



Licensing Committee agenda

Date: Wednesday 14 April 2021

Time: 6.30 pm

Venue: via video conference

Membership:

C Jackson (Chairman), S Renshell (Vice-Chairman), D Barnes, M Hussain JP, S Lambert, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, G Powell, J Read, J Rush, N Southworth, B Stanier Bt and H Wallace

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To approve as a correct record the Minutes of the meeting held on 23 March 2021.	

Part A - Statutory Functions

None.

Part B - Other Licensing Functions

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5	Date of next meeting	
	Provisional date of next meeting is 30 June 2021 at 6.30pm	

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Agenda Item 3
Buckinghamshire Council
Licensing Committee

Minutes

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON TUESDAY 23 MARCH 2021 IN VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 8.07 PM

MEMBERS PRESENT

C Jackson, S Renshell, D Barnes, S Lambert, J Lowen-Cooper, I McEnnis, G Powell, J Read, J Rush, N Southworth, B Stanier Bt and H Wallace

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor S Morgan.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 3 February 2021 were agreed as an accurate record.

4 TAXI AND PRIVATE HIRE LICENSING FEES AND CHARGES

The Committee received a report which sought approval for the proposed taxi and private hire licensing fees and charges, as set out in appendix 2 of the report, for consultation purposes and statutory advertising requirements.

Taxi licensing fees are currently being charged separately in the legacy district council areas, with different licence fees, charges and fee structures being applied. A table of the existing fees charged in the legacy district council areas was provided at appendix 1 of the report. Further to the approval of the new Taxi and Private Hire Licensing Policy at the Council meeting on the 24th February 2021, it is now necessary to align all fees and charges relating to taxi licensing to enable full implementation of the policy and consistency across the Council area. New fees would come into effect from the implementation date of the Policy, currently scheduled to be 6th September 2021.

Taxi fees are required by law to be cost neutral and the relevant legislation and case law set out the elements of the licensing process which could be included in the calculation of fees. The relevant legal provisions were set out in the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') and specifically section 53 with respect to driver licences and section 70 in relation to vehicle and operator licences, both of which permit the recovery of a reasonable fee for the grant of a licence.

If the proposed fee levels were to be approved for the purposes of consultation and statutory advertising requirements, a further report would be brought before the Licensing Committee with a recommendation to implement the final proposed new fees and charges, subject to any amendments following consultation.

Members were invited to ask questions of officers. In response to a query regarding the budget position for the Aylesbury Vale area and why there was a budget surplus of £100k for the Aylesbury Vale area in 2020/21 compared to a deficit in the other council areas, officers explained that this was likely partly due to how trade moves between the areas and that Aylesbury had a large increase in licence applications following the introduction of the Deregulation Act which enabled the drivers and the trade more generally to choose more freely where they wanted to apply for a licence. The Committee were advised that the Aylesbury Vale area reserve fund was routinely used at financial year end to offset staffing costs within the service and to fund service improvements including IT and digital development which represented an appropriate and legitimate approach and was in accordance with the associated requirements in the Act. Current budget projections indicated that any Aylesbury Vale surplus would be fully utilised within the service by 6th September 2021 when the new Taxi and Private Hire Licensing Policy would be implemented. Should this not be the case then it would be included in the rolling review of fees and charges within the service going forward.

With regard to ensuring that the consultation would be widely advertised across the whole council area, officers advised that they would ensure that it would be suitably published to cover the whole council area in terms of newspaper advertising. Furthermore, as part of the consultation process, the Council would be contacting those affected directly such as the trade and disability groups. In addition, the consultation would go on the Council's website and the Licensing Service would be working with the Communications Team to publicise the consultation.

In response to a concern raised that the taxi trade should have been consulted with prior to these figures being brought to this Committee to approve for formal consultation, officers explained that it was normal practice to bring any proposal to consult to the Committee first to ensure that members were happy for the consultation to proceed. Officers advised that the Committee were being asked to agree the proposed fees and charges for consultation purposes and that the trade would be consulted with as part of the consultation process. The results of the consultation would then be reported back to the Licensing Committee so that the Committee could make a decision on whether any amendments needed to be made to the proposed fees based on the results of the consultation.

Following comments raised that there was not enough information in the report as to how these proposed fees and charges figures were arrived at, officers advised that a comprehensive review of the cost of delivering taxi licensing services was carried out and the new fees being proposed reflected both the full staffing costs of running the service as well as the support service costs. As required the review had factored in recoverable costs incurred by the Council such as Democratic Services and Committees, corporate governance, office accommodation, IT provision, administration, supplies and services etc. The cost of implementing the provisions of the Statutory Taxi and Private Hire Vehicle Standards, which were published in July 2020 and which have been included within the new policy, had also been taken into consideration. The Standards impose various significant new requirements on both the trade and the Council and as a result their implementation would inevitably affect fee levels.

A number of comments were made that it would have been beneficial for members, if one table had been included which set out the difference between the existing fees and charges of each of

the legacy district council areas compared to the proposed fees and charges and how those working in the old legacy district areas would be positively or negatively impacted by the fee change.

With regard to service improvement and whether this had been taken account of in the proposed fees and charges, officers explained that work was currently underway to create a single taxi licensing structure for the service, which would result in a single team working under a single management arrangement dedicated to taxi licensing. The new proposed fees have been set based on how the processes within the new service would work including the introduction of a single online digital application process for the trade.

In response to the point made that it would have been useful to have been provided with benchmarking information on neighbouring authorities, officers advised the Committee that a benchmarking exercise had been carried out with Milton Keynes, Luton, Oxford and Transport for London. Comparison figures were verbally provided to the Committee which showed that the proposed fees in Buckinghamshire were generally in the middle of the range of fees charged compared to its neighbours. It was also advised that in most cases these authorities did not appear to have yet reviewed their fees following the introduction of the new DfT Statutory Standards in July 2020. It was noted by the Committee that it would have been beneficial to also have included neighbouring local authorities from the south, such as Windsor and Maidenhead, Reading and Woking, in the benchmarking exercise.

Following a comment made by a member that the report did not detail any climate change and sustainability implications, officers advised that climate change and sustainability implications had been covered as part of the wider Taxi and Private Hire Licensing Policy approval process and were set out in detail in the report which went to the last Licensing Committee and Full Council.

In relation to operator licence fees, it was noted that officers have proposed a tiered model approach which was previously utilised in the some of the old legacy district council areas to ensure that larger operators, where there were larger associated costs to the service, would pay a higher fee compared to smaller operators.

The Committee were of the opinion that more detail was required in the report and appendices in order for members to make an informed decision on whether to approve the proposed fees and charges for consultation purposes and statutory advertising requirements. The Committee therefore requested that the report and appendices be updated with the following information so that the decision on whether to approve the proposed fees and charges for consultation purposes and statutory advertising requirements could be taken at a future meeting of the Licensing Committee on 14th April 2021:

- more information to explain why the proposed fees and charges have been set at the level that they have been;
- a revised table of figures which sets out, in one table, the existing fees and charges of each of the legacy district council areas compared to the proposed fees and charges and how those working in the old legacy district areas would be positively or negatively impacted by the fee change; and
- benchmarking information with other neighbouring authority including neighbouring local authorities from the south.

It was thus proposed by Cllr Lowen-Cooper, seconded by Cllr Lambert and on a vote being taken **resolved**

That an updated report and appendices be submitted to a Licensing Committee meeting on 14th April 2021, to include the information as set out above, so that a decision on whether to approve the proposed fees and charges for consultation purposes and statutory advertising requirements could be taken.

Councillors Powell and Rush left the meeting at 7.59pm.

5 VERBAL UPDATE ON A CHANGE TO THE IMPLEMENTATION DATE OF THE TAXI AND PRIVATE HIRE LICENSING POLICY

Lindsey Vallis (Transition Head of Licensing, Cemeteries & Crematoria Services) provided a verbal update on a change to the implementation date of the Taxi and Private Hire Licensing Policy.

The new Taxi Private Hire Licensing Policy for Buckinghamshire was approved by Full Council on 24 February with a proposed implementation date of 1 August 2021. Full Council also resolved to delegate authority to the Head of Service for Licensing, in consultation with the Cabinet Member for Regulatory Services, to change the implementation date of the policy, if necessary.

Since approval of the policy, officers have been working within the Licensing Service to understand and identify the steps that need to be taken to implement the policy. Due to the considerable operational and legislative work that was required to implement the policy, it has been agreed, in consultation with the Cabinet Member for Regulatory Services, that the implementation date for the policy would be changed from 1st August to 6th September. This new date would also fit in with the timeframes for the service improvement work which was taking place within the Licensing Service and would also enable the trade some additional recovery time as the economy starts to reopen following the lifting of Covid-19 restrictions.

RESOLVED that the update be noted.

Councillor Lowen-Cooper left the meeting at 8.03pm

6 DATE OF NEXT MEETING

The date of the next meeting is Wednesday 14 April 2021 at 6.30pm



Report to Licensing (Regulatory) Committee

Date: 14th April 2021

Title: Taxi and Private Hire Licensing Fees and Charges

Author(s): Caroline Steven, Licensing Team Leader (Wycombe and Chiltern and South Bucks areas), Lindsey Vallis, Transition Head of Licensing, Cemeteries & Crematoria Services

Recommendations:

That the proposed fees and charges set out at appendix 1 are agreed for consultation purposes and statutory advertising requirements.

1. Background

- 1.1 Taxi licensing fees are currently being charged separately in the legacy district council areas, with different licence fees, charges and fee structures being applied. Further to the approval of the new Taxi and Private Hire Licensing Policy at the Council meeting on the 24th February 2021, it is now necessary to align all fees and charges relating to taxi licensing to enable full implementation of the policy and consistency across the Council area. New fees would come into effect from the implementation date of the Policy, currently scheduled to be the 6th September 2021.
- 1.2 Taxi fees are required to be cost neutral and the relevant legislation and case law set out the elements of the licensing process which can be included in the calculation of fees.
- 1.3 The relevant legal provisions are set out in the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') and specifically section 53 with respect to driver licences and section 70 in relation to vehicle and operator licences, both of which permit the recovery of a reasonable fee for the grant of a licence.
- 1.4 Despite an apparent disparity between sections 53 and 70 of the Act regarding whether the power to set fees is an executive or non-executive function, Regulation 2(6) of the Local Authority (Functions and Responsibilities) (England) Regulations 2000 requires that *"where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge, is not to be the responsibility of an*

executive of the authority". As a result, fee setting for taxi licensing is a non-executive function.

- 1.5 This report seeks the approval of proposed fee levels for the purposes of consultation and statutory advertising requirements. If approved, a further report will be brought before this Committee with a recommendation to implement the final proposed new fees and charges, subject to any amendments following consultation.

2. Main content of report

- 2.1 Section 53 of the Act specifies that the costs related to issue and administration of licences can be recovered in driver's licence fees. In respect of vehicle and operator licences, section 70 specifies that the reasonable cost of inspecting vehicles, the reasonable cost of providing hackney carriage stands and any reasonable administrative costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 2.2 Until recently, it was generally thought that the costs of enforcement could not be included in the calculation of fees for driver licences. The judgement in the Court of Appeal case of *R (app Rehman) v Wakefield City Council [2020] R.T.R. 11 (2019)*, however, determined that "administration" can include the cost of enforcement or compliance against licensed drivers. The same principles also apply to the enforcement of vehicles and operators.
- 2.3 Licence fees cannot, however, be used for enforcement activities against unlicensed operators and it is therefore necessary for the cost of enforcement of unlicensed drivers, vehicles and operators to be met out of general funds and costs awarded following Court proceedings. This work forms a very small part of the overall work of the taxi licensing service with the vast majority of activity directed at the licensed trade.
- 2.4 The Council cannot make a profit from licence fees and any surplus or deficit must be carried forward and form part of any subsequent review of fees. The legacy council budget position for taxi licensing differs considerably by council area with Aylesbury Vale area carrying a small budget surplus of £100K in 2020/21 and Chiltern, South Bucks and Wycombe carrying a historical combined budget deficit of £186k over the 2018/19 and 2019/20 period. The Aylesbury Vale area reserve fund is routinely used at financial year end to offset staffing costs within the service and to fund service improvements including IT and digital development which represents an appropriate and legitimate approach and is in accordance with the associated requirements in the Act. Current budget projections indicate that any Aylesbury Vale surplus will be fully utilised within the service by the 6th September 2021 when the

new Taxi and Private Hire Licensing Policy is implemented. Should this not be the case then it will be included in the rolling review of fees and charges within the service going forward.

- 2.5 In part the historical budget deficit in the Chiltern, South Bucks and Wycombe areas can likely be attributed to the choice in the market introduced by the Deregulation Act 2015 which removed the restriction that limited sub-contracting to within District boundaries. This means that private hire operators are permitted to sub-contract bookings between licensed operators, and as a consequence a journey booked with an operator in one District may be undertaken by a vehicle and driver licensed in another District, (providing the booking has been passed to a licensed operator in the second District). Following the introduction of the Act Aylesbury Vale area saw a significant increase in application numbers whilst Chiltern, South Bucks and Wycombe areas saw a corresponding fall in licence application numbers. The economies of scale associated with the staffing and operation of the services may have meant that had fees been reviewed at this time it could have been difficult to provide a cost neutral service whilst maintaining reasonable fee levels.
- 2.6 The Council has the option to seek to recover the deficit in the taxi licensing budgets within the Chiltern, South Bucks and Wycombe areas by including this in the new fees and charges proposed. Given that the deficit budget position pre-dates the formation of Buckinghamshire Council, and that the licensed trade will see some increases in fees and charges associated with the implementation of the new statutory standards and Policy changes, it is not proposed that this option is pursued. However it is clearly necessary that the service moves to a cost neutral budget position where the cost recovery process adequately funds the service that must be provided.
- 2.7 The general methodology behind this review of fees has been determined by the Act and the document 'Open for business: Local Government Association (LGA) guidance on locally set licence fees'. This guidance has been used as a starting point only because it does not take into account the specific statutory restrictions applicable to taxi and private hire fees and therefore not all the costs listed as recoverable in the guidance have been included in the fees. It was last revised in June 2017 and so also does not take into account the decision in the recent Wakefield case in relation to enforcement costs.
- 2.8 The LGA guidance acknowledges that the EU Services Directive, applicable to most forms of licensing, does not apply in the case of taxi and private hire licensing but the principles, however remain helpful. The core principles are that fees should be non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent; and accessible.

- 2.9 The LGA guidance draws attention to two important judicial decisions in relation to fees. The first is *R (Cummings) v Cardiff [2014]* which rules that the charges within a licensing regime for different categories of licence should be accounted entirely separately and should not subsidise each other. This means that driver licence fees cannot subsidise vehicle or operator licence fees and vice versa.
- 2.10 The second is *Hemming v Westminster*. Strictly speaking this does not apply to taxi and private hire licensing as this case proceeded under the auspices of the EU Services Directive from which transport services are specifically excluded. The principle ruling was that application fees relate solely to the costs of authorisation i.e. reviewing the application and granting or refusing it. Successful applicants should subsequently be charged an additional fee relating to the costs of on-going maintenance and enforcement. Whilst this is not necessarily applicable to taxi and private hire licensing it would be prudent to bear in mind the principle and might inform the Council's refund policy in respect to unsuccessful applications.
- 2.11 The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly. It provides a number of elements that Councils may wish to consider. These include administration, visits, third party costs, liaison with interested parties, management costs, local democracy costs, staffing on-costs, development, determination and production of licensing policies, web material, advice and guidance, setting and reviewing fees, monitoring and inspection visits and maintaining statutory registers.
- 2.12 A comprehensive review of the cost of delivering taxi licensing services has been carried out and new fees are proposed that reflect both the full staffing costs of running the service as well as the support service costs. As required this review has factored in recoverable costs incurred by the Council such as Democratic Services and Committees, corporate governance, office accommodation, IT provision, administration, supplies and services etc. It does not include Freedom of Information requests, Data Protection Act requests or activity related to unlicensed drivers, operators or vehicles. A fee schedule of the new proposed fees and charges is provided at Appendix 1.
- 2.13 Where the fee pays for a service provided to the Council by a supplier, such as DVLA checks, or a physical item such as a plate or bracket for a vehicle, this has been factored into the fee. DBS fees are set partly by the DBS and partly by our supplier and vary to a small extent annually. The DBS fee is therefore detailed separately and will be increased annually to reflect supplier cost increases. This will not require a formal approval process. The cost of physical supplies also varies dependent on supplier costs and will be increased annually to reflect supplier cost increases. This will not require a formal approval process.

- 2.14 Fees which are paid by the applicant directly to an external supplier for services required as part of the application or licensing process, such as medical examinations and testing for driving standards and English language, have not been included. Currently licensed vehicle inspection arrangements differ within the legacy council areas. As such separate fees have been calculated for the cost of carrying out vehicle inspections. Work is currently being carried out with the aim of aligning testing processes for all licensed vehicles for the future.
- 2.15 Following unitarisation the Licensing Service is currently engaged in service improvement under the Better Buckinghamshire programme which will result in the legacy district council area licensing teams being brought together into a single licensing service for Buckinghamshire. This process is underway and a single taxi licensing team will be in place prior to the implementation of the new Buckinghamshire Council Taxi and Private Hire Licensing Policy (currently scheduled for the 6th September 2021). A new single online digital application process for taxi licensing is also in development and will be implemented alongside the new Policy. This will ensure that applicants are able to access and receive the service in the same way across the whole of the Buckinghamshire area and will have their applications processed in a single back office system to consistent service standards. The proposed fees have been costed based on the developing new team structure, processes and digital solutions to ensure that they as far as possible reflect the cost of this new harmonised approach.
- 2.16 In arriving at the proposed fee levels Officers have considered the steps required for each licence type in order to process, validate, review, and grant or refuse a licence including external cross-check requirements such as Disclosure and Barring Service checks, knowledge tests and mechanical vehicle checks. A time estimate of activity required at each step has been carried out based on an understanding of the existing processes and digital systems currently in place and this has been combined with the digital development work underway with the Councils software providers. This information has then been considered in relation to historical application volumes, pre-Covid-19, for each licence type as well as staffing costs, direct and indirect costs (as per the LGA guidance) associated with the taxi licensing service to arrive at the proposed fee levels. The methodology and approach used as well as costings have had input and oversight from Finance Business Partner colleagues.
- 2.17 The new Buckinghamshire Council Taxi and Private Hire Licensing Policy implements the Statutory Taxi and Private Hire Vehicle Standards which were introduced in July 2020 by the Department for Transport and aim to protect children and vulnerable adults from exploitation. Councils must have regard to these new standards and it is expected that they will be adopted unless there is compelling local reason not to do so. The Standards and Policy introduce a number of new requirements for existing and new drivers including an enhanced check with the Disclosure and Barring Service

(DBS) every 6 months during the duration of each 3 year licence, English language testing for new and existing drivers, safeguarding training for new drivers and operators and refresher training for existing drivers. In addition Operators must submit annual Basic Disclosure Certificates from the DBS. The proposed fees reflect the additional resource and associated costs that it is considered are necessary within the licence application processes and during the duration of the licence to deliver these requirements. Given that the Statutory Standards by their nature predominantly relate to the drivers of taxi and private hire vehicles, it is in this area that increases in activity impact proposed fee levels. Case law judgments indicate that Licensing Committee's should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council are mindful of fee impacts on the taxi trade, this should not take precedence in decision making at the expense of public safety.

- 2.18 A full report setting out the requirements of the new Statutory Standards and their impact was presented to this committee on the 3rd February 2021.
- 2.19 A benchmarking exercise has been carried out of current fee levels charged by neighbouring local authority areas (12) and this is attached as Appendix 2. The majority of local authorities included in this benchmarking exercise have not yet reviewed their fees following the introduction of the Statutory Standards in July 2020 and it is considered reasonable to assume that they may increase fee levels at the point that they carry out fee review given that licensing authorities must adopt the new standards (and associated workload activity) unless there is compelling local reason not to do so. Despite this, benchmarking indicates that the proposed fees for Buckinghamshire remain lower for vehicles and operators than almost all of our neighbouring authorities, and that the proposed fees for drivers are in the mid-range of fees currently charged.
- 2.20 A comparison of the proposed and existing taxi licensing fees is provided at Appendix 1 and sets out the proposed fees against the comparative licence fees currently charged in the legacy district council areas under the four existing Taxi Licensing Policies. Also provided is the related percentage increase or decrease between the existing fee by area and the proposed fee. This comparison illustrates that the proposed fees for licensing vehicles and operators are generally lower than those currently charged in the legacy areas. As previously discussed the increased activity associated with the licensing of drivers means that the proposed fees for drivers are higher than those charged in the legacy areas, with drivers currently licensed in the Aylesbury Vale and Wycombe areas most impacted and drivers currently licensed in the Chiltern and South Bucks areas least impacted. Worthy of note is that when considered over the duration of a 3 year driver licence the proposed cost per annum for a licence is £106.00. In addition a significant number of drivers are also vehicle

proprietors (and a lesser number operators) and will therefore 'benefit' from lower proposed fees in these areas. Whilst the Service is mindful of the impacts of an increase in fee to licensed drivers, the legislative framework on cost recovery and the increased activity associated with the implementation of the Statutory Standards means that fees must increase in this area.

- 2.1 The legislation does not require the Council to make a precise calculation so as to arrive at an income which exactly meets the cost of the administration of the various licences. However, Councils are required 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. On that basis it is proposed that a full service review of fees is carried out on a rolling three year basis, thus affording the opportunity to reconcile any surplus or deficit accrued. In addition to this, the fees will be reviewed annually in relation to any increase in RPI and where appropriate an increase will be applied to the fee to recover related increased costs to the Council. The Government are currently reviewing RPI and may replace it with another inflationary measure. If this is the case an annual increase in relation to any new measure prescribed, where appropriate, will be applied to the fee to recover related increased costs to the Council.

3. Next steps and review

- 3.1 If approved, the proposed fees will be subject to a full consultation process with the licensed trade and other relevant parties. Section 70 of the Act sets out statutory advertising requirements in relation to vehicle and operator licences which require that an advert must be published within a local newspaper and at least 28 days provided for comments to be made. It is proposed that this consultation period will begin after the May elections have taken place and the purdah period has ended.
- 3.2 Following the statutory consultation process, a further report will be presented to this committee at the next meeting on 30th June 2021, setting out the results of the consultation and any amendments made to the proposed fees as a result.
- 3.3 If approved, the final proposed fees will take effect across the whole Council area from the current scheduled date of the implementation of the new taxi policy, 6th September 2021.

4. Other options considered

None. Taxi fees are required to be cost neutral and a reasonable fee must be charged to cover the cost of the service. Legally the Council cannot make a profit from taxi licensing.

5. Legal and financial implications

Sections 53 and 70 of the Act allow for the recovery of a reasonable fee for the grant of a driver, operator and vehicle licence. The fees must be set at a level which ensures that the Council does not make a profit and any deficit or surplus should be taken into consideration in subsequent fee reviews, to be recovered or refunded over a rolling three year cycle.

6. Corporate implications

- 6.1 Protecting the vulnerable – The licensed trade provide an important service in transporting members of the public, some of which are vulnerable due to their age or for other reasons. Taxi fees should be set at a level which ensures that all necessary checks and testing can be carried out to ensure that new applicants are “fit and proper” to hold a licence and for compliance checks and appropriate enforcement measures to be undertaken with existing licence holders where required.
- 6.2 Property – N/A
- 6.3 HR – N/A
- 6.4 Climate change – the legislative framework is such that it is difficult for Councils to incentivise the use of environmentally friendly vehicles through reduced fee levels as the costs associated with processing and administering a vehicle licence are the same. In effect a reduced fee would mean that other vehicle licence holders were subsidising the use of these vehicles. The Policy instead incentivises the use of less polluting vehicles through the provision of extended vehicle age limits
- 6.5 Sustainability – N/A
- Equality – a full equalities impact assessment has been carried out and is attached as Appendix 3. The EQIA will continue to be reviewed and updated at regular intervals as the Policy and associated activity progresses through the decision making and implementation process.
- 6.6 Data – N/A
- 6.7 Value for money – while the paramount consideration is passenger safety, the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum. Following the implementation and embed of a new single taxi licensing service structure for Buckinghamshire it may be possible to realise additional service efficiencies. This will be captured as part of the rolling fee review process.

Key documents:

DfT Taxi and Private Hire Vehicle Licensing: best practice 2010

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

“Open for Business”, LGA Guidance on locally set fees:

<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

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fee	Buckinghamshire Council proposed fee	Current Aylesbury Vale fee	Aylesbury Vale % decrease or increase on current fee	Current Chiltern & South Bucks fee	Chiltern & South Bucks % decrease or increase on current fee	Current Wycombe fee	Wycombe % decrease or increase on current fee	notes
Hackney Carriages/Private Hire Vehicle Licences (fee set by Zone)								Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections.
One year Hackney Carriage Vehicle Licence Grant	£188.00	£300.00	(-37)	£399.00	(-53)	£266.00	(-29)	
One year Hackney Carriage Vehicle Licence Renewal	£164.00	£300.00	(-45)	£300.00	(-45)	£266.00	(-38)	
One year Private Hire Vehicle Licence Grant	£195.00	£307.00	(-36)	£329.00	(-41)	£261.00	(-25)	
One year Private Hire Vehicle Licence Renewal	£171.00	£307.00	(-44)	£230.00	(-26)	£250.00	(-32)	
Replacement internal licence	£18.00	£22.00	(-18)	£15.00	20	N/A	N/A	
Replacement plate	£24.00	£34.00	(-29)	£25.00	(-4)	£26.00	(-8)	
Replacement plate, holder and door stickers	£33.00							
Replacement paperwork	£18.00							
Transfer of Vehicle (from one owner to another)	£64.00	£102.00	(-37)	£90.00	(-29)	£67.00	(-4)	
Insurance vehicle/change of vehicle	£51.00	£180.00	(-72)	£67.00	(-24)	N/A	N/A	
Change of details	£18.00	£16.00	13	N/A	N/A	N/A	N/A	
Vehicle MOT/compliance test at Pembroke Road testing centre	£56.00							
Vehicle retest at Pembroke Road testing centre (not tested within statutory free retest period)	£26.00	£26.00	0	N/A	N/A	N/A	N/A	
Non-attendance of a booked vehicle inspection at Pembroke Road testing centre	£75.00	£75.00	0	N/A	N/A	N/A	N/A	
Operators Licence (fee set by Zone)								If you run a private hire firm, you need an operator licence. Operator licences are usually granted for 5 years. In exceptional circumstances the Council may grant a 1 year operator licence at its discretion, but this will not normally be the case.
one vehicle only - one year	£241.00	£677.00	(-64)	£155.00	55	£124.00	94	The grant of a 1 year licence is an exception rather than the norm. The cost of administering and granting a licence is associated with the activities/processes that have to take place and therefore a one year licence for a one vehicle operator is less cost effective than a 5 year licence where the associated ongoing costs to the Council are far lower for a smaller business.
one vehicle only - five years	£297.00	£677.00	(-56)	£663.00	(-55)	£494.00	(-40)	cost p/a over licence duration = £59.40
under 10 vehicles - one year	£316.00							
under 10 vehicles - five year	£571.00							cost p/a over licence duration = £114.20
under 50 vehicles - one year	£354.00							
under 50 vehicles - five year	£940.00							cost p/a over licence duration = £188.00
50+ Vehicles - One Year	£392.00	£677.00	(-42)	£305.00	29	£721.00	(-46)	
50+ Vehicles - Five Years	£1,469.00	£677.00	117	£1,413.00	4	£2,150.00	(-32)	cost p/a over licence duration = £293.80
Replacement Licence	£18.00							
replacement paperwork	£18.00							
Variation of licence	£55.00							

fee	Buckinghamshire Council proposed fee	Current Aylesbury Vale fee	Aylesbury Vale % decrease or increase on current fee	Current Chiltern & South Bucks fee	Chiltern & South Bucks % decrease or increase on current fee	Current Wycombe fee	Wycombe % decrease or increase on current fee	notes
Drivers' Licences (fee set by Zone)								Driver licences are usually granted for 3 years, but may be granted for a shorter duration in specific circumstances. Application costs include safeguarding and disability awareness training and the initial enhanced Disclosure and Barring Service (DBS) check. Applicants are required to pay suppliers directly for required tests and documents including cabology, knowledge tests, English language tests and medicals.
Three Year Hackney Carriage Drivers Licence Grant	£320.00	£193.00	66	£332.00	(-4)	£187.00	71	cost p/a over licence duration = £106.00
Three Year Hackney Carriage Drivers Licence Renewal	£320.00	£175.00	83	£256.00	25	£187.00	71	cost p/a over licence duration = £106.00
Three Year Private Hire Vehicle Drivers Licence Grant	£320.00	£193.00	66	£332.00	(-4)	£187.00	71	cost p/a over licence duration = £106.00
Three Year Private Hire Vehicle Drivers Licence Renewal	£320.00	£175.00	83	£256.00	25	£187.00	71	cost p/a over licence duration = £106.00
Three year dual private hire/hackney carriage licence	£320.00	£193.00	66	£394.00	(-19)	£240.00	33	cost p/a over licence duration = £106.00
Three year renewal dual	£320.00	£175.00	83	£297.00	8	£240.00	33	cost p/a over licence duration = £106.00
Extension of licence (visa)	£53.00	£53.00	0	N/A	N/A	£50.00	6	
Change of details	£22.00	£16.00	38	N/A	N/A	N/A	N/A	
Initial Enhanced Disclosure and Barring Service check	£55.00	£44.00	25	£48.50	13	£40.00	38	Included within application fee. Following the Enhanced DBS check Applicants are required to sign up to the DBS updater service and pay the DBS directly for this service.
Replacement identity badge	£42.00							
Replacement paperwork	£14.00							

TO BE REDUNDANT FEES (no comparative in proposed fee structure)

Service	Buckinghamshire Council proposed fee	Current Aylesbury Vale fee	Aylesbury Vale % decrease or increase on current fee	Current Chiltern & South Bucks fee	Chiltern & South Bucks % decrease or increase on	Current Wycombe fee	Wycombe % decrease or increase on current fee	notes
Other Vehicle Fees (fee set by Zone)								
Transfer (with door stickers)	N/A	£102.00	N/A	£90.00	N/A	£67.00	N/A	
Transfer (without door stickers)	N/A	N/A	N/A	£90.00	N/A	£41.00	N/A	
Replacement Licence Plate	N/A	£22.00	N/A	£20.00	N/A	£26.00	N/A	
Replacement Door Sticker	N/A	£23.00 EACH	N/A	£20.00	N/A	£13.00	N/A	
Licence Plate Platform	N/A	N/A	N/A	£10.00	N/A	£10.00	N/A	
Licence Plate Brackets	N/A	£11.00	N/A	£17.50	N/A	£20.00	N/A	
Replacement Identity Badge	N/A	£10.00	N/A	£10.00	N/A	£16.00	N/A	
Non- Attendance Fee	N/A	£75.00	N/A	N/A	N/A	£15.00	N/A	
Replacement Paperwork	N/A	£10.00	N/A	£10.00	N/A	£10.00	N/A	
Admin charge should licence not be granted	N/A	N/A	N/A	£47.00	N/A	N/A	N/A	
Taxi Vehicle Licence (fee set by Zone)								
12 months (under 6 years old)	N/A	N/A	N/A	N/A	N/A	£266.00	N/A	
6 months (6 years old and over)	N/A	N/A	N/A	N/A	N/A	£154.00	N/A	
Temporary Licence	N/A	N/A	N/A	N/A	N/A	£105.00	N/A	
Private Hire Vehicle Licence (fee set by Zone)								
12 months (under 6 years old) without door stickers	N/A	N/A	N/A	N/A	N/A	£250.00	N/A	
12 months (under 6 years old) with door stickers	N/A	N/A	N/A	N/A	N/A	£261.00	N/A	
6 months (6 years old and over) with door stickers	N/A	N/A	N/A	N/A	N/A	£154.00	N/A	
6 months (6 years old and over) without door stickers	N/A	N/A	N/A	N/A	N/A	£143.00	N/A	
Additional Charge for Executive Licence Plates	N/A	N/A	N/A	N/A	N/A	£41.00	N/A	
Temporary Licence	N/A	N/A	N/A	N/A	N/A	£105.00	N/A	
Knowledge Test Fee	N/A	N/A	N/A	N/A	N/A	£26.00	N/A	
Operators Licence (fee set by Zone)								
New Applications and Renewals	N/A	£677.00	N/A	N/A	N/A	£124.00	N/A	
One year Private Hire Vehicle Operator's Licence	N/A	£677.00	N/A	N/A	N/A	N/A	N/A	
(Two to four vehicles C&SB; two to five vehicles Wycombe) Five Years	N/A	£677.00	N/A	£913.00	N/A	£762.00	N/A	
(Two to four vehicles C&SB; two to five vehicles Wycombe) One Year	N/A	£677.00	N/A	£205.00	N/A	£190.00	N/A	

TO BE REDUNDANT FEES (no comparative in proposed fee structure)

Service	Buckinghamshire Council proposed fee	Current Aylesbury Vale fee	Aylesbury Vale % decrease or increase on current fee	Current Chiltern & South Bucks fee	Chiltern & South Bucks % decrease or increase on current fee	Current Wycombe fee	Wycombe % decrease or increase on current fee	notes
(Five to ten vehicles C&SB; six to 10 vehicles Wycombe) Five Years	N/A	£677.00	(-16)	£1,163.00	(-51)	£968.00	(-41)	compared to proposed under 10 year bracket
(Five to ten vehicles C&SB; six to 10 vehicles Wycombe) One Year	N/A	£677.00	(-53)	£255.00	24	£242.00	31	compared to proposed under 10 year bracket
11 to 20 vehicles Five Years	N/A	£677.00	39	£1,413.00	(-33)	£1,200.00	(-22)	compared to proposed under 50 bracket
11 to 20 vehicles One Year	N/A	£677.00	(-48)	£305.00	16	£299.00	18	compared to proposed under 50 bracket
21 - 50 Vehicles - Five Years	N/A	£677.00	39	£1,413.00	(-33)	£1,940.00	(-52)	compared to proposed under 50 bracket
21 - 50 Vehicles - One Year	N/A	£677.00	(-48)	£305.00	16	£484.00	(-27)	compared to proposed under 50 bracket
Knowledge Test Fee (1st test free)	N/A	N/A		£25.00	N/A	£46.00	N/A	included in fee
Applications in Company names - additional charge	N/A	N/A	N/A	N/A	N/A	£50.00	N/A	additional charge no longer warranted
Amendment to licence	N/A	N/A	N/A	N/A	N/A	£60.00	N/A	replaced by variation of licence
Drivers' Licences (fee set by Zone)								
One Year Hackney Carriage Drivers Licence Grant	N/A	N/A	N/A	£161.00	N/A	N/A	N/A	
One Year Hackney Carriage Drivers Licence Renewal	N/A	N/A	N/A	£95.00	N/A	N/A	N/A	
One Year Private Hire Vehicle Drivers Licence Grant	N/A	N/A	N/A	£161.00	N/A	N/A	N/A	
One Year Private Hire Vehicle Drivers Licence Renewal	N/A	N/A	N/A	£95.00	N/A	N/A	N/A	
One year new dual	N/A	N/A	N/A	£196.00	N/A	N/A	N/A	
One year renewal dual	N/A	N/A	N/A	£145.00	N/A	N/A	N/A	
English language test	N/A	£46.00	N/A	N/A	N/A	N/A	N/A	

	Buckinghamshire Proposed fees	South Northants		Milton Keynes		Central Beds		Dacorum		Three Rivers		TfL	Slough		Windsor & Maidenhead		Wokingham		South Oxford		Vale of White Horse		Cherwell		
Drivers (3yr licence)	£	£		£		£		£		£		£		£		£		£		£		£			
PH Driver - New	320	250	-22%	285	-11%	251	-22%	345	8%	473.6	48%	362	13%	322.5	1%	144	-55%	290	-9%	345	8%	345	8%	237	-26%
PH Driver - Renew	320	250	-22%	270	-16%	251	-22%	293	-8%	473.6	48%	362	13%	294.5	-8%	144	-55%	290	-9%	345	8%	345	8%	214	-33%
HC Driver - New	320	250	-22%	285	-11%	251	-22%	345	8%	473.6	48%	352	10%	322.5	1%	144	-55%	290	-9%	345	8%	345	8%	237	-26%
HC Driver - Renew	320	250	-22%	270	-16%	251	-22%	293	-8%	473.6	48%	352	10%	294.5	-8%	144	-55%	290	-9%	345	8%	345	8%	214	-33%
Dual - New	320	250	-22%	285	-11%	251	-22%	370	16%	473.6	48%	N/A	N/A	322.5	1%	204	-36%	290	-9%	345	8%	345	8%	237	-26%
Dual - Renewal	320	250	-22%	270	-16%	251	-22%	318	-1%	473.6	48%	N/A	N/A	294.5	-8%	204	-36%	290	-9%	345	8%	345	8%	214	-33%
Includes initial DBS check fee										(includes knowledge test fee)															
Vehicles (1 yr licence)																									
PH Vehicle - New	195	270	38%	277	42%	298.6	53%	234	20%	184	-6%	140	-28%	226	16%	255	31%	248	27%	210	8%	185	-5%	270	38%
PH Vehicle - Renew	171	250	46%	273	60%	203.8	19%	237	39%	153.5	-10%	140	-18%	226	32%	255	49%	248	45%	210	23%	185	8%	250	46%
HC - New	188	292	55%	293	56%	359	91%	355	89%	184	-2%	110	-41%	226	20%	315	68%	248	32%	300	60%	310	65%	298	59%
HC - Renew	164	270	65%	287	75%	275	68%	262	60%	153.5	-6%	110	-33%	226	38%	315	92%	248	51%	300	83%	310	89%	258	57%
Excludes vehicle test fees																									
Operators (5 year licence)																									
Operator 1 vehicle - New	297	230	-23%	919	209%	1050	254%	424	43%	973.5	228%	2000	573%	411	38%	1325	346%	472	59%	150	-49%	432	45%	230	-23%
Operator <10 - New	571	390	-32%	1225	115%	1050	84%	717	26%	1740	205%	2000	250%	1080	89%	2200	285%	1062	86%	400	-30%	688	20%	390	-32%
Operator 10 - 50 - New	940	1210	29%	2450	161%	1050	12%	717	-24%	1816.5	93%	19000	1921%	3930	318%	7100	655%	1873.3	99%	550	-41%	856	-9%	1210	29%
Operator >50 - New	1469	1230	-16%	3675	150%	1050	-29%	717	-51%	1816.5	24%	30000	1942%	3930	168%	7100	383%	1873.3	28%	550	-63%	856	-42%	1230	-16%
Operator 1 vehicle - Renew	297	230	-23%	888	199%	700	136%	424	43%	973.5	228%	2000	573%	411	38%	1325	346%	354	19%	150	-49%	432	45%	230	-23%
Operator <10 - Renew	571	430	-25%	1195	109%	700	23%	717	26%	1740	205%	2000	250%	1080	89%	2200	285%	944	65%	400	-30%	688	20%	390	-32%
Operator 10 - 50 - Renew	940	1230	31%	2420	157%	700	-26%	717	-24%	1816.5	93%	19000	1921%	3930	318%	7100	655%	1755.3	87%	550	-41%	856	-9%	1210	29%
Operator >50 - Renew	1469	1230	-16%	3645	148%	700	-52%	717	-51%	1816.5	24%	30000	1942%	3930	168%	7100	383%	1755.3	19%	550	-63%	856	-42%	1230	-16%
Owner drivers																									
PH owner driver - new	515	520	1%	562	9%	549.6	7%	579	12%	657.6	28%	502	-3%	548.5	7%	399	-23%	538	4%	555	8%	530	3%	507	-2%
PH owner driver - renew	491	500	2%	543	11%	454.8	-7%	530	8%	627.1	28%	502	2%	520.5	6%	399	-19%	538	10%	555	13%	530	8%	464	-5%
HC owner driver - new	508	542	7%	578	14%	610	20%	700	38%	657.6	29%	462	-9%	548.5	8%	459	-10%	538	6%	645	27%	655	29%	535	5%
HC owner driver - renew	484	520	7%	557	15%	526	9%	555	15%	627.1	30%	462	-5%	520.5	8%	459	-5%	538	11%	645	33%	655	35%	472	-2%

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Equality Impact Assessment (EqIA) Screening Template

EqIA – Full Equality Impact Assessment

Step 1: Introduction

Policy or Service to be assessed: Taxi and Private Hire Licensing Policy

Service and lead officer: Licensing Service, Lindsey Vallis, Transition Head of Licensing, Cemeteries & Crematoria

Officers involved in the EqIA: Simon Gallacher, Principal Licensing Officer, Aylesbury area, Caroline Steven, Licensing Team Leader, Wycombe and Chiltern and South Bucks area.

What are you impact assessing?

- Existing
- New/proposed

- Changing/Update revision

Other, please list:

-
-

Step 2: Scoping – what are you assessing?

What is the title of your service/strategy/policy/project?

Buckinghamshire Council Taxi and Private Hire Licensing Policy

What is the aim of your service/strategy/policy/project?

The Council's taxi and private hire licensing policy is an important document that demonstrates the Council's commitment to securing public safety, provides clarity for applicants and licence holders, assists decision making, facilitates enforcement activities and helps safeguard against legal challenge. The creation of Buckinghamshire Council presents an opportunity to create a new policy that incorporates the new statutory taxi and private hire vehicle standards, promotes the highest possible standards to secure public safety, supports the Council's key priorities of protecting the vulnerable and improving the environment and promotes the local economy. A new policy has been prepared with a view to adoption and implementation in 2021.

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 should always be 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.

The creation of Buckinghamshire Council has brought together four separate licensing authorities, each formerly designated to administer the licensing arrangements in respect of private hire and hackney carriage operations. To support this licensing function, each former District adopted distinct policies, procedures, fee structures, conditions and Byelaws.



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Legal advice provided prior to vesting day, confirmed that in accordance with the provisions of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (SI 2008/2867) (“the 2008 Regulations”), while licensing functions are now administered by Buckinghamshire Council, the functions and systems of the former District Councils continue to apply to the respective geographic areas of the former Councils. As a consequence, until such time as the new Council exercises its discretion to amalgamate these areas, the local licensing arrangements will continue to apply in the geographic areas of the former Districts.

Legal opinion further confirmed that Buckinghamshire Council was not required to have new unified policies in place to cover its geographical area immediately for vesting day. However, it is clearly desirable that Buckinghamshire Council moves to align policies and procedures in respect of taxi and private hire licensing matters. It is important that decision making is consistent and drivers, vehicles and operators are held to the same standards across the Council and, as far as possible, that they are subject to the same fee and tariff levels.

Who does/will it have an impact on? E.g. public, visitors, staff, members, partners?

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 should always be 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. Taxis provide a source of transport to a wide range of residents including vulnerable adults and children as well as disabled people. The new Policy will impact the travelling public and the existing taxi licensing trade. Staff working within the Licensing Service will need training on the new policy requirements and associated back office processes at the point of implementation to ensure that it is applied consistently.

Will there be an impact on any other functions, services or policies? If so, please provide more detail

The Policy has been benchmarked against the Council’s developing Climate Change & Air Quality Strategy. Environmental aspirations are reflected within the taxi and private hire licensing policy in relation to the reduction of vehicle emissions and the development of a less environmentally polluting taxi fleet over time.

Are there any potential barriers to implementing changes to your service/strategy/policy/project?

Taxi and private hire licensing is governed by statute and some Policy changes are the result of statutory requirements which means that there is limited opportunity for change in these areas. Policy changes generally require public consultation. The Licensing Committee agreed that the draft Policy should go out for public consultation on the 9th November 2020. Consultation feedback has been considered and incorporated where prior to the Licensing Committee making a decision as to whether to recommend adoption of the Policy to Full Council.

Step 3: Information gathering – what do you need to know about your customers and making a judgement about impacts



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What data do you already have about your service users, or the people your policy or strategy will have an impact on, that is broken down by equality strand?

Age/Disability:

Any decision on the retention or removal of hackney carriage zones will likely influence the provision of wheelchair accessible vehicles (WAVs) for the travelling public. The legacy district areas currently have different requirements in relation to vehicle specifications and wheelchair accessible vehicles:

Current vehicle specification:

Vehicle type	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	Purpose built (black or white 'London cab' type or similar), all must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs

Current wheelchair accessible vehicles by type:

% or vehicles that are WAVS	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	100%	48.3%	1.4%	1.2%
Private Hire Vehicle	4.4%	6.7%	1.4%	1.25%

In England in 2019, 16% of all licensed vehicles were wheelchair accessible. 58% of all hackney carriages were wheelchair accessible while 2% of private hire vehicles were wheelchair accessible.

In Buckinghamshire in 2019 7.2 % of all licensed vehicles were wheelchair accessible 24.7% of all hackney carriages were wheelchair accessible and 4.5% of private hire vehicles were wheelchair accessible.

As a benchmark, according to the Disabled Persons Transport Advisory Committee (DPTAC), a proportion of less than 25% WAVs within the fleet would be unlikely to meet the necessary levels of service. A mixed fleet of WAVs and other vehicle types is most likely to meet the needs of disabled passengers.

The Policy also contains a section on the approach on licensed vehicles transporting assistance dogs.

Race:



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Nationally those from BAME backgrounds make up a large percentage of the total number of taxi drivers with those from White and Asian/Asian British, making up 42% and 40% of drivers respectively in 2018/19 (Taxi and Private Hire Vehicle Statistics 2019: England). 25% of taxi drivers working in England in 2018/19 were non-UK nationals. These trends are likely to be broadly reflected within the Buckinghamshire Council area taxi trade. In 2016 BAME people made up 14% of the working age population and people from BAME backgrounds are disproportionately represented within the taxi trade when compared to this figure. Government statistics (Ethnicity facts and figures Gov.uk) show that those from Asian backgrounds are more likely to be employed in the distribution, hotels and restaurants sectors and that people living in Asian (or Other) ethnic group households are most likely to be living in persistent low income (less than 60% of the UK's median average income for 3 out of 4 years, this was £28k for a couple with no children in 2016-17). The median annual earnings in the UK in April 2019 for taxi and cab drivers and chauffeurs was £21,167 per annum (ONS: Employee earnings in the UK:2019).

The implementation of the new Policy will require a review of the fees and charges for the taxi licensing service and existing fees will likely change as a result of the additional requirements placed on the Service by the new statutory taxi and private hire vehicle standards and by other Policy changes. Changes made within the Policy that increase the work required within Licensing Services will be reflected in the licensing fees charged to the trade and could result in increases in the fees charged for some services. However, this must be balanced alongside the overriding Policy objective of protecting public safety. Case law judgments indicate that Licensing Committee's should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of fee impacts on the taxi trade, this cannot take precedence in decision making.

It is not currently possible to provide an indication of the financial impact that these policy changes may have on the taxi trade ahead of the approval and adoption of the Policy but this should be kept under review as the decision making process continues. Most changes to taxi licensing fees and charges also require public consultation and as such any proposed changes to the existing charging structures will be presented to Licensing (Regulatory) Committee to review ahead of a further public consultation process. It is proposed that this separate report will come forward subsequent to the approval process for the Policy itself.

It is currently proposed that some of the Policy changes are delayed to enable the existing licensed trade to plan and prepare for them. This recognises the need to balance the possible cumulative financial impacts on the taxi trade as well as the need to promote the highest possible standards to secure public safety, including through the incorporation of the new statutory taxi and private hire vehicle standards into the Policy. A key area where changes are proposed that may result in financial impacts on the existing licensed trade is vehicle age limits and an emissions policy. The Policy states the intention to delay the implement of these changes for the existing licensed taxi trade enabling them an opportunity to plan and prepare for a change in fleet (where necessary).

Once the new Policy is adopted a single maximum hackney carriage tariff will be set for the Buckinghamshire Council area. Currently the tariffs vary across the legacy district council areas and the tariffs in the Aylesbury area are some of the lowest in England. The setting of a single maximum tariff should provide greater uniformity and parity for the travelling public and may also be beneficial



Equality Impact Assessment (EqIA) Screening Template

to some members of the existing hackney carriage trade where tariffs are currently lower than other areas.

A percentage of those working within the taxi trade as drivers speak English as a second language. Consultation responses indicate that 60% of hackney carriage and private hire drivers do not have English as their first language. All licensed taxi and private hire drivers are expected to be able to speak, understand and read English, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. Drivers also need to be able to follow instructions or directions from passengers and be able to identify and report situations where there may be safeguarding concerns about a passenger.

From July 2020 this is also a requirement within the new DFT taxi and private hire vehicle standards. The Policy requires that drivers must undertake an assessment of their English language communication skills. Whilst the legacy district policies have previously required a good standard of English language, this has been assessed in different ways and with different levels of rigour. The Policy proposes the implementation of a single test with a consistent pass mark and requires that all drivers must pass the test. Existing drivers who have not previously taken this assessment will be required to take and pass it within 12 months from the date of implementation of the Policy. If they have not passed the assessment criteria by this date (or provided evidence of a suitable alternative qualification), the Council will not be able to renew their licence until they have done so. The delayed implementation of this requirement is designed to give the existing taxi trade time to plan and prepare for this change and to enable them to access English language support and training where required. Applicants that do not meet the required pass mark will be signposted to the Council's ESOL adult learning provision.

Rural isolation

Taxis play a role in the provision of transport for those living in rural and semi-rural areas of Buckinghamshire where access to public transport service provision can be poor. The Policy recommendation is to remove existing legacy district council area hackney carriage and private hire zones enabling taxi and private hire vehicles to operate freely across the Buckinghamshire Council area. This may positively increase provision and the availability of taxis for these areas, or may not impact it at all. It is not considered that this will create a negative impact.

Gender re-assignment: N/A

Religion or belief: N/A

Sex: N/A

Sexual orientation: N/A

Pregnancy and maternity: N/A

Marriage & Civil Partnership: N/A

Do you need any further information broken down by equality strand to inform this EqIA?

Yes



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X No

If yes, list here with actions to help you gather data for the improvement plan in Step 5

Is there any potential for direct or indirect discrimination?

Yes

X No

If yes, please provide more detail on how you will monitor/overcome this

Conclusion:

There is the potential for the implementation of the Policy, if adopted as currently proposed, to disproportionately affect some groups.

Nationally the taxi trade are disproportionately from BAME backgrounds and likely to be on lower incomes. The implementation of the new Policy will require a review of the fees and charges (as well as tariffs) for the taxi licensing service and existing fees will likely change as a result of the additional requirements placed on the Service by the new statutory taxi and private hire vehicle standards and by other Policy changes. However, any possible financial impacts must be balanced alongside the overriding Policy objective of protecting public safety. Case law judgements indicate that Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of financial impacts on the taxi trade, this cannot take precedence in decision making.

Changes proposed may affect disabled passengers as a decision on the retention or removal of hackney carriage zones will likely influence the provision of wheelchair accessible vehicles (WAVs) for the travelling public. This may be advantageous in some legacy areas where provision has been historically low but this will be dependent on market forces, following removal of the existing zones, and will need to be kept under review to determine whether further Policy intervention may be required in the future.

The Taxi and Private Hire Licensing Policy has not yet been implemented. The EQIA position will continue to be reviewed and updated at regular intervals as the Policy progresses through the implementation and delivery process.



Equality Impact Assessment (EqIA) Screening Template

Step 4: Improvement plan – what are you going to change?

Issue	Action	Performance target (what difference will it make)	Lead Officer	Achieved
English language testing	Delayed implementation date and ESOL provision available	Provide existing drivers with time to prepare for change in requirements and to seek support and learning aids if needed	Lindsey Vallis	Recommended in final draft Policy
Provision of WAVs across legacy district areas	Removal of hackney carriage zones	Hackney carriage WAVs able to travel and work across the whole Buckinghamshire Council area should enable better provision in some areas	Lindsey Vallis	Recommended in final draft Policy
Introduction of new vehicle age limits, emission policy	Delayed implementation dates	Enable the existing taxi trade to plan and prepare for changes to fleet	Lindsey Vallis	Recommended in final draft Policy
Differing levels of hackney carriage tariffs between legacy district areas	Review and reset of hackney carriage tariffs	Parity and consistency for the taxi trade and the travelling public. Increase earning potential in some areas where tariffs are currently very low	Lindsey Vallis	Will come forward separately to Committee for decision to consult following approval of new Policy

EqIA approved by: Martin Dickman

Date: 6th April 2021

Next review date: 15th June 2021

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