



## Licensing Committee agenda

Date: Wednesday 15 June 2022

Time: 6.30 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

### Membership:

D Barnes, J Baum, T Green, P Griffin, C Jones, N Rana, J Rush, N Southworth, B Stanier Bt, D Town, J Towns, G Wadhwa, H Wallace (Chairman), D Watson and A Wood

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<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies for absence</b>	
<b>2 Appointment of Vice-Chairman</b>	
<b>3 Declarations of interest</b>	
<b>4 Minutes of the previous meeting</b>	<b>3 - 8</b>
To approve as a correct record the Minutes of the meeting held on 2 <sup>nd</sup>	

February and 18 May 2022

**Part A - Statutory Functions**

None

**Part B - Other Licensing Functions**

<b>5</b>	<b>Regulation of Cosmetic Piercing and Skin-colouring business</b>	<b>9 - 14</b>
<b>6</b>	<b>Hackney Carriage and private hire licensing enforcement update</b>	<b>15 - 30</b>
<b>7</b>	<b>Update on Hackney Carriage Fares</b>	<b>31 - 36</b>
<b>8</b>	<b>Date of next meeting</b> Tuesday 26 July 2022 at 6.30pm	

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For further information please contact: Clare Gray on 01895 837529, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).



## Licensing Committee minutes

Minutes of the meeting of the Licensing Committee held on Wednesday 2 February 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF, commencing at 6.30 pm and concluding at 6.55 pm.

### Members present

D Barnes, J Baum, R Gaster, N Rana, B Stanier Bt, G Wadhwa, H Wallace, D Watson and A Wood

### Agenda Item

**1 Apologies for absence**

Apologies were received from Cllr T Green, Cllr C Jones, Cllr J Rush and Cllr D Town.

**2 Declarations of interest**

There were none.

**3 Minutes of the previous meeting**

**RESOLVED**

**The Minutes of the meeting held on 20 October 2021 were AGREED as an accurate record.**

[Post meeting update – figures quoted under item 5, Draft Statement of Licensing Policy under the Gambling Act 2005, were found to be incorrect after this meeting. The correct figures, as per the report circulated with the 20 October 2021 agenda were 39 betting premises and 9 other gambling premises.]

**4 Draft Statement of Licensing Policy under the Gambling Act 2005**

S Gallacher, Principal Licensing Officer, referred to the report and appendices circulated with the agenda.

In accordance with the Gambling Act 2005 (the 'Act'), Buckinghamshire Council, in its role as Licensing Authority, was responsible for authorising certain gambling activities at premises used for gambling purposes by the issue of premises licences and permits.

The Council's licensing service was currently operating under separate legacy policies and fees, reflecting the four former district council areas. Under the terms of the transitional legislation, Buckinghamshire Council had two years to prepare and implement a new single policy under the Act and align service provision. The

deadline for implementation of the new Policy was no later than 1 April 2022. The new policy must be published at least four weeks before it was effective, the deadline for publication of the policy was therefore 4 March 2022.

On the 20 October 2021 the Licensing Committee approved a new draft policy for consultation purposes. The consultation ran from 1st November until the 10 December 2021. Nine responses were received and were included in the report. The following changes were made as a result of the consultation:

- Section 4 - Policy amended to include reference to consultation with ward councillors and town and parish councils.
- Section 20 - Policy amended to better reflect statutory guidance.
- Section 20 - Policy amended and relevant part of sentence removed in light of significant reduction in stakes for fixed odds betting terminals.

The following points were discussed following questions from Committee Members:

- A Member of the Committee asked for confirmation of the number of licenced premises within Buckinghamshire. [Post meeting update – the figures quoted at the meeting were incorrectly repeating an error to the minutes of 20 October 2021, now amended. The correct figures, as per the report circulated with the 20 October 2021 agenda were 39 betting premises and 9 other gambling premises.]
- The letter from Gosschalk solicitors on behalf of the Betting and Gaming Council (BGC) (appendix 2), suggested very low levels of problem gambling nationally with a continued decline in numbers. Officers stated that figures quoted in the letter were from the Gambling Commission and they had not sort to independently verify them. Several local organisations offering gambling support had been involved in the consultation and none had identified a significant problem locally. However, it was noted that using these figures there could still be approximately 1,200 problem gamblers (0.3% of the adult population of approximately 400,000) within Buckinghamshire needing support. Officers explained that the policy sought to do this through rules and regulations for licensed premises providing licensees with information on safeguarding and support signposting.
- A Committee Member noted that the quoted figures on problem gambling for the UK compared favourably to those for the EU. It was also considered positive that the BGC were committed to ongoing research, education, and treatment support.
- Item 11 (decision making) of the draft policy (appendix 4), states “The Licensing Authority will not take into account demand for gambling premises or representations based on moral objections when making decisions.” A Committee Member queried this statement. Officers explained that this was not a new addition to the policy but a requirement set out in the Gambling Act 2005 and the Gambling Commission statutory guidance. Therefore, its inclusion in the policy was outside of Buckinghamshire Council’s control.

**On a vote being taken (proposed by Cllr Baum and seconded by Cllr Wood) it was unanimously RESOLVED to:**

- 1. AGREE the final draft of the Statement of Licensing Policy under the Gambling Act 2005.**
- 2. RECOMMEND the Statement of Licensing Policy under the Gambling Act 2005 to Full Council for approval and adoption with an implementation date of 1 April 2022.**

- 5 Date of next meeting**  
13 April 2022, 6.30pm.

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## Licensing Committee minutes

Minutes of the meeting of the Licensing Committee held on Wednesday 18 May 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF.

### Members present

J Baum, D Dhillon, T Green, P Griffin, C Jones, N Rana, N Southworth, B Stanier Bt, D Town, J Towns, G Wadhwa, H Wallace, D Watson and A Wood

### Apologies

D Barnes and J Rush

### Agenda Item

#### **1 Apologies**

Apologies were received from Cllr D Barnes and Cllr J Rush.

#### **2 Election of Chairman**

##### **RESOLVED-**

That Councillor Wallace be elected Chairman of the Committee for the ensuing year.

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## Report to Licensing Committee

**Date:** 15<sup>th</sup> June 2022

**Reference number:**

**Title:** Regulation of Cosmetic Piercing and Skin-colouring Businesses

**Cabinet Member(s):** Councillor Mark Winn

**Author and/or contact officer:** Ian Snudden

**Ward(s) affected:** all wards

**Recommendations:**

1. That Members agree and approve the harmonised fees for the registration of persons who undertake skin piercing and related activities and the premises where skin piecing and related activities take place with effect from 1<sup>st</sup> July 2022.

**Reason for decision:** This recommendation will harmonise the level of charging for the registration of persons who undertake skin piercing and premises where skin piercing activities take place in order to provide a consistent level of charging across the Buckinghamshire district.

1. Executive summary
  - 1.1 Currently there are different registration charging structures across the legacy areas. This report seeks Member's approval for the adoption of a common charging policy.

2. Content of report

### **Harmonisation of fees**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to charge reasonable fees for the registration of persons carrying out the business of skin piercing and the premises in which these activities take place. The fee covers the initial inspection(s) associated with registration, checking

training qualifications and competency of the operator, advising the business about the requirements of the byelaws and best practice, and associated administration.

- 2.2 However, there are currently historic differences in charging policy in each of the legacy areas which should be harmonised in order to provide a consistent level of service across the district. The current charges are in Appendix 1. Benchmarking with neighbouring authorities shows similar disparities in charging structures.
- 2.3 There is no statutory requirement for public consultation when setting fees under the Act and it is for the Licensing Committee to agree these fees. Fees should be set at a level to ensure full cost recovery whilst also being fair and providing value for money for the businesses. Councils are required, however, to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost but not make a surplus.
- 2.4 The general methodology behind the review of these fees is determined by the document 'Open for business: Local Government Association (LGA) guidance on locally set licence fees'. The core principles in the LGA guidance are that fees should be non-discriminatory; justified; reasonable and proportionate to the cost of the processes associated with a licensing scheme; clear; objective; made public in advance; transparent; and accessible. It is also an accepted principle that licensed activities should be funded on a cost-recovery basis, paid for by those benefiting from the licensed activity, rather than drawing on the public purse.
- 2.5 Fees should be reviewed on an annual basis, taking into account of any increase in the Retail Price Index (RPI) and where appropriate, an increase will be applied to the fees to recover related increased costs to the Council. If another inflationary measure is prescribed by Government in the future, then this would also be applied.
- 2.6 The registration of a business or operator is a one-off application and there are no other ongoing costs that the Council will incur. Therefore, the proposed application fees relate solely to the cost of the authorisation procedures and are based on the time taken to process a registration application, provide advice and guidance to applicants, inspect premises and carry out checks on operators.

Registration of premises and proprietor	£220
Registration of an additional operator	£60
Replacement copy or administrative changes to a Certificate	£30

Registration is a one-off process and is not renewed, unlike a licence, and therefore the change in this fee structure will not impact upon any expected budgetary income.

### 3. Other options considered

- 3.1 The proposed fees strike a balance between enabling the local authority to recover its reasonable costs from processing registration applications and what the benchmarking evidence supports. Members have the ability to amend the proposed fees or to do nothing and keep the existing fee structure as it is.
- 3.2 If the harmonised fees are not adopted however, then businesses in each legacy area will be subject to different fees across the Buckinghamshire district with some businesses being disadvantaged over those in neighbouring legacy areas.
- 3.3 Currently all legacy areas have adopted the provisions of sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 which requires registration of businesses and persons who perform skin piercing namely tattooing, ear piercing, electrolysis and acupuncture. All legacy areas have also adopted byelaws for the control of such businesses. In addition, the legacy CSB area has also adopted byelaws which cover cosmetic piercing and semi-permanent skin-colouring.
- 3.4 The adoption of byelaws enables local authorities to compel persons carrying on businesses which are registered under the Act to ensure the cleanliness of the premises, the sterilisation of equipment and materials and the hygiene of operators in accordance with the byelaws. The adoption of such byelaws is intended to increase public protection and reduce the transmission of blood borne virus infections such as HIV, hepatitis B, hepatitis C and other infections.
- 3.5 Since there is a disparity across the Buckinghamshire district in terms of the adoption of the registration provisions in the Act and the adoption of byelaws for cosmetic piercing and semi-permanent skin-colouring, work is currently taking place to allow a further report to be presented recommending the provisions of sections 14 – 17 of the Act are adopted, to ensure harmonisation of registration provisions and that byelaws for cosmetic piercing (piercing of the body including the ear), semi-permanent skin-colouring including micro pigmentation, semi-permanent make-up and temporary tattooing, electrolysis and acupuncture are made in accordance with the necessary procedures and for these to be confirmed by the Secretary of State for Health and Social Care and that once confirmed, that the related existing legacy byelaws are revoked.

#### 4. Legal and financial implications

- 4.1 The proposed charges have been set based upon the approximate time taken to process an application. The purpose of the charge is to recover the Council's reasonable costs and is not intended to generate any additional income or profit. The proposed charges are roughly similar to those previously charged in the legacy areas and neighbouring authorities and therefore it is anticipated that businesses will not be disproportionately impacted by the changes.

#### 5. Corporate implications

- 5.1 The proposed pricing structure is such that it should not deter businesses from registering, thus providing greater oversight of skin piercing activities within the County.

#### 6. Local councillors, community boards consultation & views

- 6.1 The recommendations in this report are not specific to any one area in Buckinghamshire and so no specific local councillor or community board engagement has been carried out.

#### 7. Consultation and communication

- 7.1 Depending upon the outcome of the review, any pricing policy changes will be publicised on the authority's web pages. Existing skin piercing businesses will also be informed of the adoption of new byelaws and the changes in the fee structure.

#### 8. Next steps and review

- 8.1 If approved, the revised prices and policy will be advertised on the authority's website. Any change in the charging policy will take effect from 1st July 2022.
- 8.2 To present a future report to the Licensing Committee recommending the adoption of the provisions of sections 14 – 17 of the Act and corresponding byelaws.

#### 9. Background papers

- 9.1 None

#### 10. Your questions and views (for key decisions)

- 10.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01494 732057 or email [ian.snudden@buckinghamshire.gov.uk](mailto:ian.snudden@buckinghamshire.gov.uk)

Appendix 1

	Aylesbury Vale	Chiltern/South Bucks	Wycombe	South Oxon	RBWM	Dacorum	Milton Keynes	West Northants
Registration of premises and applicant	£163	£191 (premises only)	£239	£250	£245	£242 (premises only)	£372 (premises & activity) £306 (activity only) £283 (premises only)	£257 (premises only)
Registration of an additional operator	£29	£72	£61	£137	£82	£114	£306	£103
Registration of an acupuncturist							£223	
Registration of an additional operator at time of initial registration			£25					
Existing Licence amendment (administrative)				£130	£42.50 per hour with a minimum one hour charge		£30	
Replacement copy of Operator Certificate				£25	£20		£30	

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## Report to Licensing (Regulatory) Committee

**Date:** 15<sup>th</sup> June 2022

**Title:** Hackney carriage and private hire licensing enforcement update

**Author(s):** Simon Gallacher, Principal Licensing Officer

**Recommendations:**

1. To note the contents of this report and agree matters for inclusion/exclusion in future enforcement update reports.
2. To agree the frequency of reporting on hackney carriage and private hire enforcement activities to the Licensing Committee.
3. To note a recommendation from the Head of Service to the Chair of Committee and Cabinet Member that the officer panel step be removed from the decision-making process by way of a minor amendment to the Policy.

### **1. Background**

- 1.1 Prior to the implementation of the Council's new hackney carriage and private hire licensing policy, (the "Policy") in September 2021, the Licensing Service committed to provide routine reports to the Licensing Committee related to application of the Policy. More specifically, the intention was to provide annual performance reports supplemented by quarterly reports on enforcement activities, the outcome of court proceedings and statistical data on licences issued.
- 1.2 The introduction and implementation of the new Policy, together with the corresponding alignment of service provision across the former District Council's controlled areas, has been a significant undertaking with many challenges. Council officers and the local taxi and private hire trade have had to adjust to new procedures and ways of workings as a consequence of the policy changes. Throughout this period, robust measures have remained in place to ensure that, in line with statutory and best practice guidance, only those considered fit and proper to hold licences are permitted to do so.
- 1.3 The licensing service is now in a position to commence reporting on enforcement activities taken since the new Policy was implemented. The report focuses on the

reference period 6<sup>th</sup> September 2021 to 31 March 2022 and provides details of applications received, application outcomes, non-application related enforcement activity and an overview of the decision-making process.

- 1.4 As the first report of this nature, the Licensing Service welcomes feedback from Councillors on its content and suggestions for any appropriate amendments. Councillors are also asked to consider the frequency of these reports going forward.

## 2. Main content of report

### Introduction

- 2.1 The purpose of licensing private hire and hackney carriage (taxi) operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety is the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators. The Council's taxi and private hire licensing policy plays an integral part in both securing and demonstrating the Council's commitment to this important objective.
- 2.2 In accordance with the Policing and Crime Act 2017, the Department for Transport published new "Statutory taxi and private hire vehicles standards", (the "Standards"), in July 2020. The aim of the Standards is to promote passenger safety and safeguard children and vulnerable adults from the risk of abuse and exploitation. Councils must have regard to the Standards, and it is expected that they will be adopted unless there is compelling local reason not to. The Standards have been incorporated into the Council's Policy, as reported to the Licensing Committee on [3<sup>rd</sup> February 2021](#). There is one area where the Council has departed from the Standards, and this concerns the delegation for decision making. The Council's decision-making process is considered further in this report from paragraph 2.29.

### Application overview

#### Vehicle applications

- 2.3 In accordance with the statutory provisions of the Local Government Miscellaneous Provisions Act (LGMPA) 1976, hackney carriage and private hire vehicle licences are granted for a maximum period of 12 months. On 31<sup>st</sup> March 2022, 2059 vehicles were licensed with the Council. During the reference period the Council received 1553 licence applications for vehicle licences. Of this figure, 486 applications were for new licences and 1067 were applications to renew existing licences.

The table below provides an overview of the status of those applications:

<b>New vehicle applications 06/09/2021 - 31/03/2022</b>	<b>486</b>
Granted	394
Refused	1
Rejected	71

Withdrawn	12
Incomplete	4
Pending	4
<b>Renewal application</b>	<b>1067</b>
Granted	880
Refused	21
rejected	141
Withdrawn	10
Incomplete	12
Pending	3

- 2.4 22 of the refused vehicle applications relate to vehicles that failed to meet the Council's Policy requirement. Specifically, these applications were submitted for vehicles that had been deemed category S (structural) vehicle insurance write offs. In all instances, as is required, applicants were offered the opportunity to make representation before a final decision was taken. Applicants were advised that the Licensing Service may consider evidence of repairs carried out by a British Standard 10125 certified workshop, or a manufacturer approved workshop as possible grounds for exception to the Policy. To date these are the only grounds that the Licensing Service has been able to identify that would provide assurance that repairs have been carried out, and the vehicle has been returned to the same safety standards as originally manufactured. None of the vehicles were able to demonstrate that they met this standard or provide alternative evidence to warrant departure from the policy.
- 2.5 With respect to the rejected applications, applications were rejected for a variety of reasons but often because they were not complete and valid. Where possible officers try to avoid rejecting applications and support is provided to help encourage applicants to submit valid applications. Common reasons for rejection included:
- Application form containing insufficient detail. The application forms have been streamlined to ensure only essential information is requested, but unfortunately in some instances applicants fail to provide even basic details.
  - Incorrect information in the application. For example, applicants have provided the wrong vehicle details, or the application is submitted in the wrong name; for legal reasons the application must be in the name of the vehicle proprietor.
  - Duplicate applications submitted for the same vehicle.
  - Missing documents, for example failure to provide a DBS certificate, correct vehicle insurance document or correct vehicle logbook.

2.6 In terms of vehicle application trends, the following table shows a summary of new and renewal vehicle licence applications received and granted by month:

	Sept 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22
Total apps	197	254	224	200	269	175	234
New apps	36	71	70	60	90	63	96
Renewal apps	161	183	154	140	179	112	138
Total Granted per month	188	182	204	201	195	164	195
Hackney Carriage granted	15	18	30	46	33	32	33
Private Hire granted	173	164	174	155	162	132	132
WAVs* granted	26	16	25	28	21	24	27

\*WAV – wheelchair accessible vehicle

### Driver applications

2.7 In accordance with the statutory provisions of the LGMPA 1976, hackney carriage and driver licences are expected to be granted for a period of 3 years. On 31<sup>st</sup> March 2022, 3013 drivers were licensed with the Council. During the reference period, the Council received 728 driver licence applications: 143 from new drivers and 585 from drivers applying to renew.

The table below provides an overview of the status of those applications:

<b>New applications</b>	<b>143</b>
Granted	76
Refused	3
Rejected	16
Withdrawn	5
Incomplete	27
Pending:	
Awaiting documents/response from 3 <sup>rd</sup> parties	7
Referred to officer/enforcement	6
Other	3

<b>Renewal applications</b>	<b>585</b>
Granted	422
Refused	2
Rejected	49
Withdrawn	1
Incomplete	66
Pending:	
Awaiting documents/response from 3 <sup>rd</sup> parties	22
Referred to officer/enforcement	22
Other	1

- 2.8 5 applications received during the period were refused on the basis that officers were not satisfied that the applicants could be considered fit and proper to be licensed. The circumstances and grounds for refusal are summarised briefly below:

<b>Driver 1 (new)</b>	IN10 conviction in 2017, driving without the appropriate insurance. Council policy stipulates a rehabilitation period of 7 years for insurance offences. Appeal lodged and pending at Magistrates Court.
<b>Driver 2 (new)</b>	Conviction for violent disorder in 2016 with custodial sentence. Council policy stipulates a rehabilitation period of at least 10 years.
<b>Driver 3 (new)</b>	Failed to disclose previous refusal of licence. Licence was previously refused following conviction for serious sexual assault. Applicant also failed to disclose motoring offences (SP30) from 2018.
<b>Driver 4 (renewal)</b>	CU80 conviction in 2021, mobile phone use while driving. Council Policy stipulates rehabilitation period of at least 5 years. Driver also failed to disclose convictions on application. Council Policy stipulates any dishonesty in the application process, such as failure to disclose convictions, will generally result in refusal.
<b>Driver 5 (renewal)</b>	CU80 conviction in July 2019, mobile phone use while driving. Council Policy stipulates rehabilitation period of at least 5 years. Driver also failed to disclose convictions on application. Council Policy stipulates any dishonesty in the application process, such as failure to disclose convictions, will generally result in refusal.

- 2.9 The 66 rejected applications shown are mainly attributable to applicants submitting multiple incomplete applications.
- 2.10 28 applications are shown as referred to officer. These relate to outstanding applications which have been referred to officers for further investigation and decision making as issues of concern have arisen during the application process. 14 of these are because of failure to disclose information relating to offences, mainly motoring offences. The remaining referrals are because of failure to attend safeguarding training, concerns identified through checks with other licensing authorities, medical contraindications and declared convictions that are contrary to the Policy.

2.11 In terms of application trends, the following table shows new and renewal driver licence applications received and granted by month. Driver licence applications received in one month may be granted in another, dependent upon the receipt of information from other authorities:

	Sept 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22
Total Apps	51	77	93	107	114	140	146
New apps received	12	20	19	16	14	24	38
Renewal apps received	39	57	74	91	100	116	108
Total licences granted per month	62	50	60	77	64	65	97

### Operator applications

2.12 In accordance with the LGMPA 1976, operator licences are expected to be granted for a period of 5 years. On 31<sup>st</sup> March 2022, 219 private hire vehicle operators were licensed with the Council. During the reference period, the Council received 29 new and 43 renewal operator applications.

2.13 The table below provides an overview of the status of those application. Operator licence applications received in one month may be granted in another, dependent upon the receipt of information from other authorities:

<b>New applications</b>	29
Granted	3
Refused	0
Rejected	10
Withdrawn	3
Incomplete	11
Pending	2
<b>Renewal applications</b>	43
Granted	20
Refused	0
Rejected	19
Withdrawn	1
Incomplete	3
Pending	0

- 2.14 The 29 rejected applications shown are mainly attributable to applicants submitting multiple incomplete applications.

### Complaints and investigations

- 2.15 In addition to determining applications, the Licensing Service regulates taxi and private hire operations through reactive and proactive activity. Reactive work is typically in response to incident reports and complaints received from members of the public, other agencies within and external to the Council, and from members of the taxi and private hire trade. Proactive work is typically pre-arranged activities, often based on intelligence, and may involve targeting locations and/or activities such as large events, areas used by the potentially vulnerable such as schools, or specific operations such as “plying for hire” and multi-agency visits. Since the implementation of the new Policy, most of the activity has been reactive, with more proactive activity planned over the coming months.
- 2.16 As part of the implementation of the new Policy the Licensing Service has revised the Council’s online reporting system, available via the Council’s web pages, which now integrates directly with the back-office system used within the service. The online reporting system allows members of the public to notify the service of issues or complaints more easily. For the licensed trade, the system facilitates mandatory reporting of such things as accidents and change of details. The service also receives reports from the public and licensed trade directly via email and telephone calls, which are recorded on the same back-office system. Since the adoption of the new reporting system in January 2021, complaints are now categorised as follows:

Taxi Reporting and Enquiry Form

## Your Complaint

What is your complaint about?

Driving Standards

Behaviour

Safeguarding Concerns

Parking

Vehicle Condition

Other

[Back](#) [Next](#)

The image shows a screenshot of the Council’s online complaint reporting screen.

- 2.17 Complainants are prompted to provide relevant information to assist with identifying the source of the complaint as shown in the image below, if they cannot provide this information they can still proceed with their complaint:

Taxi Reporting and Enquiry Form

## Details

Enter at least one of the following pieces of information. Please provide as much information as possible.

Driver Badge Number

Vehicle Licence Number (The number on the door stickers and rear plate, eg. PHV12345)

Vehicle Registration

Operator Name

If you do not know any of the above details please click the Next button

[Back](#) [Next](#)

2.18 99 recorded complaints were received by the Licensing Service during the reference period. Between 1<sup>st</sup> January 2022 and 31<sup>st</sup> March 2022, 56 complaints were received, categorised as follows:

Category	Number of complaints
Driving standards	20
Behaviour	10
Safeguarding concerns	2
Parking	15
Vehicle condition	2
Other	5

2.19 The Licensing Service also records investigations. These are matters of concern that are not reported as complaints but warrant further investigation by Council officers. Investigations are typically instigated because of:

- Concerns identified during the application process
- Licence holders self-reporting, such as convictions and accidents.
- Pro-active enforcement by Council officers.
- Reports received from various sources of intelligence such as the police and other Council departments.

2.20 During the reference period, 6<sup>th</sup> September 2021 to 31<sup>st</sup> March 2022, 58 investigations were instigated in respect of drivers and 3 in respect of operators. The latter 3 investigations relate to instances of failure to notify changes of company directors and concerns relating to vehicle maintenance. The grounds for investigation in relation to drivers are summarised as follows:

Accident related – not reported	1
Offence related – self reported	8
Offence related – not reported	6
Driver behaviour	8
Driving standards	6
Expired DVLA licence	1
Report of illegal mobile phone use	2
DBS related issues	3
Not wearing badge	8
Notification of arrest	4
Arrest - not notified	1
Failure to notify change of name	1
Medical concerns	3
Working without current driver licence	2
Working with unlicensed vehicle	1
Driving vehicle of poor standard	1
Safeguarding concerns	2

### **Enforcement drivers**

2.21 During the reference period, 8 drivers had their licences revoked, one of which is currently under appeal via the Magistrates Court. The circumstances of the revocations are briefly summarised below:

Driver 1	Inappropriate behaviour and use of explicit and offensive language with a young female passenger. Previously attempted to give phone number to another female passenger. Failed to disclose various speeding offences at the time and on subsequent application. Previous failure to comply with licence conditions. Dishonesty during the application process and during officer interviews. Revoked with immediate effect.
Driver 2	Careless driving resulting in passenger sustaining serious injury while entering the vehicle and failure to respond to requests for assistance. Previous complaint of illegal parking and inappropriate behaviour toward off-duty police officer.
Driver 3	Arrested for drug driving. Revoked with immediate effect.
Driver 4	Abusive behaviour and threatening comments to members of the public including a young child. Speeding and aggressive driving. Driving while filming with a mobile phone.
Driver 5	Concerns about medical fitness to drive. Driver failed to provide evidence that they had reported incident of a stroke and bout of double vision to the DVLA as required. DVLA group 2 medical requirements state that a licence will be revoked for a period of 12 months following a stroke. Revoked with immediate effect.
Driver 6	Arrested for possession of imitation firearm and possession of class A and class B drugs. Failed to notify Council of arrest. Subsequent arrest for affray and criminal damage while under investigation by the Council. Again, failed to notify Council of arrest.
Driver 7	IN10 conviction, driving without the appropriate insurance. Council policy stipulates a rehabilitation period of 7 years for insurance offences. Subject to appeal, licence still in effect.
Driver 8	Under investigation for historic serious sexual offences. Failed to notify of arrest. Disclosed inappropriate behaviour during interviews with officers. Worked during Covid-19 lockdown contrary to a mandatory requirement to self-isolate.

2.22 During the reference period, 14 drivers had their licences suspended. The details are summarised below:

8 drivers	Failed to provide outstanding medical certificate. Medical certificates now
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	provided; licences reinstated.
4 drivers	Failed to provide outstanding medical certificate. Licences still suspended.
1 driver	Failed to attend additional driving assessment within 3 months as requested by officer following 2 complaints of poor driving. Resolved, licence reinstated.
1 driver	Suspended for 28 days, passed school contract booking to another driver to complete without authorisation. Resolved, licence reinstated.

### **Enforcement vehicles**

- 2.23 During the reference period 605 vehicles were suspended. Vehicles are suspended for a wide variety of reasons but most typically on annual inspection where the vehicle does not meet the Council's Policy standards but there is no immediate risk to passenger safety. In accordance with the legal provision, once served with a notice the vehicle proprietor has 21 days to rectify the issue before the suspension takes effect. Examples include advisory matters identified on the MOT inspection, missing or incorrect vehicle livery, cosmetic damage to the vehicle exterior, poor condition of external parts of the vehicle, and missing first aid kit or fire extinguisher. In most instances the matter is resolved before the notice takes effect.
- 2.24 For more serious matters, vehicle licences may be suspended with immediate effect or revoked. During the reference period 14 vehicle licences were revoked. The grounds for revocation of these vehicles are summarised below:

10 vehicles	Significant accident damage
2 vehicles	Vehicle not in road worthy condition
1 vehicle	Report of minor damage and driver no longer licensed.
1 vehicle	Defective headlight

### **Enforcement operators**

- 2.25 During the reference period, 2 operator licences were revoked. These licences were in respect of the same operator, who held separate licences with 2 of the legacy Council areas. The grounds for revocation are briefly summarised as follows:

- Safeguarding concerns: accepting bookings and transporting unaccompanied children, including late at night, contrary to advice and training provided by Council officers.
- Failure to notify change of authorised operating base.
- Operating unlicensed drivers and vehicles.
- Attempting to dual plate vehicles with multiple authorities.
- Failure to co-operate with authorised officers.
- Failure to maintain accurate records.

### **Appeals**

- 2.26 During the reference period 3 appeals were served on the Magistrates Court. The first relates to the revocation of a licence for a driver who committed a driving without insurance offence last year. The second relates to the refusal of a new driver licence application, which was refused on the basis that the applicant committed a driving insurance offence within the last 7 years. The third relates to a driver was convicted of a speeding offence for which he received points on his licence. His application to renew his private hire driver's licence was refused as he was driving a licensed vehicle and carrying fare paying passengers at the time of the offence.
- 2.27 During the reference period, 2 cases were heard on appeal at the Magistrates Court.
- 2.28 In October 2021, Magistrates upheld the Council's decision to revoke a driver's licence on grounds that included conviction for illegal plying for hire by another authority, failure to inform the Council of the conviction and failure to disclose a speeding conviction. The appellant was ordered to pay £560 towards the Council's costs (£1917).
- 2.29 In February 2022, Magistrates allowed an appeal, overturning the Council's decision to revoke a driver's licence on the basis that the driver had been dishonest and demonstrated poor standards of driving. The hearing was adjourned immediately following the judgement with reasons for the decision and legal argument regarding costs still to be heard.

### **Decision making**

- 2.30 The Statutory Standards recommend that licence decisions, particularly contentious matters, should be referred to a committee of the Council for determination. The reasons for this recommendation are to avoid the risk of bias and to ensure a separation of decision making and investigation bodies. It is also acknowledged within the Standards that an alternative model may be adopted where it is appropriate in the local circumstances.
- 2.31 At the time that the Policy was adopted, Councillors agreed that decision making on licensing applications would be delegated to Council officers, as permitted under the Council's constitution. The basis for this decision was that Buckinghamshire Council

is one of the largest taxi licensing authorities in the country with a large number of applications received per annum. As a result, there is a need to make timely, consistent, and robust licence decisions that both fulfil the Council's obligations and achieve the correct outcome for the travelling public, whilst also ensuring that the process itself does not create additional cost and delay for the licensed trade. It was acknowledged that there was a clear need for Councillor involvement, scrutiny and accountability in this area and it was proposed that the Licensing (Regulatory) Committee would have oversight of licence decision making via a regular reporting mechanism, enabling discussion, consideration and review of the consistency and robustness of decisions taken. This report provides the first formal report to the Committee of this nature.

- 2.32 The Policy currently states that, as part of the decision-making process, applications will "generally" be considered by a panel of Council officers tasked with making a recommendation to a senior officer who will then make the final decision. In practice this panel step has proved to be impractical, causing delays in the decision-making process, without any significant tangible benefit. As a result, the decision-making process has recently been thoroughly reviewed by senior officers of the Council's Licensing Service and Legal Services and the consensus view is that the recommendation of a decision by a panel of officers is an unnecessary step in the current process that creates duplication and delay, and negatively impacts licenceholders and applicants.
- 2.33 It is proposed that instead, the final decision on issuing a licence should fall to an individual authorised officer with the necessary training, skills, competence, and experience to make the decision. The Standards are very clear that there must be separation between the investigating officer and the decision maker, and this will remain the case, with investigating officers passing case reports to another officer to make the final decision. The defence of that decision in Court, should it be subject to appeal, will be undertaken by Legal Services who will be instructed by the officer who made the decision.
- 2.34 In accordance with the Council's constitution, minor changes to the Policy, where formal consultation is not considered necessary, may be made with the agreement of the Chairman of the Licensing Committee, Cabinet Member for Regulatory Services, and the Head of Service. The Committee are asked to note a recommendation from the Head of Service to the Chair of Committee and Cabinet Member that the officer panel step be removed from the decision-making process by way of a minor amendment to the Policy.
- 2.35 It is important to emphasise that when making licensing decisions, officers are provided with extensive information, from a wide range of sources which is then subject to various checks and balances to help support their decision making on

whether drivers, operator and vehicle licence holders are fit and proper to hold licences. These measures include:

- Results of DBS checks for operators and vehicle licence holders; enhanced DBS checks with adult and children barred list checks for drivers.
- Information from the National Register of Revocations and Refusals (NR3) for drivers. Soon this will also include information about licence suspensions.
- Mandatory attendance at exploitation safeguarding and disability awareness training for drivers and operators.
- Results of group 2 style medical checks for drivers.
- Evidence of a successful practical driver assessment.
- Evidence of a satisfactory English language proficiency assessment, currently all new drivers and from September all drivers.
- Routine vehicle inspections.
- Results from other local authorities for drivers and operators already licensed elsewhere and applying to Buckinghamshire.
- Results from checks against with the National Fraud Initiative, all drivers and operators.
- Evidence of driving history from the DVLA
- Consideration of each application against the robust “criminal records and inappropriate behaviour policy” with clearly defined set rehabilitation periods
- Management/senior support and case overview.

### **3. Next steps and review**

- 3.1 The Licensing Service will continue to provide regular update reports to the Licensing Committee in a format and at a frequency agreed by Committee Members.

### **4. Other options considered**

None.

### **5. Legal and financial implications**

- 5.1 Legal services have had the opportunity to review, comment and contribution to reports as appropriate.
- 5.2 The preparation of this report presents no additional costs to the Council.

### **6. Corporate implications**

- 6.1 Protecting the vulnerable – protecting the vulnerable and passenger safety are key aims of the taxi and private hire licensing regime. Regular reporting of information relating to officers’ decisions and enforcement activity to the Licensing Committee,

provides an opportunity for additional scrutiny to ensure the protection of the vulnerable is at the centre of Council decision making.

- 6.2 Property – N/A
- 6.3 HR – N/A
- 6.4 Climate change – N/A
- 6.5 Sustainability – N/A
- 6.6 Data – N/A
- 6.7 Value for money – the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum whilst also ensuring that the provision of the service is cost neutral.

**Key documents:**

Buckinghamshire Council's [Hackney Carriage and Private Hire Licensing Policy](#).

Department for Transport, [Statutory Taxi & Private Hire Standards](#)

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## Report to Licensing (Regulatory) Committee

**Date:** 15 June 2022

**Title:** Update on Hackney Carriage Fares

**Authors:** Lindsey Vallis (Head of Licensing, Cemeteries & Crematoria Services)  
Caroline Steven (Principal Licensing Officer)

### Recommendation:

1. **That the Committee, in advance of a Cabinet Member Key Decision, note and comment on the proposal to increase Hackney Carriage fares (tariffs) for the Buckinghamshire Council area in light of significant rises in fuel prices and further to requests from the licensed hackney carriage trade.**
2. **Background**
  - 2.1 Where tariffs are set by the local authority, drivers of hackney carriage vehicles (taxis) cannot charge more than the fare specified on the meter apart from in certain exceptional circumstances, although they can charge less.
  - 2.2 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 sets out the process and requirements for the fixing of fares, which includes the requirement for advertising and a statutory 14 day consultation period.
  - 2.3 The legacy areas previously used different tariffs for taxis which had been implemented under the relevant legislation and had been periodically reviewed and amended following advertisement and consultation.
  - 2.4 The new Buckinghamshire Council Taxi and Private Hire Licensing Policy came into force on the 6<sup>th</sup> September 2021 and the Policy removed the previous legacy area hackney carriage zones thereby leaving one single operating zone. As a result, a new single set of hackney carriage tariffs was also implemented on the 6<sup>th</sup> September 2021 for all drivers of hackney carriage vehicles in Buckinghamshire. The current tariffs are attached at Appendix A.
  - 2.5 Along with the approval of a new set of tariffs in 2021, a mechanism for future reviews was also agreed which specified an annual review in April taking into account any rise in CPI figures along with local and national benchmarking.

- 2.6 Given that the new tariffs were implemented relatively recently, it was intended that the next review would take place in April 2023. However, given the significant recent increases in fuel prices, along with requests from the hackney carriage trade, it is considered appropriate and necessary to carry out a review now to ensure that drivers are able to earn a fair wage whilst also balancing the cost of any increase to passengers.
- 2.7 This is an issue which is affecting authorities across the country with many local and national licensing authorities currently in the process of reviewing and increasing their hackney carriage tariffs as a result of recent trends in fuel prices.
- 2.8 The setting and approval of taxi tariffs is an executive, rather than a non-executive function. This report is provided to the Committee for information purposes and to update the Committee on the proposal to increase fares in light of increased costs. The views of the Committee will be fed back to the Cabinet Member to be taken into consideration when making a final key decision.

### **3. Main content of report**

- 3.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives local authorities the power to fix maximum fares or rates for taxis for both time and distance travelled. Local authorities can also set charges for any additional matters such as the collection of passengers away from a taxi rank or the soiling of a vehicle.
- 3.2 Once a tariff of fares has been set, the driver cannot charge more to the passenger than the charge shown on the meter apart from in certain exceptional circumstances, such as where a journey ends outside of the council area and a fee has been agreed in advance.
- 3.3 There are no national guidelines or guidance for the setting of fares and each local authority uses different methods and information in order to produce their local rates. However, it is accepted that any proposed tariff of fares should provide the driver with an acceptable income, whilst also providing an affordable transport option for the passenger(s).
- 3.4 Fares should be simple to understand, not able to be bypassed and set at a level which is competitive with the local private hire trade to avoid effectively pricing the taxi service out of the local market.
- 3.5 Local authorities are not required by law to set fares for taxis but the Office for Fair Trading conducted a market study in 2003 which found that passengers are in a relatively weak position to compare offers and negotiate prices when hailing taxis or using their services at a rank. The report further stated that this finding reinforced the need for fare regulation of taxis and so it is considered to be good practice to set fares.

- 3.6 The Department for Transport's (DfT) Best Practice Guidance 2010 specifies that it is good practice not only to set fares, but also for local authorities to carry out a regular review of fares and to adopt a simple formula for deciding any fare revisions.
- 3.7 The DfT's revised draft Best Practice Guidance, which is currently being consulted on, states that "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 the ability to earn a sufficient income and so incentivise them to provide a service when it is needed".
- 3.8 A new set of tariffs was produced and approved in 2021 to cover the new Council area, further to both direct consultation with the affected trade and also statutory consultation. The current tariffs are attached at Appendix A. A procedure for future reviews of the tariffs was also agreed which requires an annual review in April taking into account CPI figures and local and national benchmarking.
- 3.9 However, since the new tariffs were implemented on 6 September 2021, the cost of fuel has increased significantly as a result of global influences and inflationary pressures and there are no current indications that prices will return to previous levels in the foreseeable future.
- 3.10 Hackney carriage trade representatives contacted officers to request an early review of the tariffs to take into account the increase in costs which are negatively impacting the hackney carriage trade, given that fuel is one of their main overhead costs.
- 3.11 In order to obtain the views of the hackney carriage trade as a whole and to clarify whether there is a consensus on the issue across the trade generally and also in different Council areas, officers carried out a short pre-engagement survey in May 2022 which asked specific questions on whether or not each of the tariffs should be increased and the reasons for the answers provided.
- 3.12 57 responses were received which reflected a broadly similar response rate across the previous legacy areas with 7 responses received from the Aylesbury area, 16 from the Chiltern area, 15 from South Bucks and 11 from the Wycombe area. It was not possible to confirm in which area the remainder had previously been licensed.
- 3.13 The majority (96%) of those responding were in favour of an increase to Tariff 1 and only 3 of the responses were against this proposal. The responses in relation to Tariff 2 were less conclusive with only 49% in favour of an increase. Similarly, only 45% of the responses were in favour of an increase to the current Tariff 3.
- 3.14 The reasons given for the need to increase tariffs were mainly due to the increased cost of fuel but increased maintenance costs and the rises in the cost of living generally were also mentioned.

- 3.15 The survey also asked for views on the scale and method of implementation of any increase and there was less consensus on this issue. Several drivers recommended a minimum charge of £5 whereas others suggested that Tariff 1 charges should be replaced with those for the current Tariff 2. Other responses suggested that the distance between increases should be shortened.
- 3.16 Any tariff used must be able to be programmed into hackney carriage vehicle meters and so the setting of tariffs is usually carried out in conjunction with representatives of the companies who produce, programme and update meters.
- 3.17 Work is currently being carried out with the meter companies to establish the best means of increasing Tariff 1 in a manner which is fair to both drivers and passengers. A verbal update on the proposed increase will be provided at the meeting but it is likely to be in the region of 9% which reflects the current CPI annual rate of inflation. Alongside this, officers are also considering adjustments to the distances at which tariff rates commence and are charged as this may also help to offset costs for those working in areas where journeys are predominantly shorter distance. Advice will be taken from the meter companies to inform this approach.

#### 4. **Next steps and review**

- 4.1 Once finalised, the proposed new tariffs will be advertised locally, as required by the relevant legislation, and also via the Council's website.
- 4.2 Following the statutory 14-day consultation period, a key decision report will be submitted to the Cabinet Member which will include the views of this committee and any consultation responses. A decision on this issue is currently scheduled on the forward plan to be made on or after the 13<sup>th</sup> July 2022.
- 4.3 If approved, the amended tariffs would be implemented as soon as possible following the decision, depending upon the availability of the meter companies to reprogramme taximeters.

**BUCKINGHAMSHIRE COUNCIL**  
**PROPOSED HACKNEY CARRIAGE MAXIMUM**  
**AUTHORISED FARES AND CHARGES**  
**From 6<sup>th</sup> September 2021**



<p><b>Tariff 1: 06:00 – 23:00 Monday to Saturday</b>  <b>(i) At any time when Hackney Carriage is carrying five or more passengers use Tariff 2</b></p> <p><i>By Distance:</i>          For the first 700 yds (640.1 metres) or part thereof: £3.00          For every other 192 yds (175.6 metres) or part thereof: .20          Waiting time. For every 40 seconds or part thereof: .20</p>	<p><b>EXTRA CHARGES</b></p> <p>Hiring commencing away from Hackney Carriage Rank/Stand: £1.00</p> <p>Soiling of vehicle: £50.00 (not shown on taximeter)</p>
<p><b>Tariff 2: 23:00 – 06:00 Monday to Saturday plus:</b>  <b>(i) Any hiring on a Sunday or on a Bank Holiday (other than those specified elsewhere)</b>  <b>(ii) Any hiring between the hours 16:00 and midnight on Christmas Eve and New Year's Eve</b>  <b>(iii) At any time when Hackney Carriage is carrying five or more passengers use Tariff 3</b></p> <p><i>By Distance:</i>          For the first 1331 yds (1217.1 metres) or part thereof: £4.50          For every other 160 yds (146.3 metres) or part thereof: .30          Waiting time. For every 40 seconds or part thereof: .30</p>	
<p><b>Tariff 3:</b>  <b>(i) Any hiring on Christmas Day, Boxing Day and New Year's Day</b></p> <p><i>By Distance:</i>          For the first 700 yds (640.1 metres) or part thereof: £6.00          For every other 192 yds (175.6 metres) or part thereof: .40          Waiting time. For every 40 seconds or part thereof: .40</p>	

**Rates will change between tariff bands at relevant times or dates as specified above**

**If you have any complaints or comments about this vehicle or driver please contact the Licensing team at [taxilicensing@buckinghamshire.gov.uk](mailto:taxilicensing@buckinghamshire.gov.uk)**

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