3,500.00	£3,500.00	100% of Statutory Maximum
	Provisional Statement	£3,500.00	£3,500.00	£3,500.00	100% of Statutory Maximum
	Application with Prov Statement	£1,200.00	£1,200.00	£1,200.00	100% of Statutory Maximum
	Variation	£1,750.00	£1,750.00	£1,750.00	100% of Statutory Maximum
	Transfer/Reinstatement	£1,200.00	£1,200.00	£1,200.00	100% of Statutory Maximum
	Annual Fee	£1,000.00	£1,000.00	£1,000.00	100% of Statutory Maximum
Betting Premises	New Application	£3,000.00	£3,000.00	£3,000.00	100% of Statutory Maximum
	Provisional Statement	£3,000.00	£3,000.00	£3,000.00	100% of Statutory Maximum
	Application with Prov Statement	£1,200.00	£1,200.00	£1,200.00	100% of Statutory Maximum
	Variation	£1,500.00	£1,500.00	£1,500.00	100% of Statutory Maximum
	Transfer/Reinstatement	£1,200.00	£1,200.00	£1,200.00	100% of Statutory Maximum
	Annual Fee	£600.00	£600.00	£600.00	100% of Statutory Maximum
Tracks	New Application	£2,500.00	£2,500.00	£2,500.00	100% of Statutory Maximum
	Provisional Statement	£2,500.00	£2,500.00	£2,500.00	100% of Statutory Maximum
	Application with Prov Statement	£950.00	£950.00	£950.00	100% of Statutory Maximum
	Variation	£1,250.00	£1,250.00	£1,250.00	100% of Statutory Maximum
	Transfer/Reinstatement	£950.00	£950.00	£950.00	100% of Statutory Maximum
	Annual Fee	£1,000.00	£1,000.00	£1,000.00	100% of Statutory Maximum
Family Entertainment Centres	New Application	£2,000.00	£2,000.00	£2,000.00	100% of Statutory Maximum
	Provisional Statement	£2,000.00	£2,000.00	£2,000.00	100% of Statutory Maximum
	Application with Prov Statement	£950.00	£950.00	£950.00	100% of Statutory Maximum
	Variation	£1,000.00	£1,000.00	£1,000.00	100% of Statutory Maximum
	Transfer/Reinstatement	£950.00	£950.00	£950.00	100% of Statutory Maximum
	Annual Fee	£750.00	£750.00	£750.00	100% of Statutory Maximum
Adult Gaming Centres	New Application	£2,000.00	£2,000.00	£2,000.00	100% of Statutory Maximum
	Provisional Statement	£2,000.00	£2,000.00	£2,000.00	100% of Statutory Maximum
	Application with Prov Statement	£1,200.00	£1,200.00	£1,200.00	100% of Statutory Maximum
	Variation	£1,000.00	£1,000.00	£1,000.00	100% of Statutory Maximum
	Transfer/Reinstatement	£1,200.00	£1,200.00	£1,200.00	100% of Statutory Maximum
	Annual Fee	£1,000.00	£1,000.00	£1,000.00	100% of Statutory Maximum
Lotteries and Amusements	New Application	£40.00	£40.00	£40.00	Statutory -no increase.
	Annual Fee	£20.00	£20.00	£20.00	Statutory -no increase.
All Licences	Notification of change	£50.00	£50.00		100% of Statutory Maximum
	Copy of Licence	£25.00	£25.00		100% of Statutory Maximum
Pre-Application Advice, hrly charge	Min 1 Hr	£56.00	£57.12	£57.00	
Club Gaming Machines					
Club Gaming or Machine Permit	New Application	£200.00	£200.00	£200.00	Statutory-no increase

Description		Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2020/2021 (Excluding VAT) +2%	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) Fees Rounded Off	Notes
Club Gaming or Machine Permit	Existing holder	£100.00	£100.00	£100.00	Statutory-no increase
Club Gaming or Machine Permit(holds a Club Premises Certificate under Licensing Act 2003)	New Application	£100.00	£100.00	£100.00	Statutory-no increase
Club Gaming or Machine Permit	Renewal	£200.00	£200.00	£200.00	Statutory-no increase
Club Gaming or Machine Permit(holds a Club Premises Certificate under Licensing Act 2003)	Renewal	£100.00	£100.00	£100.00	Statutory-no increase
Club Gaming or Machine Permit	Annual Fee	£50.00	£50.00	£50.00	Statutory-no increase
Club Gaming or Machine Permit	Variation	£100.00	£100.00	£100.00	Statutory-no increase
Club Gaming or Machine Permit	Copy of Licence	£15.00	£15.00	£15.00	Statutory-no increase
Licensed Premises Notifications					
To make available up to 2 gaming machines on premises which hold on-premises alcohol licence	notification of intention	£50.00	£50.00	£50.00	Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Application (existing holder)	£100.00	£100.00	£100.00	Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	New Application	£150.00	£150.00	£150.00	Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Annual Fee	£50.00	£50.00	£50.00	Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Variation	£100.00	£100.00	£100.00	Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Transfer	£25.00	£25.00	£25.00	Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Change of Name	£25.00	£25.00	£25.00	Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Copy of Permit	£15.00	£15.00	£15.00	Statutory-no increase
Pre-Application Advice, hrly charge	Min 1Hr	£56.00	£57.12	£57.00	
Sex Establishments – (Class A – Fee Discretionary)					
Cinema		min £3,100 to max £5150	min £3,100 to max £5150	min £3,100 to max £5150	No change
Shop		min £3,100 to max £5150	min £3,100 to max £5150	min £3,100 to max £5150	No change
Entertainment Venue		min £3,100 to max £5150	min £3,100 to max £5150	min £3,100 to max £5150	No change
Premises - new		£2,617.00	£2,617.00	£2,617.00	Bracknell only - no change. Amalgamating with WB & W
Premises - renewal		£1,389.00	£1,389.00	£1,389.00	Bracknell only - no change. Amalgamating with WB & W
Pre-Application Advice, hrly charge	Min 1 Hr	£56.00	£57.12	£57.00	
Street Trading Consents – (Class A – Fee Discretionary)					
Application / Renewal	1 week	£135.00	£137.70	£138.00	Bracknell only
	Monthly Rate	£363.00	£370.26	£370.00	Bracknell only
	Monthly Rate	£223.00	£227.46	£227.00	WB & W only
	3 months	£854.00	£871.08	£871.00	Bracknell only
	6 months	£1,396.00	£1,423.92	£1,424.00	Bracknell only
	6 months	£784.00	£799.68	£800.00	WB & W only
	Annual Fee	£1,343.00	£1,369.86	£1,370.00	WB & W only
	6 months max 2 trading days a week incl Fri, Sat or Sun	£837.00	£853.74	£854.00	Bracknell only

Description		Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2020/2021 (Excluding VAT) +2%	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) Fees Rounded Off	Notes
Zoo Licenses (new and renewals)*	Up to 6 Years	£2,014.00	£2,054.28	£2,054.00	Cost recovery
Hairdresser Registration		£42.00	£42.84	£43.00	Cost recovery
Scrap Metal					
Scrap Metal Site - New	3 Years	£488.00	£497.76	£498.00	Cost recovery
Scrap Metal Site - Renewal	3 Years	£488.00	£497.76	£498.00	Cost recovery
Scrap Metal Mobile Collector - New	3 Years	£260.00	£265.20	£265.00	Cost recovery
Scrap Metal Mobile Collector - Renewal	3 Years	£260.00	£265.20	£265.00	Cost recovery
Scrap Metal -Variation of Licence		£359.00	£366.18	£366.00	Cost recovery
Scrap Metal-Change of Site Manager		£67.00	£68.34	£68.00	Cost recovery
Scrap Metal- Copy of licence		£11.00	£11.22	£11.00	Cost recovery
Scrap Metal- Change of Name		£35.00	£35.70	£36.00	Cost recovery
Pre-Application Advice, hrly charge		£56.00	£57.12	£57.00	
Private Water Supplies (Statutory Maximums stated)					
Risk Assessment	Carried out every 5 years	£56.00	£57.12	£57.00	Minimum charge 1 Hr, simple risk assessment and report typically 5 hours
Sampling		£56.00	£57.12	£57.00	Charge for a visit, taking a sample and delivering it to the laboratory. Typically 2.5 hours
Private water and pool samples	includes cost of testing	£59.00	£60.18	£60.00	
Investigation		£106.00	£108.12	£108.00	Carried out in the event of a test failure, can be substituted by the risk assessment - this does not include any required analysis costs.
Analysis - Regulation 10		£27.00	£27.54	£28.00	Where a supply provides <10m ³ /day or serves <50 people and is used for domestic purposes
Analysis of Group A Parameters					Cost of laboratory analysis will be recovered and will depend on type of suite being analysed. Customer will be advised of cost.
Analysis of Group B Parameters					Additional parameters sampled less often to ensure the water complies with all safety standards - Hrly rate applies
Environmental Permitting (E&W) Regulations 2016					
Scheduled Processes - (Class B – Statutory Fee)					
Standard Process			£1,650.00	£1,650.00	Statutory-no increase
Service Stations (PVI &PVII)			£257.00	£257.00	Statutory-no increase
Dry Cleaners			£155.00	£155.00	Statutory-no increase
Vehicle Refinishers			£362.00	£362.00	Statutory-no increase
Mobile screening & crushing plant			£1,650.00	£1,650.00	Statutory-no increase
for the third to seventh applications			£985.00	£985.00	Statutory-no increase
for the eighth and subsequent applications			£498.00	£498.00	Statutory-no increase
					Statutory-no increase
Substantial Changes					Statutory-no increase
Standard Process			£1,050.00	£1,050.00	Statutory-no increase
Reduced Activities			£102.00	£102.00	Statutory-no increase

Description		Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2020/2021 (Excluding VAT) +2%	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) Fees Rounded Off	Notes
					Statutory-no increase
Annual Subsistence Charge					Statutory-no increase
Standard Process	LOW		£772.00	£772.00	Statutory-no increase
	MEDIUM		£1,161.00	£1,161.00	Statutory-no increase
	HIGH		£1,747.00	£1,747.00	Statutory-no increase
Service Stations PVR2	LOW		£113.00	£113.00	Statutory-no increase
	MEDIUM		£226.00	£226.00	Statutory-no increase
	HIGH		£341.00	£341.00	Statutory-no increase
VRs and other reduced fees	LOW		£228.00	£228.00	Statutory-no increase
	MEDIUM		£365.00	£365.00	Statutory-no increase
	HIGH		£548.00	£548.00	Statutory-no increase
Dry Cleaners /PVR1	LOW		£79.00	£79.00	Statutory-no increase
	MEDIUM		£158.00	£158.00	Statutory-no increase
	HIGH		£237.00	£237.00	Statutory-no increase
Mobile Screening & Crushing Plant	LOW		£646.00	£646.00	Statutory-no increase
	MEDIUM		£1,034.00	£1,034.00	Statutory-no increase
	HIGH		£1,506.00	£1,506.00	Statutory-no increase
For the second permit	LOW		£646.00	£646.00	Statutory-no increase
	MEDIUM		£1,034.00	£1,034.00	Statutory-no increase
	HIGH		£1,506.00	£1,506.00	Statutory-no increase
For the third to seventh permit	LOW		£385.00	£385.00	Statutory-no increase
	MEDIUM		£617.00	£617.00	Statutory-no increase
	HIGH		£924.00	£924.00	Statutory-no increase
For the eighth & subsequent applications	LOW		£198.00	£198.00	Statutory-no increase
	MEDIUM		£316.00	£316.00	Statutory-no increase
	HIGH		£473.00	£473.00	Statutory-no increase
Late payment charge	When invoice issued & not paid in 8 weeks		£52.00	£52.00	Statutory-no increase
					Statutory-no increase
Transfer & Surrender					Statutory-no increase
Transfer			£169.00	£169.00	Statutory-no increase
Partial Transfer			£497.00	£497.00	Statutory-no increase
Surrender			£0.00	£0.00	Statutory-no increase
Transfer Reduced fees			£0.00	£0.00	Statutory-no increase
Partial Transfer Reduced fees			£47.00	£47.00	Statutory-no increase
Private Sector Housing					
Inspection of Housing Premises for Immigration purposes (Class A – Fee Discretionary)		£392.00	£399.84	£400.00	
Enforcement Notices served under Housing Act 2004		£113.00	£115.26	£115.00	Activities as prescribed
HMO Licence NEW - assisted application		£1,174.00	£1,197.48	£1,197.00	Fees aligned June 2018
HMO Licence RENEWAL		£784.00	£799.68	£800.00	
Civil Penalties housing offences					Up to £30,000.00
Caravan Site Licence annual Licence (Option 2 of DCLG Guide for Charging)					
Site licence new		£428.00	£436.56	£437.00	Amalgamate across all areas
New licence per pitch		£16.00	£16.32	£16.00	Amalgamate across all areas
Transfer of licence		£181.00	£184.62	£185.00	Amalgamate across all areas
Alteration of conditions		£332.00	£338.64	£339.00	Amalgamate across all areas
Annual fee per pitch		£14.00	£14.28	£14.00	Amalgamate across all areas

Description		Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2020/2021 (Excluding VAT) +2%	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) Fees Rounded Off	Notes
Enforcement action -per hour		£56.00	£57.12	£57.00	Hourly rate as for activity as prescribed. Amalgamate across all areas
Deposit, vary or deleting site rules		£114.00	£116.28	£116.00	Amalgamate across all areas
Variation of licence		£113.00	£115.26	£115.00	Amalgamate across all areas
Other Fees for Information					Hourly rate applies minimum for 2 hours
Environmental Info Individual, Non Commercial		£113.00	£115.26	£115.00	Cost recovery
Commercial and Government		£113.00	£115.26	£115.00	Cost recovery
Civil Actions (Class A – Fee Discretionary)		£113.00	£115.26	£115.00	Cost recovery
Safety Certification and administration	Minimum 2 hours	£113.00	£115.26	£115.00	Cost recovery
Pre-Application Advice, hourly charge		£56.00	£57.12	£57.00	
Resident and Business Advice					Hourly rate applies
General Business Advice (non-primary authority)	Per hour - free for first 30 minutes	£56.00	£57.12	£57.00	New cost recovery model - refer to officer guidance
Request for Advice		£56.00	£57.12	£57.00	New cost recovery model - refer to officer guidance
Primary Authority Advice		£56.00	£57.12	£57.00	New cost recovery model - refer to officer guidance
Hackney Carriage / Private Hire Licensing					
Vehicle Licences					Consideration 2020 for new environmental standard vehicles eg electric, low emission taxis
Hackney Carriage Vehicle New / Renewal		£282.00	£287.64	£288.00	cost recovery
Private Hire Vehicle New / Renewal		£282.00	£287.64	£288.00	cost recovery
Home to School New / Renewal		£144.00	£146.88	£147.00	Bracknell only
Private Hire Vehicle with Dispensation		£328.00	£334.56	£288.00	Included in operator fees
Private Hire Vehicle with Dispensation		£282.00	£287.64	£288.00	Included in operator fees
Temporary Vehicle licence	Issue up to 3 months maximum	£226.00	£230.52	£231.00	cost recovery
Private Hire Operators					
					NEW 202021 LICENCE FEE SCHEDULE BASED ON PER VEHICLE 5 YEAR: New 4hr incl 1st vehicle +15 min per additional vehicle/Renewal 2 hours incl 1st veh + 15 min per additional vehicle.
Operator 1 vehicle	1 year	£183.00			W and B
Operator 2-5 vehicles	1 year	£318.00			W and B
Operator 6-10 vehicles	1 year	£533.00			W and B
Operator 11-15 vehicles	1 year	£738.00			W and B
Operator 16-20 vehicles	1 year	£999.00			W and B
Operator more than 20 vehicles	1 year	£1,204.00			W and B
Operator 1 vehicle	3 years	£439.00			W and B
Operator 2-5 vehicles	3 years	£772.00			W and B
Operator 6-10 vehicles	3 years	£1,279.00			W and B
Operator 11-15 vehicles	3 years	£1,773.00			W and B
Operator 16-20 vehicles	3 years	£2,400.00			W and B
Operator more than 20 vehicles	3 years	£2,889.00			W and B
Operator – New and renewal	1-4 Vehicles (New 5 Yr)	£559.00			WB Only
	5-9 vehicles (New 5 Yr)	£870.00			WB Only
	9+ vehicles (New 5 Yr)	£1,390.00			WB Only
Operator 1 vehicle	5 years	£559.00			W and B
Operator 2-5 vehicles	5 years	£923.00			W and B

Description		Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2020/2021 (Excluding VAT) +2%	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) Fees Rounded Off	Notes
Operator 6-10 vehicles	5 years	£1,845.00			W and B
Operator 11-15 vehicles	5 years	£2,768.00			W and B
Operator 16-20 vehicles	5 years	£3,690.00			W and B
Operator more than 20 vehicles	5 years	£4,529.00			W and B
Variation to licence				£57.00	to include reissue of licence with additional vehicle registration added plus extra fees for those for length of licence
Driver Licences					
Driver – New / Renewal	3 years	£264.00	£269.28	£269.00	
Home to School New / Renewal	3 years	£181.00	£184.62	£185.00	Bracknell only
Conversion of driver licence to another type		£78.00	£79.56	£80.00	
Other Charges					
Transfer of vehicle to new owner		£112.00	£114.24	£114.00	2 hours
Change of vehicle		£73.00	£74.46	£74.00	
Replacement licence		£40.00	£40.80	£41.00	
Replacement badge		£40.00	£40.80	£41.00	
Replacement Vehicle licence Plate		£56.00	£57.12	£57.00	
Meter test - retest after failure		£31.00	£31.62	£32.00	
Knowledge Test		£73.00	£74.46	£74.00	
Missed Appointments		£36.00	£36.72	£37.00	
Disclosure and Barring Service Check (DBS)					Capita cost + half an hour at hourly charge
Advertising on a Hackney Carriage Initial		£46.00	£46.92	£47.00	Not West Berks
Advertising on a Hackney Carriage Renewal		£31.00	£31.62	£32.00	Bracknell only
Change of Address (PH & HC)		£14.00	£14.28	£14.00	
Backing Plate		£25.00	£25.50	£26.00	
Medical Exemption from carrying assistant dog		£22.00	£22.44	£22.00	
Refund processing fee		£56.00	£57.12	£57.00	
Change of vehicle registration		£56.00	£57.12	£57.00	
Pre-Application Advice, hourly charge	Min 1 Hr	£56.00	£57.12	£57.00	Refer to officer guidance
Age of vehicle inspection initial/reinspection		£56.00	£57.12	£57.00	
Disability Awareness Training Course					Cost to be agreed with PPP Management Board at cost recovery (internal / external provider being investigated)
Safeguarding Training					Cost to be agreed with PPP Management Board at cost recovery (internal / external provider being investigated)
First Aid training for drivers					Cost to be agreed with PPP Management Board at cost recovery (internal / external provider being investigated)
Pre-Application Advice, hourly charge	Min 1 Hr	£56.00	£57.12	£57.00	

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Agenda Item 22.

TITLE	How Licensing Could Reduce Air Pollution
FOR CONSIDERATION BY	Licensing and Appeals Committee on 1 October 2019
WARD	Non-specific
DIRECTOR	Sean Murphy - Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

Poor air quality has an impact on the health and quality of life and any actions to reduce/avoid any unnecessary emissions will reduce air pollution.

RECOMMENDATION

That the Committee recommends Officers consider the implication of adopting the delegated powers for dealing with idling vehicles, including taxis.

SUMMARY OF REPORT

Idling vehicle engines has been a concern to residents and members as the Council receives complaints of idling engines. Poor air quality has an impact on the health and quality of life. This report sets out the three main options for tackling vehicle idling which includes:

Option A: Undertake a targeted campaign to effect behavioural change.

Option B: Adopting the delegated powers to use Fixed Penalty Notices (under the Traffic Regulations 2002)

Option C: Installation of road signage around sensitive areas

Background

The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 enable local authorities in England to issue fixed penalty notices to drivers who allow their vehicles to run unnecessarily while stationary on the road.

A local authority may enforce powers to deal with idling vehicles. If you idle your vehicle unnecessarily while stopped you could be given a £20 fixed penalty ticket. Wokingham Borough Council at present has not implemented these powers.

If an officer is authorised under the above legislation discovers a vehicle with its engine running unnecessarily, the first action would be to advise the driver of the legal requirements and that such an offence carries a fixed penalty of £20. The officer would then request the driver to turn the engine off. A fixed penalty notice would only be issued if the driver refuses to turn off the engine when requested to do so.

Current Position

The two areas within the borough that have been declared as an Air Quality Management Areas (AQMA) being Twyford Crossroads and Wokingham Town Centre. These have been declared due to exceedances of the traffic pollutant nitrogen dioxide. The Council has a duty to produce an Air Quality Action Plan (AQAP) and within the plan there are measures to be put in place to in relation to No idling signs for buses and taxis waiting areas and at level crossings. However these measure have not been implemented as yet.

Within the Wokingham Borough Council's Hackney Carriage and Private Hire Licensing Policy requires vehicles first licensed by the authority to be less than five years old. No Hackney Carriage vehicle will be issued for vehicles that exceeds 15 years from the date of first registration. Vehicles are currently tested according to their age. Those vehicles up to five years old are subject to an annual inspection per year. For those vehicles over 5 years of age are required to be inspection every six months and emission checks form part of the inspection undertaken.

The Regulations are adoptive

The Local Authority would need to make an application to the Secretary of State for designation and as WBC has AQMAs we are eligible to apply.

Option A: Undertake targeted campaign

It is clear that lots of local authorities run anti idling campaigns. There have been a number of different studies focusing on the impact of campaigns around schools. These show positive effects of educating parents and children to the action they can take, whilst significant reductions in particulate matter were seen in schools with a large number of buses. Evidence shows that targeted and well organised campaigns with community champions involving on street engagement can be very successful.

Option B: Adopt delegated powers to use Fixed Penalty Notices

We have found only limited local authorities where the use of FPN is commonplace. The value of the Fixed Penalty Notice is £20 (rising to £40 if not paid within 28 days). This is relatively small fine and, given that over 80% of drivers are likely to turn off the vehicle engines when requested (which is necessary as part of the FPN process), it is

unlikely to be issued on a regular basis. To issue FPN would require training staff whose job is not normally issuing notices and taking these staff away from their normal activities. Alternatively, it would be necessary to take traffic officers away from their normal duties.

If enforcement powers were adopted, a campaign would have to be developed prior to any powers being used.

Option C: Road Signage at sensitive locations

Any signage on the highway would have to be linked to a wider campaign and would have to be sanctioned by the highway authority.

In addition work is also to be undertaken on the following project:

- To set out the business, environmental and operational case for low emission taxis
- To provide an overview of the range of low/ultra-emission technologies and fuels suitable for taxis and match these to different types of operators and journey patterns.
- Research Office for Low Emission (OLEV) funding opportunities and data required for bidding for funds from previous funding rounds where no current round exists
- Consider introducing/reviewing an age policy on vehicles across PPP area in the first instance to potentially reduce emissions
- Consider conditions of fitness
- Consider introducing Minimum emissions standards Taxis and Private hire vehicles Euro 6 (diesel) Euro 4 (petrol/LPG)

Analysis of Issues

There are no implications arising from the recommendation in this report.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision
None

Cross-Council Implications
There are no implications arising from the recommendation in this report.

List of Background Papers
The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 https://www.legislation.gov.uk/uksi/2002/1808/made?view=plain

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Date 16 th September 2109	Version No. 1.1

Agenda Item 23.

TITLE	Licensing and Appeals Committee Forward Plan
FOR CONSIDERATION BY	Licensing and Appeals Committee on 1 October 2019
WARD	Non-specific
MANAGER	Sean Murphy - Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY
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Not applicable

RECOMMENDATION

That the Committee notes the report, and provides comments to the Chairman on both the list below and any further items they would like to see considered at forthcoming Committee meetings.
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SUMMARY OF REPORT

This report sets out the forward plan for the next Committee meeting on 12 November 2019.

Background

Matters currently on the list to be considered for the next meeting of this Committee on 12 November 2019 are as follows:

- Fees and Charges
- Cumulative Impact Assessment
- Update from Member / Officer / taxi trade Liaison Meeting

Analysis of Issues

There are no implications arising from the recommendation in this report.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

There are no implications arising from the recommendation in this report.

List of Background Papers

None

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Date 16 September 2019	Version No. 1.1