



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS COMMITTEE**
will be held in virtually on **TUESDAY 9 MARCH 2021 AT**
7.00 PM

Susan Parsonage
Chief Executive
Published on 1 March 2021

Note: The Council has made arrangements under the Coronavirus Act 2020 to hold this meeting virtually via Microsoft Teams. The meeting can be watched live using the following link: <https://youtu.be/jgBTjHC2w6o>

Please note that other people may film, record, tweet or blog from this meeting. The use of these images or recordings is not under the Council's control.



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, learn, work and grow and a great place to do business

Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

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	Emma Hobbs	Sarah Kerr
Barrie Patman	Malcolm Richards	Rachelle Shepherd-DuBey
Bill Soane		

ITEM NO.	WARD	SUBJECT	PAGE NO.
19.		APOLOGIES To receive any apologies for absence.	
20.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 10 November 2020.	5 - 8
21.		DECLARATION OF INTEREST To receive any declarations of interest.	
22.		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	
23.		MEMBER QUESTION TIME To answer any member questions	
24.	None Specific	TAXI AND PRIVATE HIRE FEE CONSULTATION RESPONSES To receive and consider the Taxi and Private Hire Fee Consultation responses report.	9 - 24
25.	None Specific	WHEELCHAIR ACCESSIBLE VEHICLE DIMENSIONS BRIEFING PAPER To receive and consider the Wheelchair Accessible Vehicle Dimensions Briefing Paper.	25 - 32

26. None Specific

FORWARD PLAN

33 - 34

To consider the Licensing and Appeals Committee Forward Plan.

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.

CONTACT OFFICER

Luciane Bowker

Democratic & Electoral Services Specialist

Email

luciane.bowker@wokingham.gov.uk

Postal Address

Civic Offices, Shute End, Wokingham, RG40 1BN

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 10 NOVEMBER 2020 FROM 7.00 PM TO 8.12 PM**

Committee Members Present

Councillors: Chris Bowring (Chairman), Abdul Loyes (Vice-Chairman), Parry Batth, Rachel Burgess, Lindsay Ferris, Michael Firmager, Emma Hobbs, Barrie Patman, Malcolm Richards and Bill Soane

Officers Present

Paul Anstey, Head of Public Protection Partnership
Luciane Bowker, Democratic & Electoral Services Specialist
Julia O'Brien, Principal Officer Compliance and Enforcement
Sean Murphy, Public Protection Partnership Manager

11. APOLOGIES

Apologies for absence were submitted from Councillors Paul Fishwick, Sarah Kerr and Rachelle Shepherd-DuBey.

12. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 6 October 2020 were confirmed as a correct record and would be signed at a later date by the Chairman.

13. DECLARATION OF INTEREST

There were no declarations of interest.

14. PUBLIC QUESTION TIME

There were no public questions.

15. MEMBER QUESTION TIME

There were no Member questions.

16. FEES AND CHARGES

The Fees and Charges report was presented by Sean Murphy, Public Protection Partnership Manager.

Sean Murphy stated that the budget setting process for fees and charges in relation to licensing activities started with approval by the Public Protection Partnership (PPP). The process followed with a consultation with the Licensing Committee who were able to make recommendations to the Executive before the final decision was made.

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

- Councillor Burgess asked for an update on the hourly rates audit which the Committee had previously requested. She also asked if by charging the same rates to all licences the service was subsidising certain areas;
- Paul Anstey, Head of PPP stated that a generically hourly rate had been used to establish the cost of the service as a whole and compare the cost base against the number of people in the service, in order to ensure cost recovery;
- Paul Anstey stated that various people were involved in determining licences, these people were paid at different rates depending on their job roles. It was possible to determine how much time these different people spent on each process. However,

due to the amount of work which would have been required to undertake such a review, the PPP had taken a pragmatic view that it was reasonable to work out what the hourly rate was and roughly what the level of activity was for each process. Each process had been looked at and where there was a difference, this had been amended in the fees and charges that were proposed in the report;

- Paul Anstey stated that certain trades felt that the fees and charges were inappropriate. Those had been reviewed in detail, and the conclusion was that the hourly rate was very close to the initial rate;
- Paul Anstey was confident that the proposed fees and charges were in accordance with the LGA guidance and case law relating to how local authorities should be charging in reasonable and proportionate terms;
- In response to a question Paul Anstey stated that this review was publicly available within the JPPP Committee papers online;
- Paul Anstey stated that the service intended to carry out more detailed reviews in the future;
- In response to a question Paul Anstey confirmed that if a particular trade challenged the fees, the service would carry out a review;
- In response to a question Paul Anstey stated that if the cost of undertaking a detailed review of all licences would be reflected in the cost of licences, as part of the overall service cost recovery framework;
- Councillor Loyes asked if the 0.6% rise (mentioned on page 14 paragraph 1.4) was the same across all three authorities. Sean Murphy stated that this related to the inflation in the period;
- Councillor Ferris stated that certain trades had been badly affected by the current circumstances, in particular the taxi trade. He proposed that the financial hardship being faced by trades be taken into account in the fee setting process this year;
- Councillor Ferris asked for information in respect to non-professional animal boarders. Julia O'Brien, Principal Officer Compliance and Enforcement stated that people that earned less than £1000 a year would not have to pay a licence fee for animal boarding;
- Paul Anstey stated that the proposed fees in relation to animal boarders took into account the amount of work required for each licence, for example the number of visits;
- Councillor Soane questioned the fee being charged to ice cream vans, in that it seemed excessive at £713 per vehicle for six months. He also asked about rogue vehicles operating the Borough;
- Sean Murphy stated any allegations of unlicensed street traders were investigated;
- Paul Anstey stated that investigations into non-compliance could give rise to the fees, he added that this trade had not yet been subject to a detailed review;
- In response to a question Sean Murphy stated that street traders' fees were not aligned across the three authorities because of the nature of Bracknell town centre;
- Councillor Burgess asked for further clarification on the animal boarders' fees, including which year it referred to;
- Paul Anstey stated that discussions around the animal boarders' fees had started at the PPP earlier in the year, including an in-year review of the fees resulting from conversations with the trade. The service had recognised some points raised by the trade, for example that some visits were not taking place because of the pandemic. There was also a difference as a result of having to use a contractor to carry out some of the work. The service would refund the trade accordingly where necessary;

- In response to a question Paul Anstey stated that the Committee was being asked to agree the fees for the next year. However, the PPP report included retrospective in-year recommendations;
- Councillor Burgess asked if the three year phased increase of taxi drivers fees had now been applied. Sean Murphy confirmed that it had and it would revert to the full fee next year;
- In response to a question Julia O'Brien stated that once the fees were approved by Executive, they would go out to consultation and if representations were received they would be submitted back to the Executive and Licensing and Appeals Committee;
- In response to a question Sean Murphy stated that the service did not issue licences to fitness instructors; however, they may have been subject to a charge for using public spaces;
- Sean Murphy stated that the service wished to encourage operators to apply for three year licences as this was better in terms of animal welfare, he pointed out that it was the same fee for one, two or three years.

Upon being put to the vote the Committee agreed to the recommendations contained in the report, with an amendment to add that the following wording to the first recommendation: *The Committee asks the Executive to take into account the current financial circumstances caused by the pandemic on all licensable activities.*

Councillor Burgess wished it to be recorded that she voted against the first recommendation.

RESOLVED That:

- 1) The Committee notes the proposals and agrees these fees set out at Appendix C go forward for consideration as part of the Council fee setting process. The Committee asks that the Executive takes into account the current financial situation caused by the pandemic on all licensable activities;
- 2) The Committee recommends that the fees for Taxi, Private Hire Vehicles and Private Hire Operators are put forward for statutory consultation;
- 3) The Committee recommends that the methodology at Appendix B for calculating fees for home animal boarding establishments licensed under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 should be applied to 2020/21 and 2021/22.

17. ANNUAL REPORT

Sean Murphy stated that the figures for the 2019/20 Annual Report had been double checked and the report now contained the right figures.

Julia O'Brien stated that there had been an issue with the way data was recorded which had now been rectified.

Upon being put to the vote most Members were in favour of the recommendation to note the report. Councillor Burgess wished it to be recorded that she voted against the recommendation for the same reasons stated in the previous meeting.

RESOLVED That the Committee notes the content of the report.

18. FORWARD PROGRAMME

Sean Murphy stated that work had been undertaken as a result of questions which had been raised about the height of vehicles for wheelchair accessibility. Members agreed that this issue should be brought back to the next meeting of the Committee for a final discussion and decision.

Councillor Patman was concerned that issues relating to Environmental Health and Trading Standards, which were within PPP, were not being brought to the Committee for discussion or information.

Sean Murphy offered to bring a presentation to the Committee about the wider work of the PPP. It was agreed that this would be a briefing session which would be arranged separately from the main Committee meeting.

TITLE	Hackney Carriage and Private Hire Licence Fees Consultation Responses Report
FOR CONSIDERATION BY	Licensing and Appeals Committee 9 March 2021
WARD	Non-specific
DIRECTOR	Sean Murphy - Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

To allow Members to consider the responses received during the 28 day statutory consultation period concerning the agreed fees in relation to hackney carriage and private hire licensing. The consultation period ended on 25th February 2021 and the report contains all responses received during this period.

RECOMMENDATION

The consultation responses as set out in Appendix B and C be considered and the Licensing Committee determine any further actions.

SUMMARY OF REPORT

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

Background

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

The Executive **and Council** agreed these fees as part of the fee setting process however Members wished to see the responses to the consultation so they may consider them.

The existing and proposed fees can be found at **Appendix A**. it should be noted that the 2020 fees were subject to a £40 subsidy on the agreed fee agreed by Members as part of a 2 year support subsidy to the trade on fees.

The legal requirements in relation to amending fees are set out at section 70 of the Local Government (Miscellaneous Provisions) Act 1976. A public notice was published in the Wokingham Paper on 28th January 2021. The consultation period ended on 25th February 2021. In addition a letter was sent to all licensed vehicle owners and private hire

operators, comprising 68 Hackney Carriage proprietors, 126 private hire vehicle proprietors and 34 private hire operators advising them of the consultation. A notice was also placed on the main entrance to Shute End Offices and a consultation document on the Public Protection Partnership website inviting comments.

During the period available for making objections (28 January-25th February), 3 responses were received, all of which were objections to a fee increase. Two of these responses were from individual drivers and the other was said to be on behalf of the remaining Hackney Carriage drivers but did not state who these were, as no names or signatures of agreement were provided, or how many drivers this was made up of. These objections raise points such as how the increases can be justified, especially with the impact of Covid on the trade and lack of any work.

The result of the feedback is that people do not want any increase at all. The full list of objections are detailed in **Appendix B** (summary table) and **Appendix C** (individual responses in full).

The impact of Covid on the trade cannot be underestimated. The breadth covers health implications, concern about future trade as well as financial impacts. The Public Protection Service have taken an approach with all fees that as a service these will be charged in accordance with the Councils overall approach to Covid. For Wokingham Council fees have been charged as set and those businesses affected have the ability to apply for grants and other funding streams as well as requests for payment plans or temporary suspensions.

The fees as agreed at the November 2020 meeting were those being put forward to Executive as part of the Councils budget setting process. Officers recommend that the objections are considered, however given the small limited increase (due to the change in the hourly officer rate) and the other support available to the trade to continue operating, that these are not modified. If the Licensing Committee agree to a modification of what was previously agreed then that will need to be offered as some form of subsidy by the Council.

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

There will be a financial implication if Members resolve to change the proposed fees. If fees as proposed are not introduced, this will impact the level of service provided in the Wokingham area as a result of the requirement to achieve cost recovery for the licensing function.

Cross-Council Implications

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

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

List of Background Papers

None

Contact Julia O'Brien & Sean Murphy	Service Public Protection Service
Telephone No 01635 519849	Email Sean.murphy@westberks.gov.uk Julia.obrien@westberks.gov.uk
Date 23 February 2021	Version No. 1

This page is intentionally left blank

Existing and Proposed Licence Fees

Existing

Hackney Carriage Vehicle Licence:	£248.00 (subsidy of £40 in 2020)
Private Hire Vehicle Licence:	£248.00 (subsidy of £40 in 2020)
Private Hire Vehicle Licence with Dispensation	£228.00 (subsidy of £40 in 2020)

Private Hire Operator Licence (5 Year)		
Number of Vehicles	New	Renewal
1	£456.00	£342.00
2	£527.25	£413.25
3	£598.50	£484.50
4	£669.75	£555.75
5	£741.00	£627.00
6	£812.25	£698.25
7	£883.50	£769.50
8	£954.75	£840.75
9	£1,026.00	£912.00
10	£1,097.25	£983.25
11	£1,168.50	£1,054.50
12	£1,239.75	£1,125.75
13	£1,311.00	£1,197.00
14	£1,382.25	£1,268.25
15	£1,453.50	£1,339.50
16	£1,524.75	£1,410.75
17	£1,596.00	£1,482.00
18	£1,667.25	£1,553.25
19	£1,738.50	£1,624.50
20	£1,809.75	£1,695.75
20+	£1,809.75	£1,695.75
Variation to licence		£57

Proposed

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

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

Name	Vehicle/Driver/PHO License Number	Summary of Comments
Mohamed Bashir	Not provided	Mr Bashir comments on the increase in fees, in contrast with the drop in incomes, which he states generally have dropped by at least 80%, and his in particular by 90% in the past 11 months. Mr Bashir would have preferred a notification that fees have been reduced by at least 10% instead of increased, and expresses his lack of faith that his comments will make a difference, as to him it seems that the rules are set in stone.
Mohsen Taghinejad	PHD License Holder	Mr Taghinejad states how business has been declining, and for the previous 10 months, all cab drivers' incomes have been reduced by 90% or more. He elaborates on this point by saying how many drivers have left the business, some are only surviving by help from friends or family, and he personally uses his credit cards to pay for most of his expenses. Mr Taghinejad was expecting a letter setting out the Council will reduce all charges by half, or remove all charges for 2021, instead of a letter about price increases. Mr Taghinejad does not think that this is fair nor justified, and calls for all charges to be removed for existing drivers for 2021.
On behalf of all remaining Wokingham Taxi drivers – no name provided	Not provided	The Writer states that the cost proposal for a new or renewal licence is a 17% increase on last year's fee, and a 44% increase on the year before that's fee. They suggest that consultations are a waste of time, and are used to enforce unreasonable opinions and proposals by Council members with no experience in the trade, but also acknowledge the need to recuperate expenditures from grants and loans, suggesting that increasing licencing fees is the easiest way to do this. The Writer states that Covid-19 has destroyed taxi trade in Wokingham, as roads are quiet, trains and town centres are empty and traders are struggling to make ends meet. The Writer would like to know if it is the right time to make

		<p>the increase with the on/off lockdown situations. They also state that as there has been no explanation of how the new figure has been achieved, and knowing that rates have been put on hold and not reviewed for the past 10 years, would the Council also increase meter rates with the same percentage automatically to justify driver expenses increases.</p>
--	--	---

Megan Davis

From: kadir bashir <[REDACTED]>
Sent: 25 January 2021 17:48
To: Licensing
Subject: Re: Wokingham Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation letter 2021/2022
Attachments: image001.jpg
Categories: Taxi WB and Wokingham, Keely

This is an **EXTERNAL EMAIL**. **STOP. THINK** before you **CLICK** links or **OPEN** attachments.

Dear Licensing,

It's nice to know that the fees have gone up whilst at the same time our incomes have dropped by at least 80% in my case 90% this past 11 months.

I would have been nice to receive a notification that you have reduced fees by at least 10% and not increased them.

I suppose this email will not make an ounce of difference as you set the rules and they seem to be set in stone. Not really sure why I wasted the past 5 minutes of my life even bothering to even reply to you.

Regards

Mohamed Bashir
[REDACTED]

On Mon, 25 Jan 2021, 3:19 pm Licensing, <Licensing@westberks.gov.uk> wrote:

Good afternoon

Please find attached an important letter that is a formal consultation. Thank you.

Kind regards

Public Protection Partnership

A shared service provided by Bracknell Forest Council, West Berkshire Council and Wokingham Borough Council.



This email and any attachments to it may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed may not necessarily represent those of West Berkshire Council. If you are not the intended recipient of this email, you must neither take any action based upon its contents, nor copy or show it to anyone. Please contact the sender if you believe you have received this e-mail in error. All communication sent to or from West Berkshire Council may be subject to recording and or monitoring in accordance with UK legislation, are subject to the requirements of the Freedom of Information Act 2000 and may therefore be disclosed to a third party on request.

Megan Davis

From: Mohsen <[REDACTED]>
Sent: 08 February 2021 15:59
To: Licensing; Licensing
Subject: Re: Wokingham Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation letter 2021/2022

Categories: Keely

This is an **EXTERNAL EMAIL**. **STOP. THINK** before you **CLICK** links or **OPEN** attachments.

Dear Amanda,

Many thanks for the email.

As you know Due to covid19 since Jan 2019 our business has been declining and for the past 10 month all cab drivers' income have been reduced by 90% if not more. Some drivers left the business and remaining are surviving only by help from family or friends. I personally use my Credit Cards to pay for most of my expenses.

To be honest when I received the email I was expecting a letter saying the council will reduce all the charges by halves or remove all the charges for 2021. instead you have increased all prices. it's not fair and not justified.

I Call for all charges to be removed for existing drivers for year 2021.

Regards
Mohsen Taghinejad
PHD licence holder

On Mon, 25 Jan 2021 at 15:18, Licensing <Licensing@westberks.gov.uk> wrote:

Good afternoon

Please find attached an important letter that is a formal consultation. Thank you.

Kind regards

Public Protection Partnership

A shared service provided by Bracknell Forest Council, West Berkshire Council and Wokingham Borough Council.



web: www.publicprotectionpartnership.org.uk
facebook: [@publicprotectionpartnershipuk](https://www.facebook.com/publicprotectionpartnershipuk)
twitter: [@PublicPP_UK](https://twitter.com/PublicPP_UK)

**Public Protection
Partnership**

This email and any attachments to it may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed may not necessarily represent those of West Berkshire Council. If you are not the intended recipient of this email, you must neither take any action based upon its contents, nor copy or show it to anyone. Please contact the sender if you believe you have received this e-mail in error. All communication sent to or from West Berkshire Council may be subject to recording and or monitoring in accordance with UK legislation, are subject to the requirements of the Freedom of Information Act 2000 and may therefore be disclosed to a third party on request.

Rec: Theale 28.1.21

From: On behalf of all remaining
Wokingham Taxi drivers
Date: 27/01/2021

For attention of
Licensing
Public Protection Partnership
Wokingham Borough Council
Shute end, Wokingham.
Berkshire, RG40 1BN

Ref: Consultation representation in regards to newly proposed vehicle licensing fees.

Dear sir / Madam

According to a very simple calculation, your new proposal of £290 for a new or renewal license is a 17 % increase to the last year's fee and also it is a massive 44% increase to the year before.

Now, we all know that these consultations are a waste of time and it is a political ways of enforcing unreasonable opinions and proposals by a council member with no experience in the trade who would like to make a name for themselves.

However, we also realise that with the current local and main government's expenditures in mind all these grants, loans and etc.. must be recuperated somehow and increasing the licensing fees are the easiest way.

On the other hand the question that we all like to know the answer to is, With the current business climate where this Covid 19 virus has literally destroyed Taxi trade in Wokingham where Roads are quiet, trains are empty and town centre looks like a cemetery and knowing that all traders are struggling to make ends meet,

- A - As we are still in an on and off lockdown situation, Is it the right time for this increase?
- B - Since no one has come up with a " Business proposal " and explanation as to how this new figure of £290 has been achieved and knowing that our rates have been put on hold and not reviewed based on same principle for the past 10 years. Would you also increase our meter rates with the same percentage automatically to justify our expenses increase?

We look forward to your decision with a reasonable explanation.

Many thanks and Kind regards.

25 January 2021

Public Protection Partnership
Environmental Health and Licensing
Wokingham Borough Council
Shute End
Wokingham
Berkshire
RG40 1BN
Our Ref: Fees and charges 2021/22
Please ask for: Amanda Ward
Direct Line: 01635 519976
Fax: 0118 900 7479
e-mail: licensing@wokingham.gov.uk

Dear Sir/Madam

Local Government (Miscellaneous Provisions) Act 1976 - Section 70 (1)
Hackney Carriage and Private Hire proposed fees

At the Licensing and Appeals Committee meeting held on the 10th November 2020 the proposed fees and charges for the service for 2021/22 were considered and Wokingham Borough Council propose to vary hackney carriage and private hire fees as follows:

Hackney carriage vehicle new / renewal	£290.00
Private hire vehicle new / renewal	£290.00
Private hire vehicle with dispensation	£290.00

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

Please provide your feedback by email to: licensing@wokingham.gov.uk or write to Licensing, Public Protection Partnership, Wokingham Borough Council, Shute End, Wokingham, Berkshire. RG40 1BN by 25th February 2021.

A report including all responses received will be put before the Licensing and Appeals Committee on the 9th March 2021.

Yours faithfully

Amanda Ward

**Amanda Ward
Lead Officer - Licensing**

**PUBLIC PROTECTION PARTNERSHIP
A SHARED SERVICE PROVIDED BY BRACKNELL FOREST COUNCIL, WEST BERKSHIRE
DISTRICT COUNCIL AND WOKINGHAM BOROUGH COUNCIL**

This page is intentionally left blank

Agenda Item 25.

TITLE	Wheelchair Accessible Vehicles
FOR CONSIDERATION BY	Licensing and Appeals Committee 9 March 2021
WARD	Non-specific
DIRECTOR	Sean Murphy - Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

The availability of wheelchair accessible vehicles is of benefit to both wheelchair users and the wider community. This is a review of the existing policy position in light of a request by the Hackney Carriage trade.

RECOMMENDATION

1. It is **RECOMMENDED** that the committee **RESOLVE** to maintain the existing condition for entry and internal space requirements for wheelchair accessible vehicles as agreed at the meeting of this Committee on the 4th September 2018.

SUMMARY OF REPORT

At meetings of the Hackney Carriage Liaison Group prior to the Coronavirus pandemic the trade requested that the condition requiring wheelchair accessible vehicles to have the height of the wheel chair accessible space reduced to 48 inches (1219mm) from the existing 1370 mm (54 inches).

This report sets out the background to the existing condition along with further background information that may assist Members of the Committee in coming to a conclusion on whether the condition should be amended.

Background

The proposal to specify internal height dimensions was discussed and agreed for adoption into the policy at Licensing and Appeals Committee meetings in September 2018

On 4 September 2018 it was RESOLVED That:

- 1) The Licensing and Appeals Committee agrees to the proposed amendments to the Criteria Policy for Licensing of Vehicles as outlined at Annex A of the agenda; <https://wokingham.moderngov.co.uk/ieListDocuments.aspx?CIId=144&MIId=2835&Ver=4>

This is decision set the dimensions as follows:

The door shall be of minimum usable dimensions 745mm wide x1350mm high to gain access to the wheelchair space. The wheelchair space shall be at least 1250mm long x 780mm wide with 1370mm headroom minimum.

In addition, and in acknowledgment that there were a number of vehicles in the Hackney Carriage fleet that did not meet this condition a 'when replaced' of '5 years' (whichever is the earlier) transition period was agreed. This is not set to expire until September 2023.

The policy position adopted by the Committee in September 2018 followed a comprehensive review of a number of licensing conditions by a working group consisting of Members, Officers and trade representatives.

The original 54 inch (1371 mm) vehicle height was derived from a recommendation by the Disabled Persons Transport Advisory Committee in 2001. The Committee concluded that 54 inches was what was required to comfortably accommodate a standard wheelchair user.

It is worth noting that the original condition prior to the September 2018 changed stated only that:

'The vehicle must be able to accommodate a fully grown adult passenger whilst seated in their wheelchair (i.e. there must be adequate headroom for the passenger).'

It was felt at the time that the move to a condition with minimum dimensions provided clarity for the trade and a suitable fleet of vehicles for wheelchair users.

Background – Guidance and Law

There is no specific legislation governing dimensions of wheelchair accessible vehicles however, The Disabled Persons Transport Advisory Committee (DPTAC) recently published guidance on 8 August 2020:

<https://www.gov.uk/government/publications/dptac-position-on-taxis-and-private-hire-vehicles/dptac-position-on-taxis-and-phvs>

“A universal service also requires a vehicle which is fully accessible to all disabled people. The Equality Act 2010 includes powers to introduce regulations to set specifications for such a vehicle. However, these powers have never been used. Attempts to draft regulations have demonstrated that compliance would need a bespoke vehicle, and the size of the market for such a vehicle would not justify the investment needed to develop manufacturing capacity.

Anyone who has to travel in their wheelchair needs what is defined as a wheelchair accessible vehicle (WAV). The London-style taxi and a small number of mass-market people carriers have been adapted so that they can provide a service to wheelchair users who cannot transfer. WAVs can also be used by non-disabled people and many disabled people.”

The Wheelchair Accessible Vehicle Converters Association (WAVCA) have advised that “for a vehicle which is going to be used by a variety of different people in different wheelchairs an access/internal minimum height of 1475mm is recommended, as it is

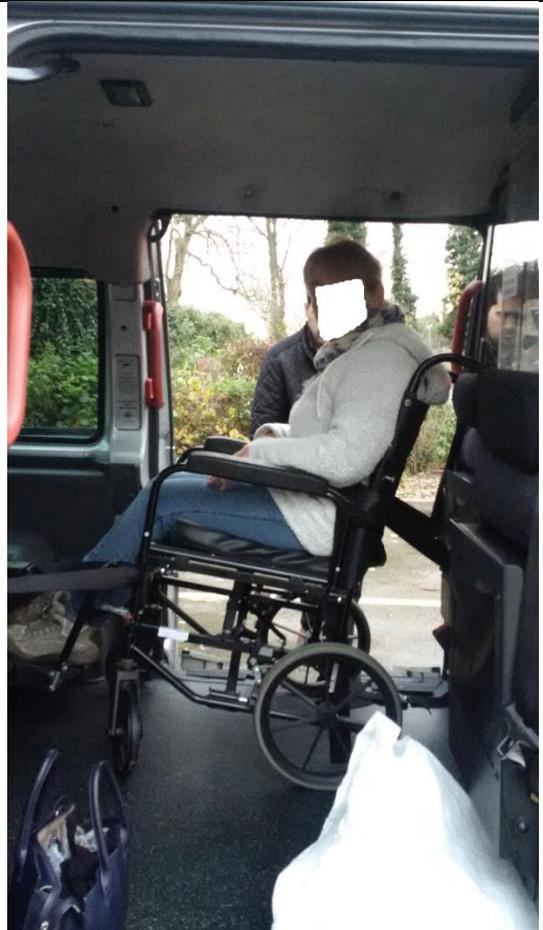
disappointing for a customer/client not to be able to fit into a vehicle which turns up to pick them up”

<https://www.wavca.co.uk/>

By way of further background the Public Service Vehicle Accessibility Regulations 2000 Schedule 1 state minimum requirements, 1500 mm equates to 59 inches. This however relates to buses and coaches.

Officers have researched the issue of the compliant vehicle availability and a summary of findings can be found at **Appendix A** to this report.

Officers have also sought to illustrate the difference between a vehicle compliant with existing policy of 1370 mm (54 inches) and one with a headroom of 48 inches.

	
<p>Fig 1. Covered For Galaxy – 48 inch headroom</p>	<p>Fig 2. Fiat Scudo – 55 inch headroom</p>

Options for Consideration by the Committee

The above sets out some of the background and history to the Councils existing condition relating to wheelchair accessibility. It is now being asked to reduce the height requirement to 48 inches. As the policy is more than 12 months old it is open to the Committee to

review the condition prescribing accessibility and internal dimensions of wheelchair accessible vehicles

There are a number of options open to Members including:

1. To revert to the original policy wording in paragraph 2.9.1 I with the removal of the dimensions wording:
 - i. The vehicle must be able to accommodate a fully grown adult passenger **whilst seated** in their wheelchair (i.e. there must be adequate headroom for the passenger).
2. To retain the additional dimensions wording in paragraph 2.9.1 ii of the policy which introduced in 2018
 - ii. The door shall be of minimum usable dimensions 745mm wide x 1350mm high to gain access to the wheelchair space. The wheelchair space shall be at least 1250mm long x 780mm wide with at least 1370mm from floor to ceiling

The benefit of this option is that the driver is fully clear on the requirements before purchasing any vehicle and is able to check and confirm it meets the dimension requirements before committing to any purchase.

This option was also the preference of the drivers in 2018, they requested dimensions be included for clarify.

The Committee may wish to amend any of these dimensions but the recommendation is to keep these dimensions as they have been set to ensure sufficient space for a wheelchair user.

3. To move to the creation of a list of vehicles suitable for conversion, this would need to be continually updated and would still require relevant documentation (European Whole Vehicle Type Approval or UK Low Volume Type Approval in the M1 category as detailed in paragraph 2.9.2. This would provide confirmation that the conversion had been suitably carried out. As conversions vary considerably, there is still no guarantee that any individual vehicle would be wheelchair accessible compliant. This route could also be interpreted as favouring certain makes of vehicle over others as the list could not be fully comprehensive.

Based on the above the recommendation is therefore to remain with option 2 retaining dimensions as agreed and implemented by Licensing and Appeals Committee in 2018.

The issue of transition period is a separate matter. There is no doubt that the current Covid 19 has significantly affected the Hackney Carriage trade and revenue is well below normal levels. However with some 30 months still to run in transition the Committee may feel that this is not a matter that they need to deal with today.

Analysis of Issues

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

There is no financial implication for the Council of this decision

Cross-Council Implications

This decision needs to be considered in the context of the wider policy framework around disabilities and equalities.

List of Background Papers

None

Contact Julia O'Brien & Sean Murphy	Service Public Protection Service
Telephone No 01635 519849	Email Sean.murphy@westberks.gov.uk Julia.obrien@westberks.gov.uk
Date 23 February 2021	Version No. 1

This page is intentionally left blank

Appendix A

Electric Vehicles

Nissan env200 – Nissan have confirmed they do not produce a factory built WAV model, they would refer to an approved converter. The Brotherwood website confirms this is available with 58” headroom.

<https://www.brotherwood.com/wheelchair-accessible-vehicles/electric-wheelchair-accessible-vehicle-nissan-env-200/>

Motability UK

Information from the Motability UK website and a telephone conversation with them confirms there are some specific vehicles suitable for WAV conversion:

<https://www.motability.co.uk/products/wheelchair-accessible-vehicles/>
<https://www.motability.co.uk/products/wheelchair-accessible-vehicles/wav-features/>

“All Wheelchair Accessible Vehicles start as a standard vehicle and then a specialist engineering company makes a number of fairly significant alterations to allow a wheelchair user to access and remain in their wheelchair when the vehicle is moving. The size, shape, and design of the WAV will vary depending on the original vehicle used for the conversion and the specialist company that has converted it, but all WAVs have easy access and provide safe travelling for the wheelchair user.

All WAV conversions are tested for safety of the wheelchair user; however some WAVs will be tested with a heavier wheelchair than others. It is important that your supplier knows which wheelchair you are currently using and if this is likely to change during the course of your lease so that they can recommend an appropriate WAV and restraint system.”

Small WAVs - Base vehicles include: Fiat Qubo; Fiat Doblo; Citroën Berlingo; Peugeot Partner; Ford Tourneo Connect; Volkswagen Caddy

- All small WAVs will be fitted with a ramp for entry
- Usually have a lowered floor to give more headroom inside the vehicle and reduce the angle of the ramp
- At least one passenger seat in the rear, but usually seat no more than five people including the driver and wheelchair passenger
- These WAVs tend to feel the most similar to driving a standard car.

Internal height dimensions are taken from Wokingham Borough Council’s RAC vehicle checks done in June 2018:

Fiat Doblo 59” (1498mm), Citroen Berlingo 57” (1447mm), Peugeot Partner 56” (1422mm), VW Caddy Maxi 57” (1447mm)

Medium-Small WAVs

Base vehicles include: Volkswagen Caddy Maxi; Ford Grand Tourneo Connect; Vauxhall Combo.

Medium-Large WAVs

Base vehicles include: Citroën Space Tourer; Ford Custom; Peugeot Traveller; Volkswagen Shuttle; Volkswagen Transporter; Renault Trafic; Vauxhall Vivaro

Large WAVs

Base vehicles include: Peugeot Boxer; Renault Master; Fiat Ducato

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

Contact Julia O'Brien	Service Public Protection Partnership
Telephone No 01635 519849	Email julia .obrien@westberks.gov.uk
Date 23 February 2021	Version No. 1