



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held in Council Chamber - Civic Offices, Shute End, Wokingham RG40 1BN on **WEDNESDAY 2 MARCH 2022** AT **7.00 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', written in a cursive style.

Susan Parsonage
Chief Executive
Published on 22 February 2022

Note: Although non-Committee Members and members of the public are entitled to attend the meeting in person, space is very limited due to the ongoing Coronavirus pandemic. You can however participate in this meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams please contact Democratic Services. The meeting can also be watched live using the following link:
<https://youtu.be/EuY8cywWkCE>

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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	Parry Batth	Rachel Burgess
Peter Dennis	Lindsay Ferris	Michael Firmager
Paul Fishwick	Sarah Kerr	Abdul Loyes
Barrie Patman (Chairman)	Jackie Rance	Ian Shenton
Rachelle Shepherd-DuBey	Bill Soane	Shahid Younis (Vice-Chairman)

ITEM NO.	WARD	SUBJECT	PAGE NO.
25.		<p>APOLOGIES To receive any apologies for absence.</p>	
26.		<p>MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 26 January 2022.</p>	5 - 12
27.		<p>DECLARATION OF INTEREST To receive any declarations of interest.</p>	
28.		<p>PUBLIC QUESTION TIME To answer any public questions</p> <p>A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice.</p> <p>The Council welcomes questions from members of the public about the work of this committee.</p> <p>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</p>	
29.		<p>MEMBER QUESTION TIME To answer any member questions</p>	
29.1		<p>Imogen Shepherd-DuBey asked the Chairman of the Licensing and Appeals Committee the following question:</p> <p>Question Wokingham Town has been experiencing a considerable amount of Anti-Social behaviour revolving around people leaving the bars that have a late</p>	

licence. This can be as simple as noisy behaviour and broken glass around the town from people heading home to fighting and a recent stabbing incident.

Wokingham Borough Council has the power to recover a late licence levy on premises that have a late licence – essentially to cover the cost of extra policing and support from problems that arise from late licences.

Is this something that we can ask the licencing team to consider?

- | | | | |
|------------|---------------|---|----------------|
| 30. | None Specific | HACKNEY CARRIAGE TARIFFS
To receive and consider a report containing details of the consultation on Hackney Carriage Tariffs. | 13 - 26 |
| 31. | None Specific | RETURN OF LICENSING FUNCTIONS FROM PUBLIC PROTECTION PARTNERSHIP
To receive and consider a report giving an update on the return of the licensing functions from Public Protection Partnership. | 27 - 30 |

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 26 JANUARY 2022 FROM 7.00 PM TO 8.22 PM**

Committee Members Present

Councillors: Rachel Burgess, Peter Dennis, Lindsay Ferris, Michael Firmager, Paul Fishwick, Barrie Patman (Chairman), Jackie Rance, Ian Shenton, Rachele Shepherd-DuBey, Bill Soane and Sean Murphy

Officers Present

Neil Allen, Senior Specialist, Legal
Luciane Bowker, Democratic & Electoral Services Specialist
Stephen Brown, Interim Assistant Director Place and Growth
Moira Fraser, Policy and Governance Officer
Sean Murphy, Public Protection Partnership Manager
Julia O'Brien, Principal Officer, Compliance and Enforcement
Sean O'Connor, Lead Specialist, Legal
Ed Shaylor, Head of Enforcement and Safety

17. APOLOGIES

Apologies for absence were submitted from Councillors Sarah Kerr, Abdul Loyes and Shahid Younis.

18. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 20 October 2021 were confirmed as a correct record, subject to the amendment below, and signed by the Chairman.

The following sentence be added to item 16 of the minutes (page 9 on the agenda):

Councillor Fishwick stated that journeys need to be seamless and not end at the boundary, therefore officers at a senior level and the relevant Executive Members should work to promote the use of Reading's bus lanes by Wokingham drivers (this was in relation to resolution number 3).

Matters arising

Councillor Shenton pointed out that Julia O'Brien, Principal Officer Compliance and Enforcement, had stated in the previous meeting that the Taxi and Private Hire Policies would be brought to the January meeting for consideration. However, there was no report in the agenda with these policies.

Councillor Burgess agreed with the point raised by Councillor Shenton, questioned the items in the forward programme and also asked if the Taxis Liaison Group would be involved in the consultation.

Julia O'Brien explained that the draft policy was not ready to be submitted to the Committee yet. She informed that work was being undertaken to draft the policy and confirmed that the trade would be involved in the consultation. Therefore, the forward programme would have to be amended.

Councillor Fishwick asked for an update on the issue of Reading bus lanes. Stephen Brown, Assistant Director for Place and Growth informed that a letter had been sent to

Reading, however no response had yet been received, he would inform the Committee as and when he received a reply.

In relation to the issue previously raised by Councillor Kerr, that the Licensing and Appeals Committee had recommended a freeze and subsidy to the taxi fees and a refund those who had already paid, Councillor Fishwick stated that Jennifer Lee, Legal Specialist had confirmed that this Committee did not have the authority to make a decision on fees, however it could make recommendations. He asked which body could actually approve it and if this had been actioned. He stated that this subsidy equated to £9k, and therefore he believed that it could be delegated to officer level.

Stephen Brown stated that in previous years had officers taken such delegated decisions. However, this year the Council was looking to save £2m and officers were not prepared to take such decisions in the current context. He pointed out that there would be an opportunity for full Council to consider this proposal at its Budget meeting in February.

Sean O'Connor, Lead Specialist Legal stated that there was a difficulty in relation to mid-year changes to budget decisions and the funding of such decisions. He confirmed that next year's budget would be discussed at the Budget Council meeting in February.

Councillor Fishwick asked who would be able to make a decision on the recommendation relation to this year's subsidy.

In relation to the concerns being raised, the Chairman stated that Members should have submitted Members' questions prior to the meeting, so that they could have been included in the agenda and a proper response could have been prepared.

Stephen Brown explained that this Committee had made a recommendation to change the budget mid-year, however there were no funds to support this recommendation mid-year. There was an opportunity to make this recommendation to the next year's budget.

Councillor Ferris expressed concern that the Committee had made a formal recommendation and no formal process had been followed to consider this recommendation, and no formal response had been given to the Committee. He wished it to be recorded that there was strong objection to the way this matter had been dealt with.

19. DECLARATION OF INTEREST

There were no declarations of interest.

20. PUBLIC QUESTION TIME

There were no public questions.

21. MEMBER QUESTION TIME

There were no Member questions.

22. FEES AND CHARGES FOR LICENSABLE ACTIVITIES 2022/2023

The Committee considered the Fees and Charges for Licensable Activities 2022/23 report which was set out in agenda pages 11-31.

Ed Shaylor, Head of Enforcement and Safety presented the report. This was an annual report which formed part of the overall Council's budget setting process, and the

recommendations from this Committee would be submitted to the Budget Council in February.

Ed Shaylor stated that the proposal was to set remain unchanged fees for 2022/23. The rationale was that the service was returning in-house in April, and a review of the costs would have to be carried out before any changes could be made (fees were set on a cost recovery basis).

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

- Councillor Ferris asked if it was possible to change the figures in relation to hackney carriage and private hire licences to the reduced figures agreed by this Committee in June 2021;
- Sean O'Connor stated that this Committee could recommend a change in the figures, however he pointed out that if the reduced figures did not cover the costs, this would mean a subsidy from the general funds. Council would make a final decision on the figures;
- Councillor Ferris stated that the figures were based on £59 per hour under the PPP. It was necessary to work out what the new hourly rate would be once the service returned in-house;
- Ed Shaylor agreed that the fees were based on hourly rates and that it remained to be seen what efficiencies could be found after April, however the hourly cost would continue to be the same;
- Councillor Ferris felt uncomfortable with making a proposal to the Council on next year's budget without knowing how much the service would cost under the new structure from April;
- Councillor Soane stated that it was impossible for the Council to know at the moment how much the service would cost under the new structure;
- Councillor Burgess seconded the proposal to put forward the reduced figures in relation to hackney carriage and private hire licences, as previously agreed by the Committee. She expressed concern that the recommendations of the Committee were not being taken seriously. She believed that £9k was not a material sum for the Council.

Upon being put to the vote, most Members were in favour of Councillor Ferris' proposal.

Councillor Dennis asked for clarification on what would happen to the recommendation for the mid-year reduction. Stephen Brown stated that the relevant director had indicated that there was insufficient funds to support that recommendation.

Councillor Ferris stated that, in view of the vote in favour of the proposal, he expected the figures in pages 25-27 be amended as per previous discussions in June (lower figures).

In response to a question Sean O'Connor pointed out that the funds for this proposal were yet to be identified.

Upon being put to the vote most Members were in favour of the recommendations contained in the report with the addition of a subsidy to the taxi fees, as per discussions during the meeting.

RESOLVED That:

- 1) The fees set out at Appendix A and B go forward for consideration as part of the Council's fee and budget setting process;
- 2) The fees for hackney carriage and private hire will be set at the levels which were agreed at the Licensing and Appeals Committee meeting on 23 June 2021;
- 3) Those fees which are within the Council's discretion to set remain unchanged for 2022/23; and
- 4) The fees for taxi and private hire vehicles and private hire operators for the financial year 2023/24 are reviewed during 2022/23 with a view to carrying out statutory consultation regarding any proposed increase to the fees prior to process for budget setting for 2023/24.

Subsequently it was clarified that the fees in relation to the reduction for taxi fees (resolution 2), were as follows:

- Hackney carriage vehicles - £248
- Private hire vehicles - £248
- Private hire vehicles with dispensation - £228

23. STATUTORY CONSULTATION ON INCREASE TO HACKNEY CARRIAGE FARE TARIFFS

The Committee received the Statutory Consultation on Increase to Hackney Carriage Fare Tariffs report which was set out in agenda pages 33-41.

Moira Fraser, Policy and Governance Officer presented the report. Officers had received a request by the taxi trade to increase its tariffs, this request was supported by a petition from 31 members of the trade, as set out in the table contained in the report.

The petition pointed out that the last tariff rate rise was in 2010 and there had been a minor variation in 2014. The changes proposed were as stated in the report and Members were asked to consider the proposal. Members were reminded that the Committee could set a maximum tariff, there was opportunity for drivers to set lower tariffs if they wanted to.

Any changes would be subject to statutory consultation. Moira Fraser explained that the proposed short period of consultation was to meet timescales for the March meeting of the Committee. If objections were received the Committee would have consider them, and if not, the changes would be implemented.

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

- Councillor Fishwick expressed concern that the proposed consultation period was only two weeks and proposed to extend it to 21 days;
- The Chairman explained that this issue had been considered, however there was an issue with extending the consultation period, in that it would mean that this Committee would not be able to consider it before the end of this municipal year;
- Moira Fraser confirmed that there was an issue in extending the consultation period and not being able to submit a report in time for the agenda publication for the meeting on 2 March. There was also an issue with not being able to issue a notice for the newspaper any earlier;

- Councillor Fishwick was concerned that 14 days was a short period for this consultation. Moira Fraser stated that as well as the newspaper, the consultation was also advertised on the website and the trade was directly informed about it;
- In response to a question Moira Fraser confirmed that the figures contained in the report had been proposed by the trade (not officers). She added that the Committee could decide to propose different figures for consultation;
- Councillor Burgess was in favour of the proposal, in view of the fact that there had not been a review since 2010 and it only brought tariffs in line with inflation;
- Councillor Burgess asked how this proposed structure compared with other local authorities;
- Moira Fraser stated that comparisons were made on a two-mile journey and the tariffs were as follows:
 - Reading - £8
 - West Berkshire - £7.40
 - Bracknell - £6.50
 - Wokingham's proposal was for £8.10
- Councillor Fishwick emphasised that it was important to facilitate communication about the consultation, and he believed three weeks was necessary to enable people to take part;
- Councillor Firmager asked if extending the consultation would mean entering the purdah period;
- Sean O'Connor explained that although an effort was made to avoid consultations from taking place during purdah, there was nothing to prevent consultations from taking place during this sensitive period before elections. Luciane Bowker, Senior Democratic Services Specialist stated that it was the decision and not the consultation that would fall into the purdah period, Sean O'Connor explained that decisions could be taken during purdah;
- The Chairman was of the opinion that extending the consultation period would not make much difference in terms of public participation;
- Moira Fraser pointed out that the law stated that the new fees needed to come into effect within two months of the consultation closing. If the consultation period was extended to 21 March, the new fees would have to come into effect by 21 May, and there was no other scheduled meeting before May;
- Councillor Fishwick proposed postponing the 2 March meeting by one week;
- Julia O'Brien stated that in her experience, no matter the length of the consultation period, very few responses were received in response to the advertisements;
- The Chairman expressed concern that the proposal put Wokingham's tariffs above the tariffs charged by neighbouring authorities;
- Councillor Ferris stated that this depended upon when the other authorities had carried out their reviews;
- Moira Fraser stated that West Berkshire had undertaken a consultation in November last year and Bracknell had undertaken a consultation in August last year.

After much consideration and a five minute adjournment, Members agreed to go to consultation on the proposal put forward by the trade. Members asked that the period of consultation be extended by one week if it was possible to move the date of the next Licensing and Appeals Committee to 10 March, and to revert to two weeks if not. *Subsequently it was ascertained that it was not possible to move the date to 10 March.*

In response to a question it was ascertained that the consultation would be carried out on the proposal as presented by the trade, including the changes in relation to timings of tariffs.

Councillor Soane raised concern over the proposal to operate different tariffs for special event days such as the Henley Regatta (page 36 paragraph 1.8).

Councillor Ferris stated that there was a historical issue during the Henley Regatta, with unfair competition from taxi drivers from other areas.

Upon being put to the vote most Members were in favour of the recommendation to go out to consultation on the trade's proposals.

RESOLVED That:

- 1) A statutory consultation be carried out on the proposed business case put forward by the trade, as stated in the report; and
- 2) The consultation period be extended to three weeks, provided that the date for the next Committee is moved to 10 March, and that it reverts back to two weeks if this date can not be changed.

Subsequently, Neil Allen drew attention to the fact that the recommendation approved included in its proposal point 1.8, which mentioned tariffs for special events such as the Henley Regatta. He pointed out that if no comments were received the proposal would be implemented as stated in the report, including point 1.8.

Members discussed the possibility of taking out the reference to the Henley Regatta from the consultation, but did not come to a consensus.

Councillor Dennis referred to page 39 of the agenda and stated that the trade was asking that WBC Council liaised with Henley Council about the different tariffs which were charged during the Henley Regatta.

Moira Fraser informed that South Oxfordshire, which is where the Henley drivers operated from, did not currently set maximum tariffs for their drivers.

Ed Shaylor explained that officers had taken the view that the trade had not put forward a business case to put up their tariffs during the Henley Regatta, they had simply pointed out that other drivers charged higher rates.

Councillor Firmager pointed out that it would be impossible to ascertain which journeys were to and from the Henley Regatta specifically.

In response to a question Neil Allen clarified that the mention of Henley in point 1.8 was aspirational only, and therefore he recommended it be included, as per the agreed recommendation, in the consultation. Members were in agreement with this advice.

24. FORWARD PROGRAMME

The Committee considered the Forward Programme which was set out in Agenda pages 43-44.

Councillor Burgess pointed out that item 3 on the Forward Programme for 2 March would be a review of the draft policy and the outcome of the consultation would be considered at the June meeting.

Councillor Burgess requested that a meeting of the Taxis Liaison Group be scheduled during the consultation period to discuss the policy.

Councillor Ferris stated that the remit of the Licensing and Appeals Committee was being widened and asked for an update on this. Councillor Soane suggested that the implication of moving public protection and licencing in-house from April be discussed at the next meeting in March.

RESOLVED That:

- 1) The following items be added to the March meeting:
 - I. the draft Hackney Carriage and Private Hire Vehicle Policy
 - II. the implication of moving public protection and licensing in-house
- 2) A meeting of the Taxis Liaison Group be scheduled during the consultation period of the draft policy; and
- 3) The consultation review on the draft Hackney Carriage and Private Hire vehicle Policy be added to the June meeting

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TITLE	Outcome Of Statutory Consultation On Increase To Hackney Carriage Fare Tariffs
FOR CONSIDERATION BY	Licensing and Appeals Committee on 2 March 2022
WARD	None Specific
LEAD OFFICER	Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY

This proposal seeks to strike a balance between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.

RECOMMENDATION

The Licensing and Appeals Committee to:

- i) CONSIDER** the objections and comments received during the Statutory Consultation as set out in Appendix A; and
- ii) EITHER:**
 - a. DETERMINE** that the modifications to be made to the table of fares at Appendix C requested by the taxi trade are approved ; or
 - b. DETERMINE** no modifications are to be made to the table of fares at Appendix C; or
 - c. DETERMINE** alternative modifications to the table of fares at Appendix C; and

such table of fares, with or without modification, to come into effect on 01 April 2022 or an alternative date if that date is not possible due to the need to re-configure meters in conjunction with meter providers.

SUMMARY OF REPORT

The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.

Local authorities have a statutory power to set the maximum fares that licensed Hackney Carriages (taxis) can charge for a journey.

The trade is not obliged to charge the maximum fare. This means that Hackney Carriage drivers are within their rights to negotiate the fare down provided that the final agreed fare is no more than the maximum set.

The Council has received three objections during the statutory consultation period, so the committee must decide whether to modify the revised table of fares and to set an implementation date. Two responses broadly supporting the proposal were also received.

Background

1. The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
2. Local authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. Any changes to the current table of fares must be subjected to a statutory consultation process. Where objections to the proposed table of fares are received and not withdrawn, the committee must decide whether or not to modify the revised table of fares and to set an implementation date.
3. The Department for Transport's 'Taxi and private hire vehicle licensing: best practice guidance' (March 2010) includes some guidance around taxi fares at paragraphs 52 to 54. It notes that it is "good practice to review the fare scales at regular intervals". The guidance emphasises that "Fare scales should be designed with a view to practicality" and goes on to state;

"The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand."

4. The trade is not obligated to charge the maximum fare. This means that hackney carriage drivers are within their rights to negotiate the fare down provided that the final agreed fare is no more than the maximum set. The best practice guidance confirms;

"Taxi fares... in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings... But local licensing authorities can usefully make it clear that published fares are a maximum..."

"There is a case for allowing any taxi operators who wish to do so to make it clear... that they charge less than the maximum fare..."

5. The current table of fares as set out in Appendix B was agreed in 2014. In December 2021 the Council received a request from the trade to vary the current set of fees in light of increases in their costs. These proposals were discussed at the 26 January 2022 Licensing and Appeals Committee where Members agreed to go out to consultation on the variations proposed by the trade in accordance with the statutory requirements.
6. The Committee requested that consideration be given to running the consultation for three weeks instead of the prescribed two-week period. It was unfortunately not possible to amend the meeting schedule to accommodate this request. The consultation therefore ran from the 3 February 2022 to the 17 February 2022. A public notice was placed in the Wokingham Today newspaper on the 3 February 2022 (triggering the start of the consultation), the consultation was included on the Public Protection Partnership's website, a note was displayed at the Council Offices from the 2 February 2022 and a copy of the proposals was sent to all trade

representatives, to encourage participation in the statutory consultation. The consultation exercise was supported by a social media campaign.

7. The Proposed Table of Fares consulted on is set out in full in Appendix C to the report. The summary of changes requested by the trade is set out below:
 - Bring forward the time the tariffs change from one rate to another from 11pm to 10:30pm;
 - Change the “Flag Rate” (minimum charge) from 863 yards and 190 secs to 440 yards/150 secs;
 - Amend the Rate from 167 yards/38 secs to 120 yards/ 30 secs;
 - Increase the fouling charges from £10 (interior) and £50 (exterior) to £15 and £75 respectively;
 - Increase the charge for an extra passenger where the vehicle is transporting more than 4 passengers from 50p to £2.00 per additional passenger.
9. The objections and comments are set out in full in Appendix A to the report. As objections have been received and not withdrawn the Committee is required to decide whether or not the revised table of fares should be modified before it is implemented. The table of fares will come into effect with or without modification on the 1 April 2022.
10. The objections were concerned that the proposed variations would make the cost of catching a taxi prohibitive for those that relied on catching them. They were also concerned about the potential risk to those people that might opt to walk home rather than catch a taxi late at night due to the cost.
11. A Town Council has objected to the modification due the level of increase proposed as it was not, in their opinion, comparable with the fares charged by neighbouring authorities. Some comparator data is set out in Appendix D to the report.
12. Taxi traders have responded in writing to the consultation responses, and their response is included at Appendix E.
13. Meter companies have informed the council that older meters cannot be configured for 150 seconds start time (as they are pre-set at manufacture to 110 seconds), so it is proposed that the 110 second waiting time should be retained so that it can work on all meters. This will have the effect of marginally increasing fares.
14. It has also come to light that Surrey Heath is also about to modify their fares from 1 April, and it may be difficult for meter companies to accommodate more changes on the same day, so it may be desirable to change the implementation date from the one in the consultation.
15. The increase proposed is significant (circa 34%), the fact that objections have been received means that the committee impose a smaller increase if it decides to do so.
16. The comparator data is calculated calculating the cost of a distance base 2 mile journey of 2 miles (3,520 yards) on tariff 1. Officers have calculated the cost based upon the existing tariff rates, the trade request tariff and the cost based upon the 110

second tariff suggested in paragraph 13 above. The rate requested by the trade for a 2 mile journey is comparable to the rate set by Reading (£8.13 WBC v £8.00 RBC).

17. There were also two responses that appeared to be broadly supportive of the proposals albeit that one of the respondents suggested that the increased costs might make it more attractive to use alternative providers. They also commented that there needed to be a commensurate improvement in the quality and cleanliness of the taxis. This was not an issue that could be affected through the setting of fares but could be considered as part of the amendments to the Hackney Carriage and Private Hire Policy that was currently being reviewed.

Analysis of Issues

12. The procedure for setting fares and public notice requirements is in section 65 of the 1976 Act. Local authorities have the power to “...*fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of Hackney Carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.*”
13. The issue of setting fares for Hackney Carriage drivers is an important one primarily for two reasons. The fares set by local authorities largely determine the ability of drivers to earn a decent living but also functions to ensure that passengers receive a fair deal when taking a journey in a licensed Hackney Carriage. The trade have been heavily impacted by the restrictions imposed as a result of the various Covid lockdowns. Members are reminded that the trade are not obligated to charge the maximum fare should they decide not to do so.
14. Where an objection is raised to the proposed changes, section 65 (4) of the 1976 Act states that Council must set another meeting to consider the objections (this meeting) and decide what modifications to the existing table of fares shall be made.
15. In respect to the table fares, this means that the Committee can:
 - (i) make no modifications;
 - (ii) make the modifications requested by the trade; or
 - (iii) make alternative modifications to the table of fares.
16. If the Committee makes alternative modifications to the table of fares (point iii above) then it will need to ensure that such alternatives are properly reasoned and can be justified both to the trade and the public.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0		
Next Financial Year (Year 2)	£0		
Following Financial Year (Year 3)	£0		

Other financial information relevant to the Recommendation/Decision
There are no specific financial implications for the Council arising from this report. Decisions about changes to fare tariffs can be communicated using existing resources.

Cross-Council Implications
The provision of a viable taxi trade in the district will support a number of the Borough's priorities as they are associated with supporting businesses to start, develop and thrive.

Public Sector Equality Duty
Please confirm that due regard to the Public Sector Equality Duty has been taken and if an equalities assessment has been completed or explain why an equalities assessment is not required.
Nationally young women are one of the largest groups to use taxis. Other groups, such as those who are disabled and those who are elderly may also use taxis more frequently. Any change to fares suggested could impact these groups financially, but equally there needs to be a viable taxi trade to provide a taxi service for these groups and all residents/visitors to Wokingham.
The review of the current fares is seeking to protect the public from excessive fares but at the same ensuring that this remains a profitable sector and therefore retaining drivers and operators to provide the service to those who rely on it.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030
Please state clearly what the impact of the decision being made would be on the Council's carbon neutral objective.
Maintaining a profitable taxi hire sector and therefore retaining drivers and operators to provide the service is an important means of reducing reliance on private car use.

List of Background Papers
None

Contact Moira Fraser Principal Officer, Policy and Governance	Service Public Protection Partnership
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Appendix A

Responses to Formal Consultation

Appendix B

Current Wokingham Borough Council Hackney Carriage Table of Fares (2014)

Appendix C

Proposed Hackney Carriage Fare Chart effective 1 April 2022

Appendix D

Comparison of costs of a two mile journey

Appendix E

Response from taxi trade to consultation responses

Responses to Formal Consultation on Taxi Tariffs (03 February 2022 to 17 February 2022)

Organisation	Submission	Comment
Resident	<p>I'm writing to express my objection at the proposed increase to the fares.</p> <p>It is a challenging time for everyone late and appreciate the same applied to those that work in the industry, however, the increase in fares will make the use of taxis prohibitive for many who need to rely on such mode of transport for health matters (hospital appointments) and on occasion to work (for example social care teams where they are unable to drive to work).</p> <p>Furthermore it will introduce risk to individuals who may be needing transport late and night and decide to walk home as they are unable to afford the revised fares.</p>	<p>Members will need to determine at the meeting if they agree to the variations as proposed by the trade or not.</p> <p>It should be noted that the fares are the MAXIMUM that can be charged and that passengers are able to negotiate a lower fare prior to the journey commencing.</p>
Resident	<p>I do think that fares should be set at a higher rate, if the licensed cabs wish it.</p> <p>I usually take Ubers instead though, which are much cheaper, and I think this will drive more business that way. I'm happy we have options.</p>	<p>Uber has a licence to operate in Wokingham Borough.</p> <p>Uber uses a dynamic pricing algorithm which adjusts rates based on a number of variables including demand levels.</p>
Resident	<p>Re the current consultation on taxi fare increases, a rise in the cost appears justified in all the circumstances. The level of increase must, however, be a reasonable one. And with the rise, there needs to be an improvement (monitored regularly by Wokingham Council) in the quality and cleanliness of the taxis for hire at Wokingham station, and their meters must be clearly visible to customers sitting in the rear of the vehicle.</p>	<p>Members will need to determine if the proposed variation is reasonable.</p> <p>The issues around cleanliness and quality of vehicles and the visibility of meters would not be reflected on the tariff card. These issues could be considered as part of the review of the Hackney Carriage and Private Hire Vehicle Policy that is currently underway.</p>

Organisation	Submission	Comment
Meter Company	<p>Your proposal doesn't follow taximeter rules OIML and R21 which have been in force for many years</p> <p>The rule takes the flag distance divided by the increment distance Multiplied by the increment time.</p> <p>So many older meters make this calculation and apply it automatically and have no provision to change this as it is a standard used all over the world.</p> <p>Many new ones can do it automatically or be adjusted.</p> <p>On your proposal 440 divided by 120 equals 3.666 X 30 Equals 110 seconds not 150.</p> <p>So meters that can't change this because it's automatic would drop 40 seconds early which is overcharging and they would have to be removed</p> <p>Your options are:</p> <ul style="list-style-type: none"> • Remove the meters • Change the flag time to 110 seconds • Or do what many councils do and have no flag time on the card because the meters do it automatically 	<p>Advice has been taken which confirms that the variation as proposed would work on most meters albeit not on the much older models.</p> <p>Officers would recommend changing the flag time to 110 seconds to accommodate the older meters if Members are minded to adopt the revised tariffs. Members will need to determine if they wish to accept this modification at the meeting or not.</p> <p>Members can look at comparison tables at: https://www.phtm.co.uk/news/paper/taxi-fares-league-tables which compares a 2 mile journey on tariff 1. It should be noted that a 2 mile journey on tariff 1 under the proposed scheme would cost £8.60</p>
Town Council	<p>Whilst the Committee acknowledge that rates have not changed since 2010, the Committee object to the level of increase being proposed.</p> <p>When comparing against other neighbouring authorities, the Committee believe the cost to be too high. Using a 7 mile journey for comparison, the proposed charges will increase the cost of a journey from around £16.70 to £22.80. A similar journey via Uber is estimated at £11, whilst the cost of the same journey in Bracknell Forest is £15 and in RBWM is £17.50.</p> <p>The Committee believe rates should be comparable to those of neighbouring authorities.</p>	<p>Members will need to determine at the meeting if they agree to the variations as proposed by the trade or not.</p> <p>Members can look at comparison tables at: https://www.phtm.co.uk/news/paper/taxi-fares-league-tables which compares a 2 mile journey on tariff 1. It should be noted that a 2 mile journey on tariff 1 under the proposed scheme would cost £8.13</p>

Appendix B

Wokingham Borough Council Hackney Carriage Table of Fares (Implementation date 1 May 2014)		
Tariff 1	For hiring between 6am and 11 pm For a journey of up to 836 yards or 190 seconds or part thereof	£3.00
Tariff 1	For each subsequent 167yds or 38 seconds or part thereof	20p
Tariff 2	For hiring between 11 pm and 6 am Except All day Bank and official Public Holidays (exceptions see Tariff 3) Between 6 am and 11 pm on 24 and 31 December	Additional 50% on Tariff 1
Tariff 3	For hiring <ul style="list-style-type: none"> • After 11 pm on 24 and 31 December • All day 25 December • All day 26 December to 6am 27 December • All day 1 January 	Additional 100% on Tariff 1

Extra Passengers:

An additional 50p per person will be added where a vehicle is carrying more than four passengers regardless of the time of day

Extra charges:

Fouling of Vehicle Exterior	£10
Fouling of Vehicle Interior	£50

WOKINGHAM BOROUGH COUNCIL HACKNEY CARRIAGE FARE CHART effective 1 April 2022 FARES FOR DISTANCE AND TIME					
All distance and time charges include uncompleted parts thereof					
Tariff 1		Tariff 2		Tariff 3	
For hiring between 06:00 and 22:30 Monday to Sunday		For hiring between 22:30 and 06:00 Monday to Sunday For hiring on Bank and Public Holidays For hiring on Christmas Eve and New Year's Eve from 18:00 until 22:30		For hiring after 22:30 on Christmas Eve and New Year's Eve For hiring all day on Christmas Day and New Year's Day For hiring all day on the 26 December until 06:00 on the 27 December	
£3.00	For the first 440 yards or 150 seconds	£4.50	For the first 440 yards or 150 seconds	£6.00	For the first 440 yards or 150 seconds
20p	For each subsequent 120 yards or 30 seconds or part thereof	30p	For each subsequent 120 yards or 30 seconds or part thereof	40p	For each subsequent 120 yards or 30 seconds or part thereof
If the journey takes the taxi outside the Wokingham Borough Council area the driver MUST still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started. These are the maximum fares chargeable.					
Any complaints about a taxi or a driver should be directed to Licensing@Wokingham.gov.uk quoting of possible the taxi plate number and or the driver's badge number					
These prices do not apply to vehicles booked through a private hire operator.					
Extra Charges					
Fouling of vehicle – interior (£75) Fouling of vehicle – exterior (£15)					
When this vehicle is carrying more than 4 passengers, a surcharge of £2.00 per additional passenger.					
This will not be shown on the meter					

Comparison of costs of a two mile journey	
Costs of a two mile fare across 352 local authorities as at 17 February 2022 can be found at: https://www.phtm.co.uk/newspaper/taxi-fares-league-tables .	
A selection are set out below	
Authority	2 Mile Fare
London Heathrow (most expensive)	£11.40
Wokingham (110 tariff rate)	£8.60
Wokingham (trade request rate)	£8.13
Reading	£8.00
Guildford	£7.60
Oxford City	£7.60
West Berkshire	£7.40
Wiltshire	£7.00
Vale of White Horse	£6.90
Hart	£6.80
Basingstoke & Deane	£6.60
Runnymede	£6.60
Bracknell Forest	£6.60
Rushmoor	£6.40
Surrey Heath	£6.40
Windsor & Maidenhead	£6.40
Wokingham (existing rate)	£6.21
Spelthorne	£6.20
West Oxfordshire	£6.20
Slough	£6.00
South Oxfordshire	Not Listed
Pendle	£4.40
<i>Lowest fee listed</i>	

Response from taxi trade to consultation responses

21/02/2022

Thank you so much for informing us about the outcome of the consultation. As you mentioned the consultation was published in the local paper, PPP website, Shute End notice boards and social media posts were put out to sign post residents to the consultation.

The population of Wokingham residents at last census was more than 171000 people, of whom approximately 20% are children, which means 80% or 136800 are adults who were potentially reached by the various means. You received 5 comments of which 3 were objections. That is 0.00002% (two hundred thousandths of 1 percent approximately) of the potential adult population.

The process from our request and proposal through to the committee meeting and the following consultation has been both expensive and somewhat arduous but necessary. It is good to hear both sides of the debate and it is very reasonable to ask for a justification for our current request in the way we presented it which perhaps lacked some convincing explanation, however, knee jerk reactions should be avoided as we are reminded that Wokingham council is committed to balancing the legitimate aims of the taxi trade to maintain profitably in the face of increasing costs, while protecting the public from excessive fares.

Please allow me to respond to each objection individually and try to alleviate the objector's concerns;

1- Resident 1 raises good points about how the increase in fares will make it prohibitive for many who rely on taxis for health matters e.g. hospital appointments and those social care staff needing to go to work and also induced risk to people walking home late at night.

In my 24 years as hackney driver at station I can assure you that 99.9% of people with hospital appointments call a private hire company to take them directly from home to Royal Berkshire Hospital for non metered £18 to £20 rather than walking to a designated taxi ranks for a ride where the taxi driver would have to put the meter on, e.g. from station to Royal Berkshire hospital approximately £15.

As for the social care staff, many of them are known to us and get a fixed price that they are happy with, for example several social care staffs go to Ravenswood village. On the meter, with a clear run with no traffic at 6 am it would go £10.60 and at 8am in traffic can go £13 or more. They are always charged £10 since 2010.

People who go out at night to the red lion, Gig house or such like, usually plan their night with a budget for drinking, eating, smoking and finally perhaps sharing a taxi home or get a cheaper UBER.

Mail online;

Expect to pay MORE at the pub! Price of beer, wine, G&T, crisps and food is set to SOAR by as much as 20% due to rising energy fees and supply chain crisis

- UKHospitality has warned customers face an increase in restaurant and pub bills of up to 20 per cent this year*
- Trade body say drink prices could rise by up to 14 per cent and food bills could rise by as much as 17 per cent*
- They say the price rises come due to huge increase in energy costs, labour costs and the return of 20% VAT*
- Price rise warning comes as High Street bakery Greggs today said it would have to raise prices by up to 10p*

As you can see from the recent head lines every thing has been going up in prices every year and more so this year but that won't stop people going out to buy drinks, food and cigarettes. They always adjust their budget accordingly instead of arguing with the bartender to drop the price of a pint down or ask the restaurant to reduce the price of their meal to what it was in 2010. We take safety of our passengers very seriously but we can not accept the premise that our legitimate request after 11 year introduces risks that other inflationary price rises have not already introduced.

2- Resident number 2 seems to be happy with the rise as there are other cheaper options such as UBER and we agree

3- Resident number 3 also seems fair and we agree with the comments

4- Next comment is from the meter company. I think we should go with 110 seconds or the next increment up closer to the target 150 seconds if technically possible, with the least deviation from the proposal, avoiding meter removal costs.

5- Final comment is from Town Council. We think it is wrong to compare hackney taxis with UBER. They are 2 distinctly different business models both for the driver and the vehicle but to the untrained eyes of a passenger the only difference is the price. It is our job to inform and explain the difference.

A traditional licensed Wokingham dual driver must adhere to the local laws set by the council of which there are many, and any infringement of those laws will give the council the power to revoke the license. All drivers are known to the council and their identification, addresses, phone numbers, CRB criminal record and medical tests are checked regularly by the council officers who are responsible for the safety of local people.

Wokingham licensed taxis must be adapted to carry wheelchair users. These adoptions makes the vehicle upwards of £5000 more expensive to buy which is unrecoverable during the lifetime of the car, extremely difficult to sell at a reasonable price and relatively rare to buy again. These are heavy permanent conversions, hence cause high fuel consumption. They are also high mileage therefore have high maintenance costs if you can't afford to buy new again. They are tested twice a year for safety.

In return drivers used to feel their territory was guarded by the council where they are licensed. For example if I take a passenger to Bracknell and charge £12 on the meter, I have to switch my taxi sign off and come all the way back to Wokingham empty before I

can ply for hire again. Another words touting with my top taxi light on, in other areas is not allowed.

None of the UBER drivers are known to the council and Public protection partnership has no control over the safety of the local residence once they are in an UBER car. UBER has managed to turn the anti touting rule on it's head. No taxi light needed, just an App on a phone would work as a disguised tout in any district. They will pick up from Wokingham to Bracknell for £10 but don't need to come back empty as there will be a job waiting in Bracknell for them. They don't need to carry a 200kg wheelchair adoption so can discriminate against some disabled people by default. They use efficient electric or hybrid cars non converted cars. Changing them every 3 years is quick and easy and avoids costly high mileage maintenance like ours.

Some passengers may think that we are over charging by £2 but they are unaware of the uneven playing field unless it is explained to them. UBER is here to stay and offers an alternative option for those who feel it provides better value but we can not compete with them on price only when our hands are tied by laws that do not apply to them.

I hope this goes someway to explain our predicament when the panel are discussing the issues.

TITLE	Return Of Licensing Functions From Public Protection Partnership
FOR CONSIDERATION BY	Licensing and Appeals Committee on 2 March 2022
WARD	None Specific;
LEAD OFFICER	Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY Providing licensing functions in house offers a more localised service.
RECOMMENDATION The Committee to NOTE the update as to the repatriation of capacity, roles and procedures for licensing functions back to the Council.
SUMMARY OF REPORT Outlines the remit of the Licensing and Appeals Committee and Sub-Committee in the context of the licensing service being brought back in-house and to consider the implications of returning licensing from the Public Protection Partnership.

Background

Each licensing authority must establish a licensing committee consisting of between 10 and 15 members of the authority to discharge its licensing functions under Licensing Act 2003. In Wokingham the Licensing and Appeals Committee carries out functions relating to licensing and registration.

A licensing committee must make licensing decisions when required but it may make arrangements for those decisions to be made by a sub-committee consisting of three members of the committee. In Wokingham the Licensing and Appeals Hearings Sub Committee deals with appeals against licensing decisions and registration issues such as street trading and taxi licences.

The duties and responsibilities of a licensing authority are to carry out its functions under Licensing Act 2003 with a view to promoting the licensing objectives namely:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

For each five-year period a licensing authority must determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the period. It must also have regard to any guidance issued by the Secretary of State (the current revised guidance was issued in March 2015).

Wokingham's current Statement of Licensing Policy is dated September 2018 so is due for review before September 2023. It includes an appendix listing the functions which are delegated to the Licensing Sub-Committee and those which are delegated to officers.

Hearing procedure

Licensing hearings must commence within the timescales prescribed. For example, a hearing to determine an application for a new premises licence must commence within 20 working days after end of the period during which representations can be made in relation to the application.

The licensing authority must give notice of the hearing to the relevant persons and within the timescales prescribed in the regulations.

A licensing hearing takes the form of a discussion and cross examination will only be permitted if the committee considers that cross examination is necessary. The hearing should focus on the steps considered appropriate to promote the particular licensing objective which has given rise to the specific representation. Any information not relevant to a party's case and the promotion of the licensing objectives must be disregarded. For example, planning and highways issues which are not relevant to the licensing objectives must be disregarded.

A licensing authority can reduce the risk of a successful challenge against a licensing decision by:

- setting realistic time scales and giving a fair opportunity for each party to present their case
- conducting a fair hearing which treats all parties equally and fairly
- avoids giving the appearance of pre-determination or not being impartial
- not making a public comment before all the evidence is heard dealing with a licensing hearing impartially
- making decisions which are evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve
- giving full and clear reasons for their decision

Wokingham's Licensing Service

The staff complement will be

- 1 Licensing and Processing Service Manager, reporting to the Head of Enforcement and Safety
- 2 Licensing Officers
- 2 Licensing Processing Officers (3 staff covering 2 full time equivalent posts)

The team will be supported by 3 Customer Services Officers who will receive and deal with routine enquiries. On-line payments will be made possible through the council's website or payments can be made by telephone for smaller amounts (ie less than £100). For larger amounts invoices will be sent, as this has the benefit of registering the payment in the council's income system so that non-payment can be tracked and chased up. It is planned in due course that licence applications can be completed on-line, but this can only happen after a new software database has been procured, primarily because there are a large number of different types of licences and application forms which would be prohibitively costly to convert into online forms before new software is procured.

Analysis of Issues

Arrangements are in place to transition the functions during March 2022 from PPP to Wokingham, to ensure a smooth handover on 1 April. Current licence holders will be informed of the change, and there will be new pages on Wokingham Council's website with information how to apply for a licence and make payments. The service's email address will remain unchanged.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

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

Other financial information relevant to the Recommendation/Decision

There are no specific financial implications for the Council arising from this report. The costs of transferring licensing functions from PPP to Wokingham Council are the subject of separate decision making and associated reports.

Cross-Council Implications

Licensed activities make an important contribution to the economy of the Borough. By regulating activities under this legislation it acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. These often conflicting positions must be evaluated and all views will be taken into account when making licensing decisions or determining a course of action.

Public Sector Equality Duty

Please confirm that due regard to the Public Sector Equality Duty has been taken and if an equalities assessment has been completed or explain why an equalities assessment is not required.

There is no specific recommendation or policy change in this report, so an equalities assessment is not required, but the Public Sector Equality Duty is fundamental to decisions made in relation to the council's functions under Licensing Act 2003.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

Please state clearly what the impact of the decision being made would be on the Council's carbon neutral objective.

There are no implications for the carbon neutral objective in the report.

List of Background Papers

Statement of Licensing Policy dated September 2018

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